Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES) General NPDES Permit Number NER920000 for Storm Water Discharges Associated with Industrial Activity to Waters of the State of Nebraska

This NPDES general permit is issued in compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. Secs. 1251 *et. seq*.), the Nebraska Environmental Protection Act, as amended (Neb. Rev. Stat. Secs. 81-1501 *et. seq*.), and the Rules and Regulations promulgated pursuant to these Acts. Application may be made under this general permit for authorization to discharge storm water from industrial activity. Owners or operators issued a discharge authorization under this general permit are required to comply with the limits, requirements, prohibitions, and conditions set forth herein. The issuance of a discharge authorization under this general 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 Number: **NER920000**

This permit shall become effective on issuance date.

This permit and the authorization to discharge shall expire at midnight, on expiration date.

Pursuant to a Delegation Memorandum dated November 23, 2020, and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this ____ day of _____, _____

_____

Shelley Schneider
Permitting and Engineering Division Administrator

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1 Coverage under this Permit

To be covered under this permit, you must meet all the eligibility conditions and follow the requirements for obtaining coverage in Part 1, and as set forth in Nebraska Department of Environment and Energy (NDEE) Title 119, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System (NPDES)*, Chapter 10.

1.1 Eligibility Conditions

1.1.1 Facilities Covered. To be eligible to discharge under this permit, you must have a storm water discharge associated with industrial activity from your primary industrial activity (as defined in Appendix B and as listed in Appendix D), or be notified by the Department that you are eligible for coverage under Sector AD as set forth in Part 8.AD of this permit.

This permit authorizes the discharge of storm water from both stationary and portable facilities. Additional notification and discharge authorization procedures apply to portable facilities as set forth in Part 1.8 of this permit.

This permit authorizes discharges of storm water to waters of the state, a municipal separate storm sewer system (MS4), or a combined sewer system within the State of Nebraska. Discharges are subject to the terms and conditions of this permit other than those listed in Part 1.1.4 of this permit. Eligibility excludes tribal lands within the State of Nebraska. Facilities located within tribal lands within the State of Nebraska are under the permitting authority of the EPA Regions 7 and 8; refer to Part 9 of this permit.

1.1.2 Allowable Storm Water Discharges. The following discharges are eligible for coverage under this permit:

1.1.2.1 Storm water discharges associated with industrial activity for any primary industrial activities and co-located industrial activities, as defined in Appendix B, except for any storm water discharge prohibited in Part 8;

1.1.2.2 Discharges designated by the Department as needing a storm water permit as provided in Sector AD;

1.1.2.3 Discharges that are not otherwise required to obtain NPDES permit authorization but are mixed with discharges that are authorized under this permit; and

1.1.2.4 Storm water discharges from facilities subject to any of the national storm water-specific effluent limitations guidelines listed in Table 1-1.

Table 1-1. Storm Water-Specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	Industry Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75

Table continued on next page.

Regulated Discharge	40 CFR Section	Industry Sector	New Source Performance Standard (NSPS)	New Source Date
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74)[1]
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S	Yes	6/15/10

[1] NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore, wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.1.3 Allowable Non-Storm Water Discharges. Below is the list of non-storm water discharges authorized under this permit. Unless specifically listed in this Part, this permit does not authorize any other non-storm water discharges requiring NPDES permit coverage. You must eliminate those discharges, or they must be covered under another NPDES permit. See Part 2.1.2.10 and sector specific non-storm water prohibited discharges in Part 8. See also additional allowable non-storm water discharges for Sectors A, G, H, and J facilities in Part 8.

- Discharges from emergency or unplanned fire-fighting activities;
- Fire hydrant and fire suppression system flushing (if the discharge does not contain chemical additives or surfactants);
- Potable water, including uncontaminated water line flushing, but excluding chlorination of water lines for disinfection unless dechlorinated;
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors, and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage from adjacent agricultural lands;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- Routine external building wash down that does not use detergents, solvents and degreasers;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials;
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains);
- See Part 8 for sector specific allowable discharges;
- Any authorized non-storm water discharge listed above in this Part 1.1.3 or any storm water discharge listed in Part 1.1.2 mixed with a discharge authorized by different NPDES permit and/or a discharge that does not require NPDES permit coverage.

1.1.4 Limitations on Coverage. Below is the list of discharges not eligible for coverage under this permit.

1.1.4.1 Discharges Mixed with Non-Storm Water. Storm water discharges that are mixed with non-storm water, other than the non-storm water discharges listed in Part 1.1.3, and/or those mixed with a discharge authorized by a different NPDES permit, and/or a discharge that does not require NPDES authorization.

1.1.4.2 Storm Water Discharges Associated with Construction Activity. Storm water discharges associated with construction activity disturbing one acre or more, or that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, unless in conjunction with portable facilities (see Part 1.8), mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

1.1.4.3 Discharges Already Covered by Another Permit. Unless you received written notification from the Department specifically allowing these discharges to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Storm water discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the storm water component of the discharge; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by the Department (this does not apply to the routine reissuance of permits every five years).

1.1.4.4 Storm Water Discharges Subject to Effluent Limitations Guidelines. Storm water discharges subject to effluent limitation guidelines under NDEE Title 119, Chapter 27 (see 40 CFR, Subchapter N), other than those storm water discharges identified in Table 1-1, are not eligible for coverage under this permit. For these discharges, a site-specific NPDES permit incorporating the applicable effluent limitations guidelines must be issued by the Department. Compliance with this general permit is required for the remainder of the facilities discharges.

1.1.4.5 Endangered and Threatened Species and Critical Habitat Protection. Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities will not adversely affect any species that are state or federally-listed as endangered or threatened ("listed") and will not result in the adverse modification or destruction of habitat that is state or federally-designated as "critical habitat" by the Nebraska Game and Parks Commission (http://outdoornebraska.gov).

New or Expanded Dischargers. You must meet one of the criteria below:

Criterion A — No state or federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area" as defined in Appendix B; or

Criterion B — Consultation between the Nebraska Game and Parks Commission has been concluded and determined that either the discharge is not likely to have an effect, or through the use of control measures, the discharge is not likely to have an effect.

The Threatened and Endangered Species Guidance and Checklist, Attachment 1, may be used to determine if the facility will qualify for Criterion A, or must seek to qualify under Criterion B. The checklist must also be completed electronically via the NDEE website as part of the electronic Notice of Intent (NOI). If the facility meets Criterion B, your electronic NOI will

automatically be forwarded to the Nebraska Game and Parks Commission for review before the Department makes a determination.

This permit does not replace any other requirements related to threatened and endangered species. This permit does not authorize discharges which will adversely affect an endangered or threatened species, or their critical habitats.

1.1.4.6 Historic Properties Preservation. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges that have the potential to negatively impact properties listed or eligible for listing in the National Register of Historic Places, or affecting known or discovered archeological sites. This Permit does not relieve or excuse the owner from compliance with the National Historic Preservation Act and all required review and coordination activities related to historic preservation, including significant anthropological sites and any burial sites, with the Nebraska Historic Preservation Officer. The permittee must comply with all applicable state and local laws concerning the protection of historic properties and places. The permittee's discharge authorization under this permit is contingent upon compliance.

1.1.4.7 New Discharges to Water Quality Impaired Waters. If you are a new discharger, you are not eligible for coverage under this permit to discharge to an "impaired water", as defined in Appendix B unless you do one of the following:

a. Prevent all exposure to storm water of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your Storm Water Pollution Prevention Plan (SWPPP);

b. Prior to submitting your NOI, provide documentation that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or

c. Prior to submitting your NOI, provide to the Department data to support a conclusion that the discharge is expected meet applicable water quality standards, and retain such data with your SWPPP. The information you submit must demonstrate:

i. For discharges to waters without an EPA-approved or established total maximum daily load (TMDL), that the discharge of the pollutant for which the water is impaired will meet water quality standards at the point of discharge to the waterbody; or

ii. For discharges to waters with an applicable EPA-approved or established TMDL, that there are sufficient remaining wasteload allocations in the TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

You are eligible under Part 1.1.4.7.c if you receive an affirmative determination from the Department that your discharge will meet applicable water quality standards, and you retain the determination with your SWPPP. If the Department fails to respond within 30 days after submission of data, you are eligible for coverage.

1.1.4.8 New or Expanded Discharges to Waters Designated as State Resource Water – Class A or Class B for Antidegradation Purposes. If you are a new or expanded discharger, you are not eligible for coverage under this permit for discharges to waters designated as State Resource Water – Class A for antidegradation purposes identified in NDEE Title 117, *Nebraska Surface Water Quality Standards*, Chapter 5. If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any State Resource Water – Class B.

1.1.4.9 New or Expanded Discharges to Public Drinking Water Supplies. If you are a new or expanded discharger, you must receive written authorization from the Department specifically

authorizing discharges to any waters protected as a public drinking water supply identified in NDEE Title 117, Chapter 5.

1.2 Permit Compliance

Any noncompliance with any of the requirements of this permit constitutes a violation of this permit, and thus is a violation of the Clean Water Act. As detailed in Part 3, failure to take any required corrective actions constitutes an independent violation of this permit, in addition to any original violation that triggered the need for a corrective action. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance.

Where a corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you comply with the required responses within the relevant deadlines established in Part 3.1.3.

1.3 Authorization under this Permit

1.3.1 How to Obtain Authorization. To obtain authorization under this permit, you must:

- Be located in the State of Nebraska where NDEE is the permitting authority;
- Meet the Part 1.1 eligibility requirements;
- Develop a SWPPP or update your existing SWPPP per Part 5 prior to submitting your NOI;
- Select, design, install, and implement control measures in accordance with Part 2.1 to meet non-numeric effluent limits;
- Submit a complete and accurate Notice of Intent (NOI), see Part 1.3.2, electronically via the NDEE website according to the requirements in Part 7.1; and
- Additional submission requirements may apply to facilities discharging through a Small Municipal Separate Storm Sewer System (MS4), see Part 7.5.2.

1.3.2 NOI Requirements. You must provide the following information when submitting your NOI electronically via the NDEE website:

- The facility operator name, address, phone number, email, and IRS Employer Identification Number or Citizen Attestation Form (available on the NDEE website);
- The facility name as registered with the Nebraska Secretary of State, address, county, and latitude/longitude;
- The SIC Code of facility;
- Provide information regarding if the facility is portable and subject to relocation (see Part 1.8), if the facility is inactive and unstaffed (see Part 4.1.3), and if the facility discharge to a regulated MS4 (see Appendix F);
- Determine the potential for exposure or certification of No Exposure (see Part 1.5, and Attachment 2);
- Complete the threatened and endangered species checklist, include Nebraska Game and Parks Commission review if required (see Part 1.1.4.5);
- Determine if the facility discharges to State Resource Waters Class A or Class B (see Part 1.1.4.8);
- The site map and SWPPP, including the SWPPP contact person or authorized representative (see Part 5);
- List of pollutants, federal effluent limitation guidelines (see Table 1-1 and Part 8), and process discharges;
- Contact information of the NOI preparer if different than the certifying official; and
- A statement, signed and certified in accordance with Appendix A, section 13.

1.3.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage. Table 1-2 provides the deadlines for submitting your NOI and your official start date of permit coverage.

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates

Category	NOI Submission Deadline	Discharge Authorization Date[1]
Existing Dischargers – in operation and previously authorized for coverage under the ISW-GP NER910000 (issued July 18, 2016).	No later than (date to be entered, 180 days following effective date)	30 calendar days after NDEE receives a complete and accurate NOI. Note: You must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI. Provided you submit your NOI in accordance with the deadline, your authorization under ISW-GP NER910000 is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
New Dischargers or New Sources - commencing discharging after issuance of this General Permit.	A minimum of 30 days prior to commencing operation of the facility.	30 days after NDEE receives a complete and accurate NOI or upon notification of authorization from the NDEE.
New Dischargers or New Sources - in operation prior to issuance of this General Permit but not covered under the previous ISW-GP NER910000 or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	60 days after NDEE receives a complete and accurate NOI or upon notification of authorization from the NDEE.

[1] Based on a review of your NOI or other information, NDEE may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.6. In these instances, NDEE will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

1.3.4 Modifying your NOI. If after submitting your electronic NOI, you need to correct or update any fields, contact the Department for instructions.

***1.3.4.1 For an existing operator with discharge authorization*.** If any of the information supplied on the NOI changes, you must submit in writing to the Department within thirty (30) calendar days after the change occurs.

1.3.4.2 Transfers not authorized. (See Appendix A, section 14.c) At a facility where there is a transfer in operator or a new operator takes over operational control at an existing facility, the new operator must submit a new NOI no later than thirty (30) calendar days after a change in operators. The previous operator must submit a Notice of Termination (NOT) no later than thirty (30) calendar days after the ISW general permit coverage becomes active for the new operator, as specified in Part 1.4.

1.3.5 Official End Date of Permit Coverage. Once covered under this permit, your coverage will last until the date that:

- You terminate permit coverage by submitting a Notice of Termination (NOT) per Part 1.4; or
- You receive coverage under a different NPDES permit or a reissued or replacement version of this permit after it expires; or
- You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the required deadline.

1.3.6 Continuation of this Permit. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with NDEE Title 119, Chapter 24 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the facility's discharges; or
- A formal permit decision by the Department not to reissue this general permit, at which time the Department will identify a reasonable time frame for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time frame.

1.3.7 Denial of Coverage for New or Previously Unpermitted Facilities. For new or previously unpermitted facilities, following the submittal of your NOI, you may be denied coverage under this permit and must apply for and/or obtain authorization to discharge under an alternative permit.

1.4 Terminating Permit Coverage

1.4.1 Submitting a Notice of Termination. To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT) electronically via the NDEE website. Your authorization to discharge under this permit terminates 14 days after a complete NOT is processed. If you submit a NOT without meeting one or more of the conditions identified in Part 1.4.2, then your NOT is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

1.4.2 When to Submit a NOT. You must submit a NOT within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of storm water associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless the Department has required that you obtain such coverage under authority of Part 1.6.1, in which case coverage under this permit will terminate automatically.

1.5 Conditional Exclusion for No Exposure

If you are covered by this permit and become eligible for a "no exposure" conditional exclusion from permitting under NDEE Title 119, Chapter 10, Part 007.04D, you may file a No Exposure Certification (NEC). You are no longer required to have a permit upon submission of a complete and accurate NEC to the Department. If you are no longer required to have permit coverage because of a "no exposure" conditional exclusion and have submitted a NEC to the Department, you are not required to submit a NOT. You must submit a complete and accurate NEC electronically via the NDEE website, see Attachment 2 for guidance. You must submit a NEC to the Department once every five years, or upon reissuance or replacement of this permit, and maintain a condition of No Exposure.

1.6 Alternative Permits

1.6.1 Coverage Under Alternative Permits. The Department may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES

general permit. Any person or operator may petition the Department to require an alternative NPDES permit.

If the Department requires you to apply for an alternative NPDES permit, you will be notified in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision and will provide application or NOI requirements and deadlines. In addition, if you are an existing discharger authorized to discharge under this permit, the notice will include a statement that on the effective date of the alternative NPDES permit, coverage under this general permit will terminate. The Department may grant additional time to submit the application if requested. If you are covered under this permit and fail to submit an alternative NPDES permit application as required by the Department, your authorization to discharge under this permit is terminated at the end of the day specified as the deadline for application submittal. The Department may take appropriate enforcement action for any unpermitted discharge.

1.6.2 Requesting Coverage Under an Alternative Permit. You may request to be excluded from coverage under this general permit by applying for an individual permit or alternative NPDES general permit in accordance with the requirements of NDEE Title 119. You must include with your permit application or NOI, reasons supporting the request. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative NPDES general permit if your reasons are adequate to support the request. If the Department determines that the reasons are not adequate, you may be asked for further information or your request may be denied.

If you are covered under this permit, when an alternative NPDES permit is issued, your authorization to discharge under this permit is terminated on the effective date of the alternative permit.

1.7 General Conditions

1.7.1 Narrative Limits. Discharges authorized under this permit:

- Shall not be toxic to aquatic life in surface waters of the state outside the mixing zones allowed in NDEE Title 117, *Nebraska Surface Water Quality Standards*;
- Shall not contain pollutants at concentrations or levels that produce objectionable films, colors, turbidity, deposits, or noxious odors in the receiving stream or waterway; and
- Shall not contain pollutants at concentrations or levels that cause the occurrence of undesirable or nuisance aquatic life in the receiving stream.

1.7.2 Penalties. Nothing in this permit shall preclude the initiation of any legal action or relieve you from any responsibilities, liabilities, or penalties under Section 311 of the Clean Water Act. Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions in accordance with Nebraska Rev. Stat. §81-1508, as amended to date. Violations may also result in federal prosecution.

1.8 Conditions Applicable to Portable Facilities

Portable facilities (also referred to as temporary sources) may require additional NDEE Air Quality construction or operating permits. These sources can be relocated as the need may arise, such as a portable asphalt or concrete plant that tends to move locations in order to be closer to road construction sites. See Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing and Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products for additional information.

1.8.1 Notification Requirements for Relocation of Portable Facilities. The permittee shall provide the Department with notification of the relocation of any facility at least 20 days in advance of each relocation. Notification shall be provided using the "Relocation Notice Form" (See Attachment 5). The Department may request additional information as necessary to evaluate a relocation request.

If required or upon request, when a facility is relocated to an area where storm water will be discharged through a Municipal Separate Storm Sewer System (MS4), the permittee shall concurrently provide written notification of the relocation to the operator of MS4 through which they will discharge.

1.8.2 Site-specific Discharge Authorizations, Denials and Revocations for Portable Facilities.

1.8.2.1 Authorizations to discharge to State Resource Waters or Public Drinking Water Supplies. Portable sources shall obtain written authorization from the Department on a site-specific basis prior to discharging industrial storm water to any of the State Resource Waters or public drinking water supplies identified by NDEE Title 117, Chapter 5. When submitting notice of relocation to a location which will discharge to a State Resource Water and/or a public drinking water supply, the submission shall identify the water to which the facility will discharge and an explanation of why site-specific authorization is needed (e.g. relocation site discharges to Stone Creek, State Resource Water – Class B). Discharges to other waters of the state do not require written discharge authorization, but site-specific denials or revocations of discharge authorizations can be made by the Department.

1.8.2.2 Denial of Authorization. The Department may deny or revoke authorization to discharge for portable facilities at specific locations due to potential impacts on water quality, State Resource Waters, listed endangered or threatened species, habitat critical to an endangered or threatened species, or human health or safety. The Department shall provide the permittee with a written notice of the denial or revocation, and an explanation of the reason for the denial. The Department may require additional time to review the relocation notice or any supplemental information.

1.8.3 Operational Changes Relative to Facility Portability. The permittee shall notify the Department in writing if a facility is "converted" from a stationary to a portable facility, or vice-versa.

1.8.4 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Operation. Earth-disturbing activities (i.e., clearing, grading, excavation, and construction) conducted prior to active operation are covered under this permit.

1.8.4.1 Management Practices for Earth-Disturbing Activities.

1.8.4.1.1 Selecting and Installing Control Measures. For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits and 40 CFR Part 450.21.

1.8.4.1.2 Good Housekeeping. Litter, debris, and chemicals must be prevented from becoming a pollutant source in storm water discharges.

1.8.4.1.3 Retention and Detention of Storm Water Runoff. For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for side slope boundaries as necessary based on individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. You are required to remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50 percent.

1.8.4.2 Inspection of Earth-Disturbing Activities.

1.8.4.2.1 Inspection Frequency. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 1.8.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

1.8.4.2.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the state, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

1.8.4.2.3 Inspection Reports. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

1.8.4.3 Requirements for Cessation of Earth-Disturbing Activities.

1.8.4.3.1 Inspections and Maintenance. Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and excavation activities must continue until final stabilization has been achieved on all portions of the disturbed area, or until the commencement of operation.

1.8.4.3.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid, and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days construction activity has temporarily ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where construction has permanently ceased prior to active operations, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as operating commences.

1.8.4.3.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where construction activities have permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has permanently ceased. In semi-arid, and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after construction activity has permanently ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

1.8.5 Exceptions for Portable Facilities.

1.8.5.1 Outfall Specific Requirements. Portable facilities do not need to develop outfall specific procedures and information. However, they are required to identify the potential pollutants that could be released from the facility.

1.8.5.2 Inspections. At portable sources, the permittee shall conduct inspections within the first seven days after relocation and at least one additional time within the first 90 days of operation to ensure that all controls are properly installed and functioning. After the first 90 days of operation, Routine Facility Inspections (Part 4.1) shall resume quarterly, or more frequently if required by

sector specific requirements. Upon termination of activities at a temporary site, the entire site must undergo a Final Inspection for the presence of spilled materials, industrial materials, and industrial wastes. All occurrences must be properly addressed and removed.

1.8.5.3 Visual Assessment. Portable facilities must follow the procedures established in Part 4.2 for quarterly visual assessment of storm water discharges for those quarters which the facility will be operating under this permit (when operating in the State of Nebraska).

1.8.5.4 Comprehensive Site Inspections. Facilities operating under this permit for less than three months per calendar year are waived from the requirement to perform annual comprehensive site inspections. Facilities operating under this permit for more than three months per calendar year must conduct comprehensive site inspections annually. It is recommended that these comprehensive inspections be conducted as the second inspection within the first 90 days after relocation (see 1.8.5.2) at one of the locations for which the facility will operate during the calendar year.

1.8.6 Monitoring. Portable facilities are required to monitor according to Part 6, except in the case of fourth year monitoring for polycyclic aromatic hydrocarbons (PAHs) and fourth year benchmark monitoring, see Part 6.2. For PAHs and benchmark monitoring, the portable facility will only need to sample during the four quarters after each relocation, or only while occupying one location if less than four quarters. See sector specific requirements in Part 8. The facility must also follow the corrective actions and addition implementation measures as described in Part 3.

1.8.7 Site Closure Requirements.

1.8.7.1 Agricultural land. Portable facilities utilizing agricultural land must return the site to its preexisting agricultural use. After completing the Final Inspection outlined in 1.8.5.2, the site must: remove all industrial materials and wastes including petroleum affected soils, remediate compaction, replace topsoil, and seed an agricultural crop or temporary cover crop.

1.8.7.1 Non-Agricultural land. Portable facilities utilizing non-agricultural land must remove all industrial materials and wastes including petroleum affected soils and complete the Final Inspections outlined in 1.8.5.2.

2 Control Measures and Effluent Limits

In the technology-based limits included in Part 2.1 and in Part 8, the term "minimize" means reduce and/or eliminate to the extent achievable using storm water control measures (including best management practices) that are technologically available, and economically practicable and achievable in light of best industry practice. The term "infeasible" means not technologically possible or not economically practicable and achievable in light of best industry practices.

2.1 Control Measures

You must select, design, install, and implement control measures (including best management practices) to minimize pollutant discharges that address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, meet limits contained in applicable effluent limitation guidelines in Part 2.1.3, and meet the water quality-based effluent limitations in Part 2.2.

The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures, consistent with Part 5.1.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges to meet water quality standards or any of the other non-numeric effluent limits in this permit, you must modify these control measures as expeditiously as practicable per Part 3.

Regulated storm water discharges from your facility include storm water run-on that commingles with storm water discharges associated with industrial activity at your facility.

2.1.1 Control Measure Selection and Design Considerations. You must consider the following when selecting and designing control measures**:**

- Preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
- Using control measures in combination may be effective than using control measures in isolation for minimizing pollutants in your storm water discharge;
- Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- Minimizing ground water contamination, infiltration is not appropriate for discharges likely to contain pollutants which are mobile within the soil;
- Underground Injection Control authorization may be required for certain types of practices which infiltrate (i.e., Class V Injection Well);
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- Conserving and/or restoring of riparian buffers will help protect streams from storm water runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

2.1.2 Non-Numeric Technology-Based Effluent Limits. These limits are based on the Best Practicable Control Technology Currently Available (BPT), Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT) as defined in the Clean Water Act Section 304(b). You must comply with the following non-numeric effluent limitations as well as any sector-specific non-numeric effluent limits in Part 8, except where otherwise specified.

2.1.2.1 Minimize Exposure. You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). Unless infeasible, you must also:

- Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
- Clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- Store leaky or leak-prone vehicles and equipment indoors where feasible, if stored outdoors, use drip pans and absorbents;
- Use spill/overflow protection equipment;
- Drain fluids from equipment and vehicles prior to on-site storage or disposal, and for any equipment or vehicles that will remain unused for extended periods of time, inspect at least monthly for leaks; and
- Perform all equipment and/or vehicle cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and that capture any overspray. Ensure that all wash water drains to a proper collection system (i.e., not the storm water drainage system).

  The discharge of vehicle and equipment wash water, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES

permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if storm water from affected areas does not discharge pollutants to receiving waters or if discharges are authorized under another NPDES permit.

2.1.2.2 Good Housekeeping. You must keep clean all exposed areas that are potential sources of pollutants. The good housekeeping measures to minimize pollutant discharges, include but are not limited to the following:

- Sweep or vacuum at regular intervals or, alternatively, wash down the area and collect and/or treat, and properly dispose of the wash water;
- Store materials in appropriate containers;
- Keep all dumpster lids closed when not in use. For dumpsters and roll-off containers that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part 1.1.3, this permit does not authorize dry weather discharges from dumpsters or roll-off containers; and
- Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

2.1.2.3 Maintenance. You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharged to receiving waters. You must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

2.1.2.4 Spill Prevention and Response. You must minimize the potential for leaks, spills and other releases that may be exposed to storm water and develop plans for effective responses to such spills if or when they occur in order to minimize pollutant discharges. You must conduct spill prevention and response measures, including but not limited to, the following:

- Plainly label containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Implement procedures for material storage and handling, such as barriers between material storage and traffic areas, and secondary containment provisions;
- Implement procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your storm water pollution prevention team (see Part 5.1.1); and
- Notify appropriate facility personnel, emergency response agencies, and regulatory agencies when a leak, spill, or other release occurs. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under NDEE Title 126, *Rules and Regulations Pertaining to the Management of Waste*, occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. You must also notify The Department of Environment and Energy at (402) 471-2186 during normal business hours (Monday through Friday 8am-5pm) or the Nebraska State Patrol at (402) 471-4545 outside of normal business hours (after business hours, holidays, weekends) in accordance with the

requirements of NDEE Title 126 as soon as you have knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

2.1.2.5 Erosion and Sediment Controls. To minimize pollutant discharges in storm water, you must minimize erosion by stabilizing exposed soils at your facility and placing flow velocity dissipation devices at discharge locations to minimize channel and streambank erosion in the immediate vicinity of discharge points. You must also use structural and/or non-structural control measures to minimize the discharge of sediment. There are many resources to help you select appropriate storm water control measures, including:

- EPA's sector-specific *Industrial Storm water Fact Sheet Series*, www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance;
- The *National Menu of Best Management Practices for Stormwater* website at: www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater;
- EPA's *Stormwater Discharges from Construction Activities* website at: www.epa.gov/npdes/stormwater-discharges-construction-activities;
- The *Urban Runoff: National Management Measures* website at: www.epa.gov/nps/urban-runoff-national-management-measures; and
- Any similar state or local publications.

2.1.2.6 Management of Storm Water. You must divert, reuse, contain, or otherwise reduce storm water runoff to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's resources relating to runoff management, as listed in Part 2.1.2.5 above.

2.1.2.7 Salt Storage Piles or Piles Containing Salt. In order to minimize pollutant discharges you must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered pursuant to this permit if storm water runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

2.1.2.8 Sector Specific Non-Numeric Effluent Limits. You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 8.

2.1.2.9 Employee Training. You must train all employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your storm water pollution prevention team, see Part 5.1.1. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. NDEE recommends training be conducted at least annually (or more often if employee turnover is high).

2.1.2.10 Non-Storm Water Discharges. You must eliminate non-storm water discharges not authorized by an NPDES permit. See Part 1.1.3 for a list of non-storm water discharges authorized by this permit and sector specific non-storm water discharges authorized in Part 8.

2.1.2.11 Dust Generation and Vehicle Tracking of Industrial Materials. You must minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.

2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines. If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 1-1 (see Part 1.1.2.4), you must meet the effluent limits referenced in Table 2-1 below:

Table 2-1. Applicable Effluent Limitations Guidelines

Regulated Activity	40 CFR Section/Subpart	Effluent Limit
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	See Part 8.A.7
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	See Part 8.C.4
Runoff from asphalt emulsion facilities	Part 443, Subpart A	See Part 8.D.4
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	See Part 8.E.5
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	See Part 8.J.9
Runoff from hazardous waste landfills	Part 445, Subpart A	See Part 8.K.6
Runoff from non-hazardous waste landfills	Part 445, Subpart B	See Part 8.L.10
Runoff from coal storage piles at steam electric generating facilities	Part 423	See Part 8.O.7
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	See Part 8.S.7

2.2 Water Quality-Based Effluent Limitations

2.2.1 Water Quality Standards. Your discharge must be controlled as necessary to meet applicable water quality standards.

The Department expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or the Department determines, that your discharge does not meet applicable water quality standards, you must take corrective action as required in Part 3.1.1, document the corrective actions as required in Parts 3.3 and 5.4, and report the corrective actions to the Department as required in Part 3.3.

Additionally, the Department may impose additional water quality-based limitations on a site-specific basis or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

2.2.2 Discharges to Water Quality Impaired Waters.

2.2.2.1 Existing Discharge to an Impaired Water with an EPA-Approved or Established TMDL. If you discharge to an impaired water with an EPA-approved or established TMDL, the Department will inform you if any additional measures are necessary for your discharge to be consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation, or if coverage under an individual permit is necessary in accordance with Part 1.6.1.

2.2.2.2 Existing Discharge to an Impaired Water without an EPA-Approved or Established TMDL. If you discharge to an impaired water without an EPA-approved or established TMDL, you are required to comply with Part 2.2.1 and the monitoring requirement of Part 6.2.2. Note that this provision also applies to situations where the Department determines that your discharge

is not controlled as necessary to meet water quality standards in a downstream water segment, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

2.2.2.3 New Discharge to an Impaired Water. If your authorization to discharge under this permit relied on Part 1.1.4.7 for a new discharge to an impaired water, you must implement and maintain any control measures or conditions on your site that enabled you to become eligible under Part 1.1.4.7, and modify such measures or conditions as necessary pursuant to any Part 3 corrective actions. You are also required to comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.2.

2.2.3 State Resource Water –Class B Antidegradation Requirements for New or Increased Dischargers. If you are a new discharger, or an existing discharger required to notify the Department of an increased discharge consistent with Part 7.2 (i.e., a "planned changes" report), and you discharge directly to waters designated by the Department as State Resource Water – Class B (identified by NDEE Title 117, Chapter 5) for antidegradation purposes, the Department may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.6.1. If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any State Resource Water – Class B.

2.3 Requirements Relating to Endangered Species and Historic Properties

If your eligibility under either Part 1.1.4.5 or Part 1.1.4.6 was made possible through your, or another operator's, agreement to include certain measures or prerequisite actions, or implement certain terms and conditions, you must comply with all such agreed-upon requirements to maintain eligibility under this general permit.

3 Corrective Actions and Additional Implementation Measures (AIM)

3.1 Corrective Action

3.1.1 Conditions Requiring Review and Revision to Ensure Effluent Limits are Met. If any of the following conditions occur, you must review and revise, as appropriate, the selection, design, installation, and implementation of your control measures to ensure that this permit's effluent limits are met, pollutant discharges are minimized, and the condition and its recurrence is eliminated. You must also review and modify your SWPPP as needed, per Part 5.2, to address the following conditions:

- An unauthorized release or discharge (e.g., spill, leak, or discharge of non-storm water not authorized by this or another NPDES permit) occurs at your facility;
- A discharge violates a numeric effluent limit listed in Table 2-1 and /or in your Part 8 sector-specific requirements;
- You become aware, or NDEE determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit;
- An inspection or evaluation of your facility by a NDEE official, EPA official, or local entity, determines that modifications to the control measures are necessary;
- You find in your routine facility inspection, quarterly visual assessment, or comprehensive site inspection that your control measures are not being properly operated and maintained; or
- Whenever a visual assessment shows evidence of storm water pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

3.1.2 Conditions Requiring Review to Determine if Modifications Are Necessary. If construction or a change in design, operation, or maintenance at your facility occurs that significantly changes the nature of pollutants discharged in storm water from your facility, or significantly increases the quantity of

pollutants discharged, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit. You must also review and modify your SWPPP (e.g., sources of pollution, spill and leak procedures, non-storm water discharges, selection, design, installation and implementation of your storm water control measures) as needed, per Part 5.2.

3.1.3 Corrective Action Deadlines. You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. You must document your discovery of any of the conditions listed in Parts 3.1.1 and 3.1.2 within 24 hours of making such discovery.

If additional actions are necessary, you must complete the corrective actions before the next storm event, if possible, and within 14 calendar days from the time of discovery. If it is infeasible to complete the corrective action within the 14-day timeframe, you must document why. You must also identify your schedule for completing the work, which must be done as soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. This timeframe may be extended by the Department upon request with your rational for extension and completion date. You must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part 3.3. Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work.

These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

3.1.4 Effect of Corrective Action. If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The Department will consider the appropriateness and promptness of your corrective action in determining enforcement responses to permit violations.

3.1.5 Substantially Identical Outfalls. If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, see Part 4.2.3, your review must assess the need for corrective action for all related substantially identical outfalls. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part 3.1.3.

3.2 Additional Implementation Measures (AIM)

If any of the following additional implementation measures (AIM) triggering events in Parts 3.2.3, 3.2.4, or 3.2.5 occur, you must follow the response procedures described in those parts, called "additional implementation measures" or "AIM." There are three AIM levels: AIM Level 1, AIM Level 2, and AIM Level 3. You must respond as required to different AIM levels which prescribe sequential and increasingly robust responses when a benchmark exceedance occurs. You must follow the corresponding AIM level responses and deadlines described in Parts 3.2.1, 3.2.2, and 3.2.3 unless you qualify for an exception under Part 3.2.6.

3.2.1 Baseline Status. Once you receive discharge authorization under this permit per Part 1.3, you are in a baseline status for all applicable benchmark parameters. If an AIM triggering event occurs and you have proceeded sequentially to AIM Level 1, 2 or 3, you may return directly to baseline status once the corresponding AIM-level response and conditions are met.

3.2.2 AIM Triggering Events. If an annual average exceeds an applicable benchmark threshold based on the following events, the AIM requirements have been triggered for that benchmark parameter. You must follow the corresponding AIM-level responses and deadlines described in Parts 3.2.3, 3.2.4, and 3.2.5 unless you qualify for an exception under Part 3.2.6. An annual average exceedance for a parameter can occur if:

3.2.2.1 The four-quarterly annual average for a parameter exceeds the benchmark threshold, or

3.2.2.2 Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. This result indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold). For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

3.2.3 AIM Level 1. Your status changes from baseline to AIM Level 1 if quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has occurred, unless you qualify for an exception under Part 3.2.6.

3.2.3.1 AIM Level 1 Responses. If any of the triggering events in Part 3.2.2 occur, you must:

*a. Review SWPPP/Storm Water Control Measures***.** Immediately review your SWPPP and the selection, design, installation, and implementation of your storm water control measures to ensure the effectiveness of your existing measures and determine if modifications are necessary to meet the benchmark threshold for the applicable parameter. Examples may include: review sources of pollution, spill and leak procedures, and/or non-storm water discharges; conducting a single comprehensive clean-up, making a change in subcontractor, implementing a new control measure, and/or increasing inspections.

b. Implement Additional Measures. After reviewing your SWPPP/storm water control measures, you must implement additional measures, considering good engineering practices, that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your storm water control measures, you must document per Part 5.3 and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold for the next 12-month period.

3.2.3.2 AIM Level 1 Deadlines. If any modifications to or additional control measures are necessary in response to AIM Level 1, you must implement those modifications or control measures within 14 days of receipt of laboratory results, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part 3.3 why it is infeasible and implement such modifications within 45 days.

3.2.3.3 Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 1 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected storm water discharge points, beginning no later than the next full quarter after compliance.

3.2.3.4 AIM Level 1 Status Update. While in AIM Level 1 status, you may either:

a. Return to Baseline Status. Your AIM Level 1 status will return to baseline status if the AIM Level 1 responses have been met and continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part 6.2.2.2 or if you have fulfilled all benchmark monitoring requirements per Part 6.2.2.2, then you may discontinue monitoring for that parameter for the remainder of the permit.

b. Advance to AIM Level 2. Your AIM Level 1 status advances to AIM Level 2 status if you have completed AIM Level 1 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

3.2.4 AIM Level 2. Your status changes from AIM Level 1 to AIM Level 2 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception under Part 3.2.6.

3.2.4.1 AIM Level 2 Responses. If any of the events in Part 3.2.2 occur, you must review your SWPPP and implement additional pollution prevention/good housekeeping storm water control measures, considering good engineering practices, beyond what you did in your AIM Level 1 responses that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold. Refer to the EPA MSGP sector-specific fact sheets for recommended controls found at: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance.

3.2.4.2 AIM Level 2 Deadlines. You must implement additional pollution prevention/good housekeeping storm water control measures within 14 days of receipt of laboratory results that indicate an AIM triggering event has occurred and document per Part 3.3 how the measures will achieve benchmark thresholds. If it is feasible for you to implement a measure, but not within 14 days, you may take up to 45 days to implement such measure. You must document per Part 3.3 why it was infeasible to implement such measure in 14 days. The Department may also grant you an extension beyond 45 days, based on an appropriate demonstration by you, the operator.

3.2.4.3 Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 2 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

3.2.4.4 AIM Level 2 Status Update. While in AIM Level 2 status, you may either:

a. Return to Baseline Status. Your AIM Level 2 status will return to baseline status if the AIM Level 2 responses have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in year 4 of permit coverage per Part 6.2.2.2, or if you have fulfilled all benchmark monitoring requirements per Part 6.2.2.2, then you may discontinue monitoring for that parameter for the remainder of the permit.

b. Advance to AIM Level 3. Your AIM Level 2 status advances to AIM Level 3 status if you have completed the AIM Level 2 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)).

3.2.5 AIM Level 3. Your status changes from AIM Level 2 to AIM Level 3 if your continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the parameter(s)), unless you qualify for an exception per Part 3.2.6.

3.2.5.1 AIM Level 3 Responses. If any of the triggering events in Part 3.2.2 occur, you must install structural source controls (e.g., permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, and infiltration structures), except as provided in Part 3.2.6. The controls or treatment technologies or treatment train you install should be appropriate for the

pollutants that triggered AIM Level 3 and should be more rigorous than the pollution prevention/good housekeeping-type storm water control measures implemented under AIM Tier 2 in Part 3.2.4. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must install such storm water control measures for the discharge point(s) in question and for substantially identical outfalls, unless you individually monitor those substantially identical outfalls and demonstrate that AIM Level 3 requirements are not triggered at those discharge points.

3.2.5.2 AIM Level 3 Deadlines. You must identify the schedule for installing the appropriate structural source and/or treatment storm water control measures within 14 days and install such measures within 60 days. If is not feasible within 60 days, you may take up to 90 days to install such measures, documenting in your SWPPP per Part 3.3 why it is infeasible to install the measure within 60 days. The Department may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator.

3.2.5.3 Continue Quarterly Benchmark Monitoring. After compliance with AIM Level 3 responses and deadlines, you must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance.

3.2.5.4 AIM Level 3 Status Update. While in AIM Level 3 status, you may either:

a. Return to Baseline Status. Your AIM Level 3 status will return to baseline status if the AIM Level 3 response(s) have been met and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has not occurred after four quarters of monitoring (i.e., the benchmark threshold is no longer exceeded for the parameter(s)). You may discontinue benchmark monitoring for that parameter until monitoring resumes in what would be year 4 of permit coverage per Part 6.2.2.2, or if you have fulfilled all benchmark monitoring requirements per Part 6.2.2.2, then you may discontinue monitoring for that parameter for the remainder of the permit.

b. Continue in AIM Level 3. Your AIM Level 3 status will remain at Level 3 if you have completed the AIM Level 3 responses and the continued quarterly benchmark monitoring results indicate that an AIM triggering event per Part 3.2.2 has occurred (i.e., the benchmark threshold continues to be exceeded for the same parameter(s)). You must continue quarterly benchmark monitoring for the next four quarters for the parameter(s) that caused the AIM triggering event at all affected discharge points, beginning no later than the next full quarter after compliance. If you continue to exceed the benchmark threshold for the same parameter even after compliance with AIM Level 3, the Department may require you to apply for an individual permit.

3.2.6 AIM Exceptions. Following the occurrence of an AIM triggering event per Part 3.2.2, at any point or tier level of AIM and following four quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than four quarters of data), you may qualify for an exception below from AIM requirements and continued benchmark monitoring. Regardless of if you qualify for and claim an exception, you must still review your storm water control measures, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate in light of your benchmark exceedance(s). If claiming an AIM exception, you must follow the requirements to demonstrate that you qualify for the exception as provided below. If you qualify for an exception, you are not required to comply with the AIM responses or the continuation of quarterly benchmark monitoring for any parameters for which you can demonstrate that the benchmark exceedance is:

3.2.6.1 Solely Attributable to Natural Background Pollutant Levels. You must demonstrate that the benchmark exceedance is solely attributable to the presence of that pollutant in natural background sources, provided that all the following conditions are met and you submit your analysis and documentation to the Department upon request:

a. The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background; and

b. You document and maintain with your SWPPP, as required in Part 5.4, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your storm water discharge. Natural background pollutants are those substances that are naturally occurring in soils or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

3.2.6.2 Due to Run-On. You must demonstrate and obtain NDEE agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the Department for concurrence:

a. After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.

b. If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact the Department.

3.2.6.3 Due to an abnormal event. You must immediately document per Part 3.3 that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per parameter, and one time per discharge point, which shall include substantially identical discharge points, provided you qualify for the exception.

3.2.6.4 Demonstrated to not result in any exceedance of water quality standards. You must demonstrate to the Department within 30 days of the AIM triggering event that the triggering event does not result in any exceedance of water quality standards. If it is not feasible to complete this demonstration within 30 days, you may take up to 90 days, documenting in your SWPPP why it is infeasible to complete the demonstration within 30 days. The Department may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator. The demonstration to the NDEE must include the following minimum elements in order to be considered for approval by the Department:

- The water quality standards applicable to the receiving water;
- The average flow rate of the storm water discharge;
- The average instream flow rates of the receiving water immediately upstream and downstream of the discharge point;
- The ambient concentration of the parameter(s) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;
- The concentration of the parameter(s) of concern in the storm water discharge demonstrated by full-storm, flow-weighted composite sampling;
- Any relevant dilution factors applicable to the discharge; and

- The hardness of the receiving water.

The Department will review and either approved or disapprove of such demonstration within 90 days of receipt (NDEE may take up to 180 days upon notice to you before the 90th day that the Department needs additional time). If the Department approves such demonstration within this timeframe, you have met the requirements for this exception, and you do not have to comply with the corresponding AIM requirements and continued benchmark monitoring. If the Department disapproves such demonstration within this timeframe, you must comply with the corresponding AIM requirements and continued benchmark monitoring, as required. Compliance with the AIM requirements would begin from the date the Department notifies you of the disapproval.

3.3 Corrective Action and AIM Documentation

3.3.1 Documentation within 24 hours. Within 24 hours of discovery of any condition listed in Parts 3.1.1, 3.1.2, 3.2.3, 3.2.4, or 3.2.5 you must document the following information (i.e., Section 1 of the Corrective Actions Form, provided in Attachment 3):

- Description of the condition or event triggering the need for corrective action review. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to waters of the state, through storm water or otherwise;
- Date the condition or triggering event was identified;
- Description of immediate actions taken pursuant to Part 3.1.3 to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time of clean up completion, and notifications made. Also include any measures taken to prevent the reoccurrence of such releases (see Part 2.1.2.4); and
- A statement, signed and certified in accordance with Appendix A, section 13.

3.3.2 Documentation with 14 days. Within 14 days of discovery of any condition listed in Parts 3.1.1, 3.1.2, 3.2.3, 3.2.4, or 3.2.5 you must document the following information (i.e., Section 2 of the Corrective Actions Form, provided in Attachment 3):

- Summary of corrective action taken or to be taken (or, for triggering events identified in Part 3.1.2 where you determine that corrective action is not necessary, the basis for this determination);
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- Date corrective action and/or AIM response initiated; and
- Date corrective action and/or AIM response completed or expected to be completed. If you requested an extension of the timeframe described in Part 3.1.3, 3.2.3, 3.2.4, or 3.2.5 include your documentation and rational.

You must submit this documentation to the Department within 30 days of initial discovery and retain a copy onsite with your SWPPP as required in Part 5.4.

4 Inspections

You must conduct routine facility inspections, quarterly visual assessments, and annual comprehensive inspections as described in this Part. These inspections must be performed by qualified personnel (as defined in Appendix B) with at least one member of your storm water pollution prevention team (see Part 5.1.1) participating. Should your coverage be administratively continued after the expiration date of this permit, you must continue to perform these inspections until you are no longer covered as described in Part 1.3.2.

4.1 Routine Facility Inspections

4.1.1 Routine Facility Inspection Procedures. Conduct routine facility inspections during normal facility operating hours of all areas of the facility covered by the requirements in this permit, including, but not limited to:

- Areas where industrial materials or activities are exposed to storm water;
- Areas identified in the SWPPP and those that are potential pollutant sources (see Part 5.1.3);
- Areas where spills and leaks have occurred in the past 3 years;
- All outfalls; and
- All storm water control measures used to comply with the effluent limits contained in this permit.

Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) or in some instances, more frequently (e.g., monthly). Increased frequency may be appropriate for some types of equipment, processes, and control measures, or areas of the facility with significant activities and materials exposed to storm water. At least once each calendar year, the routine facility inspection must be conducted during a period when storm water is discharging off-site or to an on-site storm water retention structure. You must specify the relevant inspection schedules in your SWPPP document as required in Part 5.1.5. Inspections conducted in addition to those required by this permit need not conform to requirements of this section. Only those inspections conducted for compliance of this permit must conform (i.e., weekly inspections of a high-risk portion of the facility does not need to include all areas of the facility or comply with the documentation requirements).

4.1.2 Routine Facility Inspection Documentation. You must document the findings of each routine facility inspection performed and maintain this documentation with your SWPPP as required in Part 5.4. You are not required to submit your routine facility inspection findings to the Department, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection must include:

- The inspection date and time;
- The name(s), title(s), and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges from and/or pollutants at the facility;
- Any evidence of, or the potential for, pollutants entering the drainage system;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 3 of this permit.

4.1.3 Exceptions to Routine Facility Inspections.

Inactive and Unstaffed Sites: The requirement to conduct facility inspections on a routine basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 4.3. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in NDEE Title 119, Chapter 10, Part 007.04C. The statement must be signed and certified in accordance with Appendix A, section 13.

If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume routine facility inspections. If you are not qualified for this exception at the time you are authorized under

this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to storm water" standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

4.2 Quarterly Visual Assessment of Storm water Discharges

4.2.1 Quarterly Visual Assessment Procedures. Once each quarter for the entire permit term, you must collect a storm water sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of each of these samples. For an industrial facility with an on-site storm water retention structure, visual assessments may be conducted on the storm water entering the structure. These samples are not required to be collected consistent with NDEE Title 119, Chapter 14, Part 001.10D (see 40 CFR Part 136) procedures but must be collected in such a manner that the samples are representative of the storm water discharge.

The visual assessment must be made:

- Using a storm water sample in a clean, colorless glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

You must visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity (diminished);
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of storm water pollution.

Whenever the visual assessment shows evidence of storm water pollution, you must initiate the corrective action procedures described in Part 3.

4.2.2 Quarterly Visual Assessment Documentation. You must document the results of your visual assessments and maintain this documentation with your SWPPP as required in Part 5.4. Any corrective action required as a result of a quarterly visual assessment must be conducted consistent with Part 3 of this permit. You are not required to submit your visual assessment findings to the Department, unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:

- Sample location(s);

- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and conducting visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the storm water discharge;
- Probable sources of any observed storm water contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes; and
- A statement, signed and certified in accordance with Appendix A, section 13.

4.2.3 Exceptions to and Timing of Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 5.4. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Semi-Arid Climates: If your facility is located in a semi-arid climate where limited rainfall occurs during parts of the year, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation occurs.

Snowmelt: At least one quarterly visual assessment must capture snowmelt discharge, as described in Part 6.1.3.

Inactive and Unstaffed Sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to storm water. To invoke this exception, you must maintain a statement in your SWPPP as required in Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in NDEE Title 119, Chapter 10, Part 007.04C. The statement must be signed and certified in accordance with Appendix A , section 13.

If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility becomes inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to storm water" standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

Substantially Identical Outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 5.1.5.2, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If storm water contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4.3 Comprehensive Site Inspections

4.3.1 Comprehensive Site Inspection Procedures. You must conduct annual comprehensive site inspections while you are covered under this permit. Annual, as defined in this Part, means once during each calendar year beginning with the period you are authorized to discharge under this permit. You are waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if you obtain authorization to discharge less than three months before the end of that calendar year.

Your comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 5.1.3) where industrial materials or activities are exposed to storm water, any areas where control measures are used to comply with the effluent limits contained in a site-specific NPDES Permit, and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with Part 6.2. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Storm water control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

Your annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

4.3.2 Comprehensive Site Inspection Documentation. You must document the findings of each comprehensive site inspection and maintain this documentation with your SWPPP as required in Part 5.4. At a minimum, your documentation of the comprehensive site inspection must include:

- The date of the inspection;
- The name(s), title(s), and signature(s) of the inspector(s);
- Findings from the examination of areas of your facility identified in Part 4.3.1;
- All observations relating to the implementation of your control measures including:
    - Previously unidentified discharges from the site;
    - Previously unidentified pollutants in existing discharges;
    - Evidence of, or the potential for, pollutants entering the drainage system;
    - Evidence of pollutants in discharges and/or the receiving water;
    - Observations regarding the physical condition of and around the outfall(s), including flow dissipation devices;
    - Additional control measures needed to address any conditions requiring corrective action identified during the inspection;
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance);
- Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 3 of this permit; and
- A statement, signed and certified in accordance with Appendix A, section 13.

5 Storm Water Pollution Prevention Plan (SWPPP)

You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2 and 8 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures which will be used to meet the permit's effluent limits. The SWPPP is a living document. You must keep your SWPPP up-to-date throughout your permit coverage, by making revisions and improvements to your storm water management program based on new information and experiences with wet weather events. Separate from the SWPPP, the additional documentation requirements (see Part 5.4) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

You shall prepare the SWPPP in accordance with good engineering practices and to industry standards. The SWPPP may be developed by the facility or by a third party, but it must be developed by a "qualified person" as defined in Appendix B and be must certified per the signature requirements in Part 5.1.7 (see also Appendix A, section 13).

5.1 Contents of Your SWPPP

For coverage under this permit, your SWPPP must contain all of the following elements:

- Storm water pollution prevention team (see Part 5.1.1);
- Site description (see Part 5.1.2);
- Summary of potential pollutant sources (see Part 5.1.3);
- Description of control measures (see Part 5.1.4);
- Schedules and procedures (see Part 5.1.5);
- Documentation to support eligibility pertaining to other federal laws (see Part 5.1.6); and
- Signature requirements (see Part 5.1.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS), copies of the relevant portions of those documents must be kept with your SWPPP.

5.1.1 Storm Water Pollution Prevention Team. You must identify the staff members (by name or title) that comprise the facility's storm water pollution prevention team as well as their individual responsibilities. Your storm water pollution prevention team is responsible for overseeing development of the SWPPP and any modifications to it. They are also responsible for implementing and maintaining control measures, and taking corrective actions when required. Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

5.1.2 Site Description. Your SWPPP must include the following:

- A description of the nature of the industrial activities at your facility;
- A general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your storm water discharges; and
- A site map showing:
    - Boundaries of the property and the size of the property in acres;
    - Location and extent of significant structures and impervious surfaces;
    - Directions of storm water flow (use arrows);
    - Locations of all storm water control measures;
    - Locations of all receiving waters, including wetlands, in the immediate vicinity of your facility. Indicate if any of the waters are impaired and, if so, whether the waters have TMDLs

established. Also indicate if any of the waters are identified as a State Resource Waters or Public Drinking Supplies;
- Locations of all storm water conveyances including ditches, pipes, and swales;
- Locations of potential pollutant sources identified under Part 5.1.3.2;
- Locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
- Locations of all storm water monitoring points;
- Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., 001, 002), indicating if you are treating one or more outfalls as "substantially identical" under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
- If applicable, combined sewers, or municipal separate storm sewer systems, and where your storm water discharges to them;
- Locations and descriptions of all allowable non-storm water discharges identified under Part 1.1.3; and
- Locations of the following activities where such activities are exposed to precipitation:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - transfer areas for substances in bulk; and
  - machinery;
  - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.1.3 Summary of Potential Pollutant Sources. You must describe areas at your facility where industrial materials or activities are exposed to storm water and/or from which allowable non-storm water discharges originate. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For structures located in areas of industrial activity, you must be aware that the structures themselves are potential sources of pollutants. This could occur, for example, when metals such as aluminum or copper are leached from the structures as a result of acid rain.

For each area identified, the description must include:

5.1.3.1 Activities in the area. A list of the industrial activities exposed to storm water (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

5.1.3.2 Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharge from your facility. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to storm water in the 3 years prior to the date you prepare or amend your SWPPP.

5.1.3.3 Spills and Leaks. You must document where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a storm water conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR Part 110.6 and 40 CFR Part 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.

5.1.3.4 Non-Storm water Discharges. You must document that you have evaluated for the presence of non-storm water discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-storm water discharge(s) and source locations (see Part 1.1.3 for allowable non-storm water discharges); and
- If there are any unauthorized non-storm water discharges you must immediately take action(s), such as implementing control measures to eliminate the discharge(s) or seek an individual or alternate NPDES permit. (For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.) Include an explanation of the actions you took to immediately eliminate the discharge per Part 3.

5.1.3.5 Salt Storage. You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.1.3.6 Sampling Data. Existing permitted facilities must summarize all storm water discharge sampling data collected at your facility during the previous permit term. The summary shall include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at your facility. New discharges and new sources must provide a summary of any available storm water runoff data.

5.1.4 Description of Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits. You must document the location and type of control measures you have installed and implemented at your site to comply with:

- Non-numeric effluent limits in Part 2.1.2, and where applicable in Part 8;
- Effluent limitations guidelines-based limits in Part 2.1.3;
- Water quality-based effluent limits in Part 2.2; and
- Any additional measures that formed the basis of eligibility regarding threatened and endangered species and historic properties in Parts 2.3.

You must also document, as appropriate, how you addressed the control measure selection and design considerations in Part 2.1.1. In addition, if applicable, document how the control measures at your site address both the pollutant sources identified in Part 5.1.3, and any storm water run-on that commingles with any discharges covered under this permit.

5.1.5 Schedules and Procedures.

5.1.5.1 Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2. The following must be documented in your SWPPP:

- Good Housekeeping (Part 2.1.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;

- Maintenance (Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;
- Spill Prevention and Response Procedures (Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks, including notification procedures. You may reference the existence of other plans for SPCC developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.3; and
- Erosion and Sediment Controls (Part 2.1.2.5) – If you use polymers and/or other chemical treatments as part of your controls, you must identify the polymers and/or chemical used and the purpose;
- Employee Training (Part 2.1.2.9) – A schedule for your employee training plan including the requirements set forth in Part 2.1.2.9. Also include the content of the training; the frequency/schedule of training for employees who work in areas where industrial materials or activities are exposed to storm water, or who are responsible for implementing activities necessary to meet the conditions of this permit; and a long of the dates on which specific employees received training.

5.1.5.2 Pertaining to Inspections. You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.1);
- Quarterly visual assessment of storm water discharges (see Part 4.2); and
- Comprehensive site inspections (see Part 4.3).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or positions of person(s) responsible for the inspection;
- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular storm water runoff discharges (see Part 4.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 4.1.3 and 4.2.3.

5.1.5.3 Pertaining to Monitoring. Prior to the beginning of any required monitoring period, you must document in your SWPPP your procedures for conducting the five types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Indicator monitoring (Part 6.2.1);
- Benchmark monitoring (Part 6.2.2);
- Annual effluent limitations guidelines monitoring (Part 6.2.3);
- Impaired waters monitoring (Part 6.2.4); and
- Other monitoring as required by NDEE (Part 6.2.4).

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular storm water runoff (see Part 6.1.6);

- Any numeric control values (benchmarks, effluent limitations guidelines, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used) for gathering storm event data, as specified in Part 6.1.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part 6.2.1.3.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 4.2 or your benchmark monitoring requirements in Part 6.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to storm water discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

5.1.6 Documentation to Support Eligibility Considerations Under Other Federal Laws.

5.1.6.1 Documentation Regarding Endangered Species. You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection).

5.1.6.2 Documentation Regarding Historic Properties. You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.6 (Historic Properties Preservation).

5.1.7 Signature Requirements. You must sign and date your SWPPP in accordance with Appendix A, section 13.

5.2 Required SWPPP Modifications

You must modify your SWPPP based on the corrective actions and deadlines required under Part 3. You must be sign and date any SWPPP modifications in accordance with Appendix A, section 13.

5.3 SWPPP Availability

You must retain a complete copy of your current SWPPP required by this permit at the facility in any accessible format. A complete SWPPP includes any documents incorporated by reference and all documentation supporting your permit eligibility pursuant to Part 1.1 of this permit, as well as your signed and dated certification page. Regardless of the format, it must be immediately available to facility employees, EPA, NDEE, and the operator of an MS4 to which you discharge if applicable. The Department may provide access to portions of your SWPPP to a member of the public upon request, or to other Federal, State, or local agencies. Confidential Business Information (CBI) may be withheld from the public in accordance with the provisions of NDEE Title 115, Chapter 2. Unless specified elsewhere in this permit or in the request, you are required to furnish a copy of the SWPPP and any other information requested within 7 calendar days. Submissions shall be sent to the address provided in 7.5.1.

5.4 Additional Documentation Requirements

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to NDEE along with any correspondence exchanged between you and the Department specific to coverage under this permit;
- A copy of the acknowledgment you receive from the Department assigning your NPDES permit authorization number;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the state, through storm water or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 2.1.2.4);
- Records of employee training, including date training received (see Part 2.1.2.9);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 4.1), the Quarterly Visual Assessment Reports (see Part 4.2), and the Comprehensive Site Inspection Reports (see Part 4.3);
- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 4.2.3, 6.1.5, 6.1.6);
- Corrective action documentation required per Part 3;
- Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 6.2.1.2;
- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 6.2.2.2); and
- Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 4.1.3), quarterly visual assessments (see Part 4.2.3), and/or benchmark monitoring (see Part 6.2.1.3).

6 Monitoring

You must collect and analyze storm water samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix A, and any additional sector-specific requirements in Part 8. Refer to Part 7 for reporting and recordkeeping requirements.

6.1 Monitoring Procedures

6.1.1 Monitored Outfalls. Outfalls, or discharge points, for the purpose of this permit are locations where storm water exits the facility or property, including pipes, ditches, swales, and other structures that transport stormwater (see Appendix B). Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to storm water, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.1.5.2, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations. The allowance for monitoring only one of the substantially identically outfalls is not

applicable to any discharge points with numeric effluent limitations. You are required to monitor each discharge point covered by a numeric effluent limit as identified in Part 6.2.3.

Areas of true sheet flow discharges are not required to be monitored as outfalls unless you are notified by the Department, though the discharge is regulated under this permit. It should be noted that what begins as "sheet flow" has a tendency to concentrate and form gullies, which would then be considered a discrete conveyance. (See Appendix B for Monitored Outfall and Sheet Flow definitions.)

6.1.2 Commingled Discharges. If any authorized discharges commingle with discharges not authorized under this permit, you must conduct any required sampling of the authorized discharges at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events. You must conduct all required monitoring on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, you must conduct monitoring at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event and indicate that the sampling event was for snowmelt.

6.1.4 Sample Type. You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3. You must collect samples within the first 30 minutes of a discharge associated with a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, you must collect the sample as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, you must take a minimum of one grab sample during a period with a measurable discharge.

For indicator monitoring and benchmark monitoring, you may choose to use a composite sampling method instead of taking grab samples. This composite method may be either flow-weighted or time-weighted and performed manually or with the use of automated sampling equipment. For the purposes of this permit, a flow- weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant or variable time interval, where the volume of each aliquot included in the composite sample is proportional to the estimated or measured incremental discharge volume at the time of the aliquot collection compared to the total discharge volume estimated or measured over the monitoring event. For the purposes of this permit, a time-weighted composite sample means a composite sample consisting of a mixture of equal volume aliquots collected at a regular defined time interval over a specific period of time. Composite sampling must be initiated during the first 30 minutes of the same storm event. If it is not possible to initiate composite sampling within the first 30 minutes of a measurable storm event, you must initiate composite sampling as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to initiate composite sampling within the first 30 minutes. You must maintain all monitoring results per Part 7.2. Composite sampling may not be used in situations where hold times for processing or sample preservation requirements cannot be satisfied. For parameters measured in-situ with a probe or meter such as dissolved oxygen, conductivity, pH, or temperature, the composite sampling method shall be modified by calculating an average all individual measurements, weighted by flow volume if applicable.

6.1.5 Adverse Weather Conditions. When adverse weather conditions as described in Part 4.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to retain a benchmark monitoring report in accordance with your sampling schedule. You must

document any failure to monitor as specified in Part 7.2, indicating the basis for not sampling during the usual reporting period.

6.1.6 Irregular Storm Water Runoff. If your facility is located in semi-arid climate where limited rainfall occurs during parts of the year or due to freezing conditions that prevent runoff from occurring for extended periods, you may distribute your required monitoring events during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your site. You must still collect the required number of samples, and indicate the revised schedule in your SWPPP.

6.1.7 Monitoring Periods. Monitoring requirements in this permit begin in the first full quarter following either July 1, 2021, or your date of discharge authorization, whichever date comes later. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and
- October 1 – December 31.

For example, if you obtain permit coverage on August 2, 2021, then your first monitoring quarter is October 1 - December 31, 2016. This monitoring schedule may be modified in accordance with Part 6.1.6. You must indicate any 3-month interval that you did not take a sample.

6.1.8 Monitoring for Allowable Non-Storm Water Discharges. You are only required to monitor allowable non-storm water discharges (as delineated in Part 1.1.3) when they are commingled with storm water discharges associated with industrial activity.

6.1.9 Timing of Sample. All monitoring required in this permit should be conducted during the normal operating hours for the facility. When the collection of samples according to the relevant monitoring schedule is not possible due to the lack of a measurable storm event (as specified in Part 6.1.3) occurring during normal operating hours, you must take a substitute sample during the next qualifying storm event (which occurs during normal operating hours). Facilities which do not operate during rain events must consider normal operating hours to include such temporary shutdowns due to rain events. (This may result in the collection of more than one sample during a quarter; the substitute sample and the scheduled sample must be collected from separate qualifying events.)

Facilities are not required to monitor outside of normal operating hours but are not precluded from doing so at the discretion of the facility.

6.2 Required Monitoring

This permit includes five types of required analytical monitoring, one or more of which may apply to your discharge:

- Indicator monitoring (Part 6.2.1);
- Benchmark monitoring (Part 6.2.2);
- Annual effluent limitations guidelines monitoring (Part 6.2.3);
- Impaired waters monitoring (Part 6.2.4); and
- Other monitoring as required by NDEE (Part 6.2.4).

Unless otherwise specified, samples must be analyzed consistent with 40 CFR Part 136 analytical methods that are sufficiently sensitive for the monitored parameter. When more than one type of monitoring for the same pollutant at the same outfall applies, you may use a single sample to satisfy both monitoring requirements (i.e., one sample analysis satisfying both the impaired waters monitoring sample and one of the 4 quarterly benchmark monitoring samples). Similarly, when the same type of monitoring is required for the same pollutant but for different activities, you may use a single sample to satisfy both monitoring requirements.

When the effluent limitation is lower than the benchmark threshold for the same pollutant, your Additional Implementation Measure (AIM) trigger is based on an exceedance of the effluent limitation threshold, which would subject you to the AIM requirements of Part 3.2. Exceedance of an effluent limitation associated with the results of any analytical monitoring type required by this Part subjects you to the corrective action requirements of Part 3.1. All required monitoring must be conducted in accordance with the procedures described in Appendix A.

Per Part 1.3.6, in the event that the permit is administratively continued, monitoring requirements remain in force and effect at their original frequency during any continuance for operators that were covered prior to permit expiration.

Table 6-1. Summary of Each Type of Monitoring

Monitoring Type	Applies To	Frequency	Duration	Follow-up Action	Permit Part Reference
Indicator – pH, TSS, COD	Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1	Quarterly	Entirety of permit coverage	None	Part 6.2.1.1.a
Indicator – PAHs*	Sector A facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation; and Sectors C (SIC 2911), D, F, H, I, M, O, P (SIC 4011, 4013, and 5171), Q (SIC 4491), R, and S	Biannually (2 times per year)	First year and fourth year	None	Part 6.2.1.1.b
Benchmark	Subsectors A1, A2, A3, A4, B1, C1, C2, C3, C4, D1, E1, E2, F1, F2, F3, F4, G1, G2, H1, J1, J2, K1, L1, M1, N1, Q1, S1, U1, U2, Y1, AA1, AA2	Quarterly	First year and fourth year	AIM - See Part 3.2	Part 6.2.2
Effluent limitation guidelines (ELG)	See Part 4.2.3	Annually	Entirety of permit coverage	See Part 5.1	Part 6.2.3
Impaired Waters	See Part 1.1.4.7	Annually	See Part 6.2.4.2		
Other as required by NDEE	See Part 6.2.5				

* Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.

6.2.1 Indicator Monitoring. This permit requires indicator monitoring of storm water discharges for three parameters – pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD) – for certain sectors/subsectors (see Part 6.2.1.1.a below) and for polycyclic aromatic hydrocarbons (PAHs) for certain sectors/activities, with additional limitations (see Part 6.2.1.1.b below). Indicator monitoring data will provide you and the Department with a baseline and comparable understanding of industrial storm water discharge quality and potential water quality problems. The indicator monitoring parameters are "report-only" and do not have thresholds or baseline values for comparison, therefore no follow-up action is triggered or required under this part. The requirement in Part 2.2.1 that your storm water discharge be controlled as necessary such that the receiving water will meet applicable water quality standards still applies. You may find it useful to evaluate and compare your indicator monitoring data over time to identify any fluctuating values and why they may be occurring, and to further inform any revisions to

your SWPPP and storm water control measures if necessary. Indicator monitoring is report-only and is neither benchmark monitoring nor an effluent limitation. Instead, it is a permit condition. Thus, failure to conduct indicator monitoring is a permit violation.

6.2.1.1 Applicability and Schedule of Indicator Monitoring.

a. pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD).

i. Applicability. Operators in the following subsectors must monitor storm water discharges for pH, TSS, and COD (also specified in the sector-specific requirements in Part 8): B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1). Samples must be analyzed consistent with 40 CFR Part 136 analytical methods.

ii. Schedule. You must conduct indicator monitoring of storm water discharges for pH, TSS, and COD each quarter, beginning in your first full quarter of permit coverage as identified in Part 6.1.7.

b. Polycyclic Aromatic Hydrocarbons (PAH).

i. Applicability. The following operators must monitor storm water discharges for the 16 individual priority pollutant PAHs (also specified in the sector-specific requirements in Part 8): operators in sectors A (facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation), C (SIC Code 2911), D, F, H, I, M, O, P (SIC Codes 4011, 4013, and 5171), Q (SIC Code 4491), R, and S. Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene. Samples must be analyzed using EPA Method 625.1, or EPA Method 610/Standard Method 6440B if preferred by the operator, consistent with 40 CFR Part 136 analytical methods.

ii. Schedule. You must conduct indicator monitoring of storm water discharges for PAHs biannually (i.e., sample twice per year) in the first and fourth years of permit coverage. Your first year of permit coverage begins in your first full quarter of permit coverage, identified in Part 6.1.7, followed by two years of no monitoring. Biannual monitoring resumes in your fourth year of permit coverage for another year, after which you may discontinue biannual PAH monitoring for the remainder of your permit coverage.

6.2.1.2 Exception for Facilities in Climates with Irregular Storm Water Discharges. As described in Part 6.1.6, facilities in climates with irregular storm water discharges may modify this schedule provided you keep this revised schedule with the facility's SWPPP as specified in Part 5.4. As noted in Part 6.1.7, you must indicate any 3-month interval that you did not take a sample.

6.2.1.3 Exception for Inactive and Unstaffed Sites. The requirement for indicator monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to storm water. To invoke this exception, you must do the following:

- Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in NDEE Title 119, Chapter 10, Part 007.04C and sign and certify the statement in accordance with Appendix A, section 13; and
- If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies, and you must

immediately begin complying with the applicable indicator monitoring requirements under Part 6.2.1 as if you were in your first year of permit coverage. You must notify the Department that your facility has materials or activities exposed to storm water or has become active and/or staffed.

- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must notify the Department. You may discontinue indicator monitoring once you have notified the Department, and prepared and signed the certification statement described above in accordance with Appendix A, section 13, concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 8).

6.2.2 Benchmark Monitoring. This permit requires benchmark monitoring parameters of storm water discharges for certain sectors/subsectors. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

The benchmark thresholds are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, if a benchmark exceedance triggers Additional Implementation Measures (AIM) in Part 3.2, failure to conduct any required measures is a permit violation. At your discretion, you may take more than four samples during separate discharge events to determine the average benchmark parameter value for facility discharges.

6.2.2.1 Applicability of Benchmark Monitoring. You must monitor storm water discharges for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge listed in Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to retain with your first benchmark report a hardness value, established consistent with the procedures in Appendix E, that is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

6.2.2.2 Benchmark Monitoring Schedule. Benchmark monitoring of storm water discharges is required quarterly, as identified in Part 6.1.7, in the first and fourth year of permit coverage, as follows:

a. Year one of permit coverage. You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your first year of permit coverage, beginning in your first full quarter of permit coverage.

- If the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the next two years (i.e., eight quarters).
- If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part 3.2 and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter until monitoring resumes in year four of permit coverage, per Part 4.2.2.3.b below.

b. Year four of permit coverage. You must conduct benchmark monitoring for all parameters applicable to your subsector(s) for four quarters in your fourth year of permit coverage (i.e., your

thirteenth through sixteenth quarters), unless the first quarter of your fourth year of permit coverage occurs on or after the date this permit expires.

- If the annual average for a parameter does not exceed the benchmark threshold, you can discontinue benchmark monitoring for that parameter for the remainder of your permit coverage.
- If the annual average for a parameter exceeds the benchmark threshold, you must comply with Part 3.2 and continue quarterly benchmark monitoring for that parameter until results indicate that the annual average is no longer exceeded, after which you can discontinue benchmark monitoring for that parameter for the remainder of permit coverage.

c. Natural background pollutant levels. Following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- You document and maintain with your SWPPP, as required in Part 5.4, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your storm water discharge; and
- You notify the Department with your determination that no further pollutant reductions are technologically available, economically practicable and achievable in light of best industry practice, and that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those that are occur naturally as a result of native soils and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources that are not naturally occurring.

Note: For this permit, an annual average exceedance for a parameter can occur if: (a) The four-quarter annual average for a parameter exceeds the benchmark threshold; or (b) Fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter. The result in (b) indicates an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold). For pH, an annual average exceedance can only occur if the four-quarter annual average exceeds the benchmark threshold.

6.2.2.3 Exception for Facilities in Climates with Irregular Storm Water Discharges. As described in Part 6.1.6, facilities in climates with irregular storm water discharges may modify this schedule provided you keep this revised schedule with the facility's SWPPP as specified in Part 5.4. As noted in Part 6.1.7, you must indicate any 3-month interval that you did not take a sample.

6.2.2.4 Exception for Inactive and Unstaffed Sites. The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to storm water. To invoke this exception, you must do the following:

- Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in NDEE Title 119, Chapter 10, Part 007.04C and sign and certify the statement in accordance with Appendix A, section 13; and
- If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2.2 as if you were in your first year of permit coverage. You must notify the Department that your facility has materials or activities exposed to storm water or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must notify the Department. You may discontinue benchmark monitoring once you have notified the Department, and prepared and signed the certification statement described above in accordance with Appendix A, section 13, concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 8).

6.2.3 Effluent Limitations Monitoring. Storm water discharges from facilities subject to any of the national storm water-specific effluent limitations guidelines per Part 1.1.2.4 are authorized for coverage under this permit.

6.2.3.1 Monitoring Based on Effluent Limitation Guidelines. Table 6-2 identifies the storm water discharges subject to effluent limitation guidelines. An exceedance of the effluent limitation is a permit violation. Beginning in the first full quarter following your date of discharge authorization, you must monitor once per year at each storm water discharge point containing the discharges identified in Table 6-2 for the parameters specified in the sector-specific section of Part 8.

Table 6-2. Required Monitoring for Effluent Limits Based on Effluent Limitations Guidelines

Regulated Activity	Effluent Limit	Monitoring Frequency	Sample Type
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	See Part 8.A.7	1/year	Grab
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	See Part 8.C.4	1/year	Grab
Runoff from asphalt emulsion facilities	See Part 8.D.4	1/year	Grab
Runoff from material storage piles at cement manufacturing facilities	See Part 8.E.5	1/year	Grab
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	See Part 8.J.9	1/year	Grab
Runoff from hazardous waste landfills	See Part 8.K.6	1/year	Grab
Runoff from non-hazardous waste landfills	See Part 8.L.10	1/year	Grab
Runoff from coal storage piles at steam electric generating facilities	See Part 8.O.7	1/year	Grab
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	See Part 8.S.7	1/year	Grab

6.2.3.2 Substantially Identical Discharge Points Not Applicable. You must monitor each discharge point discharging storm water from any regulated activity identified in Table 6-2. The substantially identical discharge points monitoring provisions are not available for numeric effluent limit monitoring.

6.2.3.3 Follow-up Actions if Discharge Exceeds Numeric Effluent Limitation. If any monitoring value exceeds a numeric effluent limitation contained in this permit, you must submit a report to the Department consistent with Part 7.3. You must monitor, at least quarterly, until your storm water discharge is in compliance with the effluent limit or until the Department waives the requirement for additional monitoring.

6.2.4 Discharges to Impaired Waters Monitoring.

6.2.4.1 Permittees Required to Monitor Discharges to Impaired Waters. If you discharge to an impaired water, you must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists in NDEE Title 119, Chapter 14, Part 001.02D (see 40 CFR Part 136).

No additional monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant.

6.2.4.2 Impaired Waters Monitoring Schedule

Discharges to impaired waters without an EPA-approved or established TMDL: Monitoring is required annually beginning in the first full quarter following July 1, 2021, or your date of discharge authorization, whichever date comes later. You must monitor once per year at each outfall (except substantially identical outfalls) discharging storm water to impaired waters without an EPA-approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in your storm water discharge, and you document, as required in Part 5.4, that this pollutant is not expected to be present above natural background levels in your discharge. If monitoring results indicate that the monitored pollutant is detected in your storm water discharge, or is outside the acceptable range for a given parameter (e.g., pH or temperature) for the waterbody to meet its designated use, you must continue to monitor for the pollutant(s) annually until no longer detected, after which you may discontinue monitoring for that pollutant.

If the pollutant for which the water is impaired is not present and not expected to be present in your discharge, or it is present, but you have determined that its presence is caused solely by natural background sources, you are required to submit a notification to this effect to the Department, after which you may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, you must keep the following documentation with your SWPPP records:

- An explanation of why you believe that the presence of the pollutant causing the impairment in your discharge is not related to the activities or materials at your facility; and
- Data and/or studies that tie the presence of the pollutant causing the impairment in your discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are occur naturally as a result of native soils, and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

Discharges to impaired waters with an EPA-approved or established TMDL: For storm water discharges to waters for which there is an EPA-approved or established TMDL, you are not

required to monitor for the pollutant(s) for which the TMDL was written unless the Department informs you, upon examination of the applicable TMDL and its wasteload allocation (WLA), that you are subject to such a requirement consistent with the assumptions of the applicable TMDL and its WLA. The Department's notice will include specifications on monitoring parameters and frequency.

6.2.2.3 Exception for Inactive and Unstaffed Sites. The requirement for impaired waters monitoring does not apply at a facility that is inactive and unstaffed, provided that there are no industrial materials or activities exposed to storm water. To invoke this exception, you must do the following:

- Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to storm water in accordance with the substantive requirements in NDEE Title 119, Chapter 10, Part 007.04C and sign and certify the statement in accordance with Appendix A, section 13; and
- If circumstances change and industrial materials or activities become exposed to storm water or your facility becomes active and/or staffed, this exception no longer applies, and you must immediately begin complying with the applicable impaired wasters monitoring requirements under Part 6.2.4. You must notify the Department that your facility has materials or activities exposed to storm water or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to storm water, then you must notify the Department. You may discontinue benchmark monitoring once you have notified the Department, and prepared and signed the certification statement described above in accordance with Appendix A, section 13, concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 8).

6.2.5 Additional Monitoring Required by NDEE. The Department may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7 Reporting and Recordkeeping

7.1 Electronic Reporting

The NPDES Electronic Reporting Rule, published October 22, 2015, requires electronic reporting of NPDES information rather than the previously required paper-based reports from the permitted facilities. You are required by 40 CFR Part 127 to submit NOIs, NOTs, and other reports as they become available, electronically on the NDEE website unless the Department grants a waiver.

You may submit a request for an electronic reporting waiver to the Department if your headquarters is physically located in a geographic area that is identified as under-served for broadband internet by the Federal Communications Commission, or you have limitations regarding computer access. Your request must document the conditions you meet and provide evidence supporting your claims. The Department will either approve or deny this electronic reporting waiver request. The duration of a temporary waiver may not exceed 5 years, which is the normal period for an NPDES permit term. Temporary waivers may be granted for a one-time use for a single information submittal. A waiver may only be considered granted once you receive written confirmation from the Department.

7.2 Reporting Monitoring Data to NDEE

All monitoring data collected pursuant to Parts 6.2 must be maintained with the SWPPP after you have received your complete laboratory results for all monitored outfalls for the reporting period. Upon request by the Department, reporting forms must be submitted within fourteen days to the appropriate address identified in Part 7.5.1. The Department strongly recommends that you use the ISW storm event monitoring report (ISW-SEMR), see Attachment 4.

7.3 Additional Reporting

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix A.

Where applicable, you must submit the following reports to the Department at the address listed in Part 7.5.1. If you discharge through an MS4, you must also submit these reports to the MS4 operator (if required or requested by the MS4). See Appendix F for a list of MS4s.

- 24-hour reporting (Appendix A, section 14.f) – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24-hour reporting (Appendix A, section 14.f) – A written submission must also be provided within 5 days of the time you become aware of the circumstances; and
- Reportable quantity spills (Part 2.1.2.4) – You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.
- Planned changes (Appendix A, section 14.a) – You must give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (Appendix A, section 14.b) – You must give advance notice to the Department of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Transfer of ownership and/or operation – You must submit a complete and accurate NOI electronically on the NDEE website in accordance with the requirements of Part 1.3 and by the deadlines specified in Table 1-2;
- Compliance schedules (Appendix A, section 14.e) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other noncompliance (Appendix A, section 14.h) – You must report all instances of noncompliance not reported in your monitoring report (pursuant to Part 7.2), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information (Appendix A, section 14.i) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.4 Recordkeeping

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated.

7.5 Addresses for Reports

7.5.1 NDEE Address. Paper copies of any reports required in Part 6 and 7 must be sent to the following address:

Via U.S. mail:

Nebraska Department of Environment and Energy
NPDES and State Permits Section, Industrial Storm Water
PO Box 98922
Lincoln, NE 68509-8922

7.5.2 Submissions to MS4s. If required or upon request, copies of all required submissions to the Department shall be concurrently submitted to the appropriate Municipal Separate Storm Sewer Systems (MS4s) operator. See Appendix F for a list of permitted MS4s.

If you are located within a CS or MS4, you shall contact the operator at the time of application to determine if submissions are required to the CS or MS4. The operator has discretion to determine if they would like to receive concurrent submissions, and for which documents a concurrent submission is required. The CS or MS4 operator has discretion to modify their policies during the term of the permit by notifying affected permittees.

8 Sector-Specific Requirements for Industrial Activity

8.1 Indicator Monitoring Applicable to Certain Sectors

You must comply with the indicator monitoring requirements below for pH, TSS, COD, and PAHs, see also Part 6.2.1. The requirements apply to only the sectors/subsectors listed in Table 8.1. They are in addition to any sector-specific requirements contained in this Part, requirements applicable to all facilities in Parts 1 through 7, and the appendices of the permit. The indicator monitoring serves as performance indicators of other storm water pollutants and applies to both your primary industrial activity and any co-located industrial activities.

Table 8.1 – Indicator Monitoring

Subsector	Parameter	Indicator Monitoring Threshold
Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB1, AC1, and AD1	pH	Report Only/ No thresholds or baseline values
	Total Suspended Solids (TSS)	Report Only/ No thresholds or baseline values
	Chemical Oxygen Demand (COD)	Report Only/ No thresholds or baseline values
Sector A facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation; and Sectors C (SIC 2911), D, F, H, I, M, O, P (SIC 4011, 4013, and 5171), Q (SIC 4491), R, and S	Polycyclic Aromatic Hydrocarbons (PAHs)[1]	Report Only/ No thresholds or baseline values

[1] Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.

8.2 Sector Specific Requirements

You must comply with Part 8.2 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix B. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit and are listed below in Parts 8.A - 8.AD.

8.2.1 Hardness-Based Metal Criteria. Some permittees have metal criteria for their sector-specific benchmark monitoring for industrial storm water. The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below.

Table 8.2-1. Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.

All Units mg/L	Benchmark Values (mg/L, total)					
	Cadmium	**Copper**	**Lead**	**Nickel**	**Silver**	**Zinc**
0-25 mg/L	0.0008	0.002	0.007	0.083	0.0001	0.021
25-50 mg/L	0.0023	0.005	0.022	0.207	0.0007	0.052
50-75 mg/L	0.0038	0.009	0.039	0.317	0.0016	0.079
75-100 mg/L	0.0052	0.012	0.056	0.420	0.0028	0.105
100-125 mg/L	0.0066	0.015	0.074	0.519	0.0043	0.130
125-150 mg/L	0.0081	0.018	0.092	0.615	0.0060	0.154
150-175 mg/L	0.0095	0.021	0.110	0.708	0.0080	0.177
175-200 mg/L	0.0109	0.024	0.128	0.799	0.0102	0.200
200-225 mg/L	0.0123	0.027	0.146	0.888	0.0127	0.222
225-250 mg/L	0.0137	0.030	0.164	0.975	0.0153	0.244
250+ mg/L	0.0151	0.033	0.182	1.061	0.0182	0.266

8.A Sector A – Timber Products

8.A.1 Covered Storm Water Discharges. The requirements in Subpart A apply to storm water discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

8.A.2 Limitation on Coverage.

8.A.2.1 Prohibition of Discharges. (See also Part 1.1.4) Not covered by this permit: storm water discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit.

8.A.2.2 Authorized Non-Storm Water Discharges. (See also Part 1.1.3) Also authorized by this permit, provided the non-storm water component of the discharge is in compliance with the requirements in Part 2.1.2: discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray-down waters and no chemicals are applied to wood during storage.

8.A.3 Additional Technology-Based Effluent Limits.

8.A.3.1 Good Housekeeping. (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to minimize the discharge of wood debris, leachate generated from decaying wood materials, and the generation of dust.

8.A.4 Additional SWPPP Requirements.

8.A.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

8.A.4.2 Inventory of Exposed Materials. (See also Part 5.1.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain, and the management practices employed to minimize the contact of these materials with storm water runoff.

8.A.4.3 Description of Storm water Management Controls. (See also Part 5.1.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any best management practices (BMPs), for these activities.

8.A.5 Additional Inspection Requirements. (See also Part 4.1) If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with storm water discharges.

8.A.6 Sector-Specific Benchmarks. (See also Part 6) Table 8.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.A-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic	0.34 mg/L
	Total Copper	Hardness Dependent
Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.A.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.A-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.A-2

Industrial Activity	Parameter	Effluent Limitation
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	pH	6.0 - 9.0 S.U.
	Debris (woody material such as bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54-cm (1-in.) diameter round

8.B Sector B – Paper and Allied Products

8.B.1 Covered Storm Water Discharges. The requirements in Subpart B apply to storm water discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

8.B.2 Sector-Specific Benchmarks. (See also Part 6)

Table 8.B-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120.0 mg/L

8.C Sector C – Chemical and Allied Products Manufacturing, and Refining

8.C.1 Covered Storm Water Discharges. The requirements in Subpart C apply to storm water discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

8.C.2 Limitations on Coverage.

8.C.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) The following are not covered by this permit: non-storm water discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; wash water from material handling and processing areas; and wash water from drum, tank, or container rinsing and cleaning.

8.C.3 Sector-Specific Benchmarks. (See also Part 6) Table 8.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.C-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Lead[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent
	Total Phosphorus	2.0 mg/L
Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819)	Total Aluminum	0.75 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.C.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.C-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.C-2

Industrial Activity	Parameter	Effluent Limitation
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Total Phosphorus	105.0 mg/L, daily maximum
		35.0 mg/L, monthly average
	Fluoride	75.0 mg/L, daily maximum
		25.0 mg/L, monthly average

8.D Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing

8.D.1 Covered Storm water Discharges. The requirements in Subpart D apply to storm water discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit. See Part 1.8 for information regarding portable facilities.

8.D.2 Limitations on Coverage. The following storm water discharges associated with industrial activity are not authorized by this permit (See also Part 1.1.4)

8.D.2.1 Discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining); or

8.D.2.2 Discharges from oil recycling facilities, which are covered under Sector N (see Part 8.N); or

8.D.2.3 Discharges associated with fats and oils rendering, which are covered under Sector U (see Part 8.U).

8.D.3 Sector-Specific Benchmarks. (See also Part 6) Table 8.D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.D-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

8.D.4 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.D-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.D-2

Industrial Activity	**Parameter**	**Effluent Limitation**
Discharges from asphalt emulsion facilities	Total Suspended Solids (TSS)	23 mg/L, daily maximum
		15 mg/L, monthly average
	pH	6.0 – 9.0 S.U.
	Oil and Grease	15.0 mg/L, daily maximum
		10.0 mg/L, monthly average

8.E Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products

8.E.1 Covered Storm Water Discharges. The requirements in Subpart E apply to storm water discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit. See Part 1.8 for information regarding portable facilities.

8.E.2 Additional Technology-Based Effluent Limits.

8.E.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2) With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in storm water from paved portions of the site that are exposed to storm water. Sweep or vacuum paved surfaces that are exposed to storm water regularly or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) to minimize the potential discharge of these materials in storm water. Indicate in your SWPPP the frequency of sweeping, vacuuming, or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed and may be discharged in storm water. You must also prevent the exposure of fine granular solids (e.g., cement, fly ash, kiln dust) to storm water, where practicable, by storing these materials in enclosed silos, hoppers, buildings, or under other covering.

8.E.3 Additional SWPPP Requirements.

8.E.3.1 Drainage Area Site Map. (See also Part 5.1.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

8.E.3.2 Certification. (See also Part 5.1.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-storm water discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES requirements or are recycled.

8.E.4 Sector-Specific Benchmarks. (See also Part 6) Table 8.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.E-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Aluminum	0.75 mg/L
Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L

8.E.5 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.E-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.E-2

Industrial Activity	Parameter	Effluent Limitation
Discharges from material storage piles at cement manufacturing facilities (SIC 3241)	Total Suspended Solids (TSS)	50.0 mg/L, daily maximum[1]
	pH	6.0 – 9.0 S.U.[1]

[1] Any untreated overflow from facilities designed, constructed and operated to treat the volume of storm water from materials storage piles which is associated with a 10-year, 24-hour rainfall event shall not be subject to the pH and TSS limitations (40 CFR Part 411.32(b)).

8.F Sector F – Primary Metals

8.F.1 Covered Storm Water Discharges. The requirements in Subpart F apply to storm water discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

8.F.2 Additional Technology-Based Effluent Limits.

8.F.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate to minimize the discharge of pollutants in storm water. The cleaning and maintenance program must encompass, as appropriate, areas where material loading and unloading, storage, handling, and processing occur, and, where practicable, the paving of areas where vehicle traffic or material storage occur that are exposed to storm water. Regularly sweep, vacuum, or use other equivalent measures (e.g., wash down the area and collect and/or treat and properly dispose of the washdown water) paved surfaces. For unstabilized areas or for stabilized areas where sweeping, vacuuming, or washing down is not possible, to minimize the discharge pollutants in storm water implement storm water management devices such as the following, where feasible (list not exclusive): sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment.

8.F.3 Additional SWPPP Requirements.

8.F.3.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants in storm water.

8.F.3.2 Inventory of Exposed Material. (See also Part 5.1.3.2) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible

8.F.4 Additional Inspection Requirements. (See also Part 4.1) As part of conducting your quarterly routine facility inspections (Part 4.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) for signs of material losses due to wind or storm water runoff.

8.F.5 Sector-Specific Benchmarks. (See also Part 6) Table 8.F-1 identifies benchmarks that apply to the specific subsectors of Sector F. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.F-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Aluminum	0.75 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector F2. Iron and Steel Foundries (SIC 3321-3325)	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Copper	Hardness Dependent
	Total Zinc[1]	Hardness Dependent
Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Copper	Hardness Dependent
	Total Zinc[1]	Hardness Dependent
Subsector F4. Nonferrous Foundries (SIC 3363-3369)	Total Copper	Hardness Dependent
	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.G Sector G – Metal Mining

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.G.1 Covered Storm Water Discharges. The requirements in Subpart G apply to storm water discharges associated with industrial activity from Metal Mining facilities as identified by the SIC Codes specified under Sector G in Table D-1 of Appendix D. Coverage is required for metal mining facilities that discharge storm water contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

8.G.1.1 Covered Discharges from Inactive Facilities. All storm water discharges.

8.G.1.2 Covered Discharges from Active and Temporarily Inactive Facilities. Only the storm water discharges from the following areas are covered:

- Waste rock and overburden piles if composed entirely of storm water and not combining with mine drainage;
- Topsoil piles;
- Offsite haul and access roads;
- Onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of storm water and not combining with mine drainage;
- Onsite haul and access roads not constructed of waste rock, overburden, or spent ore except if mine drainage is used for dust control;
- Runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present;
- Runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of storm water and not combining with mine drainage;
- Concentration building if no contact with material piles;
- Mill site if no contact with material piles;
- Office or administrative building and housing if mixed with storm water from industrial area;
- Chemical storage area;
- Docking facility if no excessive contact with waste product that would otherwise constitute mine drainage;
- Explosive storage;
- Fuel storage;
- Vehicle and equipment maintenance area and building;
- Parking areas (if necessary);
- Power plant;
- Unreclaimed, disturbed areas outside of active mining area;
- Reclaimed areas released from reclamation requirements; and
- Partially or inadequately reclaimed areas or areas not released from reclamation requirements.

8.G.1.3 Covered Discharges from Earth-Disturbing Activities Prior to Active Mining Activities. All storm water discharges.

8.G.1.4 Covered Discharges from Facilities Undergoing Reclamation. All storm water discharges.

8.G.2 Limitations on Coverage.

8.G.2.1 Prohibition of Storm Water Discharges. Storm water discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category at NDEE Title 119, Chapter 27, Part 007.38 (see 40 CFR Part 440).

NOTE: Storm water runoff from these sources is subject to NDEE Title 119, Chapter 27, Part 007.38 if they are mixed with other discharges subject to this part. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to NDEE Title 119, Chapter 27, Part 007.38 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 007.38 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to NDEE Title 119, Chapter 27, Part 007.38, and meets the other eligibility criteria contained in Part 1.1 of the permit. Operators bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another NPDES permit.

8.G.2.2 Prohibition of Non-Storm Water Discharges. Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.4).

8.G.2.3 Authorized Non-Storm Water Discharges (See also Part 1.1.3) The following non-storm water discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.G.3.1, provided that, with the exception of water used to control dust, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits. Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only authorized non- storm water discharges for Sector G are: water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes; and water used to control dust.

8.G.3 Definitions. The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR Part 122.26(b)(14)(iii).

8.G.3.1 Mining operation – For the permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities (i.e., exploration, clearing, grading, excavation, and construction) conducted prior to active mining activities; and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.G.3.2 Exploration phase - Entails earth-disturbing activities conducted prior to active mining activities. This includes exploration and land disturbance activities to determine the viability of a site and activities performed for purposes of mine site preparation where active mining has not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants).

8.G.3.3 Construction phase – Consists of the construction of staging areas for structure construction such as to house project personnel and equipment, mill buildings, etc., and the building of site access roads.

8.G.3.4 Active mining phase - Activities including the extraction, removal or recovery, and benefication of metal ore. Includes the removal of overburden and waste rock to expose mineable

minerals. All such activities occur within the "active mining area" as defined at 40 CFR Part 440.132(a), a place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

8.G.3.5 Reclamation phase - Activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable Federal, State, and local reclamation requirements. The reclamation phase is considered part of the active mining activities.

A site or portion of a site is considered to have been reclaimed if storm water runoff that comes into contact with: 1) raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards; (2) soil disturbing activities related to mining at the sites or portion of the site have been completed; (3) the site or portion of the site has been stabilized to minimize soil erosion; and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.G.3.6 Active metal mining facility - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR Part 440.132(a).

8.G.3.7 Inactive metal mining facility - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Federal, State, or local agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

8.G.3.8 Temporarily inactive metal mining facility - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Federal, State, or local agency.

8.G.3.9 Final Stabilization - A site or portion of a site is "finally stabilized" when it has implemented all applicable Federal, State, and local reclamation requirements and the site has been returned to a beneficial use.

8.G.4 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities. Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.G.4.1 Management Practices for Earth-Disturbing Activities.

8.G.4.1.1 Selecting and installing control measures. For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits.

8.G.4.1.2 Good Housekeeping. Litter, debris, and chemicals must be prevented from becoming a pollutant source in storm water discharges.

8.G.4.1.3 Retention and Detention of Storm water Runoff. For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for side slope boundaries as necessary based on individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. You are required to remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50 percent. Due to high sediment discharges from some Sector G facilities, permittees may need to implement a combination of structural BMP approaches to sufficiently decrease discharge of sediment from their facilities.

8.G.4.2 Inspection of Earth-Disturbing Activities.

8.G.4.2.1 Inspection Frequency. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.G.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

8.G.4.2.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the state, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.G.4.2.3 Inspection Reports. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

8.G.4.3 Requirements for Cessation of Earth-Disturbing Activities.

8.G.4.3.1 Inspections and Maintenance. Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area, or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

8.G.4.3.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid, and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where exploration and/or

construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

8.G.4.3.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where exploration and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In semi-arid, and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.G.5 Technology-Based Effluent Limits for Active Mining Activities.

8.G.5.1 Employee Training. (See also Part 2.1.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

8.G.5.2 Storm Water Controls. Apart from the control measures you implement to meet your Part 2 technology-based effluent limits, where necessary to minimize pollutant discharges in storm water, implement the following control measures at your site. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.11.

Storm Water Diversions: Divert storm water away from potential pollutant sources through the implementation of control measures such as the following, where determined feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

Capping: When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

Treatment: If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of storm water runoff is encouraged where feasible. Treated storm water may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (see 40 CFR Part 440).

8.G.5.3 Certification of Discharge Testing. (See also Part 5.1.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related but unauthorized non-storm water discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Alternately, if applicable, keep a certification with your SWPPP consistent with Part 8.G.6.6.

8.G.6 Additional SWPPP Requirements.

Note: The requirements in Part 8.G.6 are not applicable to inactive metal mining facilities.

8.G.6.1 Nature of Industrial Activities. (See also Part 5.1.2) Briefly document in your SWPPP the mining and associated activities that can potentially affect the storm water discharges covered

by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.G.6.2 Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

8.G.6.3 Potential Pollutant Sources. (See also Part 5.1.3) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPPP with this information.

8.G.6.4 Documentation of Control Measures. Document all control measures that you implement consistent with Part 8.G.5.2. If control measures are implemented or planned but are not listed in Part 8.G.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP.

8.G.6.5 Employee Training. All employee training(s) must be documented in the SWPPP.

8.G.6.6 Certification of Permit Coverage for Commingled Non-Storm Water Discharges: If you are able, consistent with Part 8.G.5.3 above, to certify that a particular discharge composed of commingled storm water and non-storm water is covered under a separate NPDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, retain such certification with your SWPPP. This certification must identify the non-storm water discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

8.G.7 Additional Inspection Requirements. (See also Part 4.1 and 8.G.4.2) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 8.G.4.2.1, inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as State Resource Waters, Class A must be inspected monthly. See Part 8.G.8.4 for inspection requirements for inactive and unstaffed sites.

8.G.8 Monitoring and Reporting Requirements. (See also Part 6)

Note: There are no Part 8.G.8 monitoring and reporting requirements for inactive and unstaffed sites.

8.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities. Table 8.G-1 identifies benchmarks that apply to active copper ore mining and dressing facilities. These benchmarks apply to both your primary industrial activity and any co- located industrial activities.

Table 8.G-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

8.G.8.2 Benchmark Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities. For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 8.G-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table 8.G-3 in accordance with the requirements in Part 8.G.8.3. The Director may also notify you that you must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.

Table 8.G-2

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately)	Total Suspended Solids (TSS)	100 mg/L
	Turbidity	50 NTU
	pH	6.0 - 9.0 S.U.
	Hardness (as CaCO3; calc. from Ca, Mg)[1]	no benchmark value
	Total Antimony	0.088 mg/L
	Total Arsenic	0.34 mg/ L
	Total Beryllium	0.13 mg/L
	Total Cadmium[1]	Hardness Dependent
	Total Copper	Hardness Dependent
	Total Lead[1]	Hardness Dependent
	Total Mercury	0.0014 mg/L
	Total Nickel[1]	Hardness Dependent

Table continued on next page.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
	Total Selenium	0.0031 mg/L
	Total Silver[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.G.8.3 Additional Analytic Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities. In addition to the monitoring required in Part 8.G.8.2 for discharges from waste rock and overburden piles, you must also conduct monitoring for additional parameters based on the type of ore you mine at your site. The schedule for monitoring for this Part 8.G.8.3 is the same as specified in Part 8.G.8.2: once in the first year for the parameters listed in Table 8.G-3 (except radium and uranium), and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. Where a parameter in Table 8.G-3 is the same as a pollutant you are required to monitor for in Table 8.G-2 (i.e., for all of the metals), you must use the corresponding benchmark in Table 8.G-2 and you may use any monitoring results conducted for Part 8.G.8.2 to satisfy the monitoring requirement for that parameter for Part 8.G.8.3. For radium and uranium, which do not have corresponding benchmarks in Table 8.G-2, there are no applicable benchmarks. For radium and uranium, you must monitor quarterly (as identified in Part 6.1.7) for your first four full quarters of permit coverage, after which you may discontinue monitoring for these two parameters.

Table 8.G-3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles

Supplemental Requirements			
Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	**pH**	**Metals, Total**
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)
Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)

Table continued on next page.

Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	**pH**	**Metals, Total**
Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)

Note: An "X" indicated for TSS and/or pH means that you are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

8.G.8.4 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Quarterly Visual Assessments and Routine Facility Inspections. As a Sector G facility, if you are seeking to exercise a waiver from the quarterly visual assessment and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Parts 4.2.3 and 6.2.1.3. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the quarterly visual assessment requirements; and
- NDEE retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an in-stream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.3 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

Table 8.G-4. Applicability of the Multi-Sector General Permit to Storm Water Runoff from Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation

Discharge/Source of Discharge	Note/Comment
Piles	
Waste rock/overburden	Covered under this permit if composed entirely of storm water and not combining with mine drainage. See note below.
Topsoil	--
Roads constructed of waste rock or spent ore	
Onsite haul roads	Covered under this permit except if composed entirely of storm water and not combined with mine drainage. See note below.
Offsite haul and access roads	--
Roads not constructed of waste rock or spent ore	
Onsite haul roads	Covered under this permit except if mine drainage is used for dust control.
Offsite haul and access roads	--

Table continued on next page.

Discharge/Source of Discharge	Note/Comment
Milling/concentrating	
Runoff from tailings dams and dikes when constructed of waste rock/tailings	Covered under this permit except if process fluids are present and only if composed entirely of storm water and not combined with mine drainage. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock and tailings	Covered under this permit except if process fluids are present.
Concentration building	Covered under this permit if storm water only and no contact with piles.
Mill site	Covered under this permit if storm water only and no contact with piles.
Ancillary areas	
Office and administrative building and housing	Covered under this permit if mixed with storm water from the industrial area.
Chemical storage area	--
Docking facility	Covered under this permit except if excessive contact with waste product that would otherwise constitute mine drainage.
Explosive storage	--
Fuel storage (oil tanks/coal piles)	--
Vehicle and equipment maintenance area/building	--
Parking areas	Covered under this permit but coverage unnecessary if only employee and visitor-type parking.
Power plant	
Truck wash area	Covered under this permit except when excessive contact with waste product that would otherwise constitute mine drainage.
Reclamation-related areas	
Any disturbed area (unreclaimed)	Covered under this permit only if not in active mining area.
Reclaimed areas released from reclamation requirements and returned to a beneficial use	--
Partially/inadequately reclaimed areas or areas not released from reclamation requirements	--

Note: Storm water runoff from these sources are subject to the NPDES program for storm water unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-storm water discharges from these sources are subject to NPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless: (1) it drains naturally (or is intentionally diverted) to a point source; and (2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of storm water does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.1 of the permit. Permit applicants bear the initial responsibility for determining the applicable technology-based standard for such discharges.

8.G.9. Termination of Permit Coverage. A site or a portion of a site that has been released from applicable Federal, State, or local reclamation requirements and has been reclaimed as defined in Part 8.G.3.5 is no longer required to maintain coverage under this permit.

8.H Sector H – Coal Mines and Coal Mining-Related Facilities

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.H.1 Covered Storm Water Discharges. The requirements in Subpart H apply to storm water discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities as identified by the SIC Codes specified under Sector H in Table D-1 of Appendix D.

8.H.2 Limitations on Coverage

8.H.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas.

8.H.2.2 Discharges Subject to Storm Water Effluent Guidelines. (See also Part 1.1.4.4) Not authorized by this permit: storm water discharges subject to an existing effluent limitation guideline at NDEE Title 119, Chapter 27, Part 007.09 (see 40 CFR Part 434).

8.H.2.3 Authorized Non-Storm Water Discharges (See also Part 1.1.3) The following non- storm water discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.H.3.1, provided that, with the exception of water used to control dust, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits. Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only authorized non-storm water discharges for Sector H are: water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes; and water used to control dust.

8.H.3 Definitions. The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR Part 122.26(b)(14)(iii).

8.H.3.1 Mining operation - For the permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities (i.e., exploration, clearing, grading, excavation, and construction) conducted prior to active mining activities; and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.H.3.2 Exploration phase - Entails earth-disturbing activities conducted prior to active mining activities. This includes exploration and land disturbance activities to determine the viability of a site and activities performed for purposes of mine site preparation where active mining has not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants).

8.H.3.3 Construction phase - Consists of the construction of staging areas for structure construction such as to house project personnel and equipment, mill buildings, etc., and the building of site access roads.

8.H.3.4 Active mining phase - Activities including the extraction, removal or recovery, and benefication of metal ore. Includes the removal of overburden and waste rock to expose mineable minerals. All such activities occur within the "active mining area" as defined at 40 CFR Part 440.132(a), a place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in

which grading has been completed to return the earth to desired contour and reclamation work has begun.

8.H.3.5 Reclamation phase - Activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable Federal, State, and local reclamation requirements. The reclamation phase is considered part of the active mining activities.

A site or portion of a site is considered to have been reclaimed if storm water runoff that comes into contact with: 1) raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards; (2) soil disturbing activities related to mining at the sites or portion of the site have been completed; (3) the site or portion of the site has been stabilized to minimize soil erosion; and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.H.3.6 Active coal mining facility - A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR Part 434.11(b).

8.H.3.7 Inactive coal mining facility - A site or portion of a site where coal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Federal, State, or local agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

8.H.3.8 Temporarily inactive coal mining facility - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Federal, State, or local agency.

8.H.3.9 Final stabilization - A site or portion of a site is "finally stabilized" when it has implemented all applicable Federal, State, and local reclamation requirements and the site has been returned to a beneficial use.

8.H.4 Technology-Based Effluent Limits Applicable to All Earth-Disturbing Activities Conducted Prior to Active Mining Activities. Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.H.4.1 Management Practices for Earth-Disturbing Activities.

8.H.4.1.1 Selecting and installing control measures. For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits.

8.H.4.1.2 Good Housekeeping. Litter, debris, and chemicals must be prevented from becoming a pollutant source in storm water discharges.

8.H.4.1.3 Retention and Detention of Storm water Runoff. For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and side slope boundaries as necessary based on individual site conditions) of the development area unless a sediment basin providing

storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. You are required to remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50 percent. Due to high sediment discharges from some Sector H facilities, permittees may need to implement a combination of structural BMP approaches to sufficiently decrease discharge of sediment from their facilities.

8.H.4.2 Inspection of Earth-Disturbing Activities.

8.H.4.2.1 Inspection Frequency. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.H.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

8.H.4.2.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the state, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.H.4.2.3 Inspection Reports. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

8.H.4.3 Requirements for Cessation of Earth-Disturbing Activities.

8.H.4.3.1 Inspections and Maintenance. Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area.

8.H.4.3.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

8.H.4.3.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where exploration and/or construction

activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In semi-arid and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.H.5 Technology-Based Effluent Limits for Active Mining Activities.

8.H.5.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, in order to minimize discharges of pollutants in storm water, implement control measures such as the following, where determined feasible (list not inclusive): using sweepers and covered storage; watering haul roads to minimize dust generation; and conserving vegetation to minimize erosion.

8.H.5.2 Preventive Maintenance. (See also Part 2.1.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

8.H.6 Additional SWPPP Requirements. Note: The requirements in Part 8.H.6 are not applicable to inactive coal mining facilities.

8.H.6.1 Other Applicable Regulations. Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). All SMCRA requirements regarding control of storm water-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).

8.H.6.2 Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or storm water: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

8.H.6.3 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of dust or sediment that could be discharged via storm water; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

8.H.7 Additional Inspection Requirements

8.H.7.1 Inspections of Active Mining-Related Areas. (See also Part 4) Except for earth-disturbing activities conducted as part of the exploration and construction phase, which are subject to Part 8.H.4.2.1, perform quarterly inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 8.H.8.1 for inspection requirements for inactive and unstaffed sties.

8.H.7.2 Sediment and Erosion Control. (See also Part 2.1.2.5) As indicated in Part 8.H.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.

8.H.7.3 Comprehensive Site Inspections. (See also Part 4.3) Your inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.

8.H.8 Sector-Specific Benchmarks. (See also Part 6)

Table 8.H-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related Areas (SIC 1221-1241)	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.H.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Indicator, Benchmark, and Impaired Waters Monitoring. As a Sector H facility, if you are seeking to exercise a waiver from either the quarterly visual assessment or the indicator, benchmark and/or impaired waters monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Parts 4.2.3, 6.2.1.3, and 6.2.2.3. Additionally, if you are seeking to reduce your required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 4.1.3, you are also conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water." These conditional exemptions are based on the following requirements:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- NDEE retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an in-stream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.3 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.H.9 Termination of Permit Coverage. A site or a portion of a site that has been released from applicable Federal, State, or local reclamation requirements and has been reclaimed as defined in Part 8.H.3.5 is no longer required to maintain coverage under this permit.

8.I Sector I – Oil and Gas Extraction

8.I.1 Covered Storm Water Discharges. The requirements in Subpart I apply to storm water discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table D-1 of Appendix D of the permit.

8.I.1.1 Discharges of storm water runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from NPDES permit coverage unless, in accordance with NDEE Title 119, Chapter 10, Part 003.03, the facility:

- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required; or
- Contributes to a violation of a water quality standard.

Any storm water discharges that require permit coverage as a result of meeting one of the conditions of NDEE Title 119, Chapter 10, Part 003.03 may be covered under this permit unless otherwise required to obtain coverage under an alternative NPDES general permit or an individual NPDES permit as specified in Part 1.6.1.

8.I.2 Limitations on Coverage.

8.I.2.1 Storm Water Discharges Subject to Effluent Limitation Guidelines. (See also Part 1.1.4.4) This permit does not authorize storm water discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at NDEE Title 119, Chapter 27, Part 007.37 (see 40 CFR Part 435).

8.I.2.2 Non-Storm Water Discharges. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit. Alternatively, wash water discharges must be authorized under a separate NPDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

8.I.3 Additional Technology-Based Effluent Limits.

8.I.3.1 Vegetative Controls. Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Implement appropriate vegetative practices, such as the following (list not exclusive): temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

8.I.4 Additional SWPPP Requirements.

8.I.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or storm water: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for "No Discharge" in accordance with NDEE Title 119, Chapter 27, Part 007.37 (see 40 CFR Part 435.32); and the structural controls to achieve compliance with the "No Discharge" requirements.

8.I.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Also document in your SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area); amount of oil or hazardous substance released; amount of substance recovered; date of the release; cause of the release (e.g., poor handling techniques and

lack of containment in the area); areas affected by the release (i.e., land and water); procedure to clean up release; actions or procedures implemented to prevent or improve response to a release; and remaining potential contamination of storm water from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

8.I.4.3 Erosion and Sedimentation Control. (See also Part 2.1.2.5) Unless covered by the current Construction Storm Water General Permit (CSW-GP), the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

8.I.4.3.1 Site Description. Also include a description in your SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

8.I.4.3.2 Vegetative Controls. Document vegetative practices used consistent with Part 8.I.3.1 in the SWPPP.

8.I.5 Additional Inspection Requirements. All erosion and sedimentation control measures must be inspected either: every 7 days; or once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

8.J Sector J – Non-Metallic Mineral Mining and Dressing

Note: Where compliance with a requirement in a separate exploration permit, mining permit, reclamation plan, Surface Mining Control and Reclamation Act (SMCRA) requirements, etc. will result in you fully meeting any requirement in this Subpart, you are considered to have complied with the relevant requirement in this Subpart. You must include documentation in your SWPPP describing your rationale for concluding that any particular action on your part is sufficient to comply with the corresponding requirement in this Subpart.

8.J.1 Covered Storm Water Discharges. The requirements in Subpart J apply to storm water discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table D-1 of Appendix D of the permit.

8.J.1.1 Covered Discharges from Inactive Facilities. All storm water discharges.

8.J.1.2 Covered Discharges from Active and Temporarily Inactive Facilities. All storm water discharges, except for discharges subject to the existing effluent limitation guideline at NDEE Title 119, Chapter 27, Part 007.34 (40 CFR Part 436).

8.J.1.3 Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities. All storm water discharges.

8.J.1.4 Covered Discharges from Sites Undergoing Reclamation. All storm water discharges.

8.J.2 Limitations on Coverage.

8.J.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) Most storm water discharges subject to an existing effluent limitation guideline at NDEE Title 119, Chapter 27, Part 007.34 (see 40 CFR Part 436) are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

8.J.2.2 Authorized Non-Storm Water Discharges (See also Part 1.1.3) The following non-storm water discharges are only authorized for earth-disturbing activities conducted prior to active mining activities, as defined in Part 8.J.3.1, provided that, with the exception of water used to control dust, these discharges are not routed to areas of exposed soil and all discharges comply with the permit's effluent limits. Once the earth-disturbing activities conducted prior to active mining activities have ceased, the only authorized non-storm water discharges for Sector J are: water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes; and water used to control dust.

8.J.3 Definitions. The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR Part 122.26(b)(14)(iii).

8.J.3.1 Mining operations - For the permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: a) earth-disturbing activities (i.e., exploration, clearing, grading, excavation, and construction) conducted prior to active mining activities; and b) active mining activities, which includes reclamation. "Mining operations" can occur at both inactive mining facilities and temporarily inactive mining facilities.

8.J.3.2 Exploration phase - Entails earth-disturbing activities conducted prior to active mining activities. This includes exploration and land disturbance activities to determine the viability of a site and activities performed for purposes of mine site preparation where active mining has not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants).

8.J.3.3 Construction phase - Consists of the construction of staging areas for structure construction such as to house project personnel and equipment, mill buildings, etc., and the building of site access roads.

8.J.3.4 Active mining phase - Activities including the extraction, removal or recovery, and benefication of non-metallic minerals. Includes the removal of overburden and waste rock to expose mineable minerals. All such activities occur within the "active mining area" as defined at 40 CFR Part 440.132(a), a place where work or other activity related to the extraction, removal or recovery of metal ore is being conducted, except, with respect to surface mines, any area of land on or in which grading has been completed to return the earth to desired contour and reclamation work has begun.

8.J.3.5 Reclamation phase - Activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable Federal, State, and local reclamation requirements. The reclamation phase is considered part of the active mining activities.

A site or portion of a site is considered to have been reclaimed if storm water runoff that comes into contact with: 1) raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards; (2) soil disturbing activities related to mining at the sites or portion of the site have been completed; (3) the site or portion of the site has been stabilized to minimize soil erosion; and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.J.3.6 Active Mineral Mining Facility - A place where work or other activity related to the extraction, removal, or recovery of non-metallic minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR Part 440.132(a).

8.J.3.7 Inactive Mineral Mining Facility - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Federal, State, or local agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial storm water permit.

8.J.3.8 Temporarily Inactive Mineral Mining Facility - A site or portion of a site where non-metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Federal, State or local agency.

8.J.3.9 Final Stabilization - a site or portion of a site is "finally stabilized" when it has implemented all applicable Federal, State, and local reclamation requirements and the site has been returned to a beneficial use.

8.J.4 Technology-Based Effluent Limits Applicable for All Earth-Disturbing Activities. Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.J.4.1 Management Practices for Earth-Disturbing Activities.

8.J.4.1.1 Selecting and installing control measures. For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits.

8.J.4.1.2 Good Housekeeping. (See also Part 2.1.2.2) Litter, debris, and chemicals must be prevented from becoming a pollutant source in storm water discharges.

8.J.4.1.3 Retention and Detention of Storm water Runoff. For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.

8.J.4.2 Inspection of Earth-Disturbing Activities. (See also Part 4)

8.J.4.2.1 Inspection Frequency. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.J.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

8.J.4.2.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the state, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.J.4.2.3 Inspection Reports. (See also Part 4.1) For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

8.J.4.3 Requirements for Cessation of Earth-Disturbing Activities.

8.J.4.3.1 Inspections and Maintenance. Inspections and maintenance of control measures, including any BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining

8.J.4.3.2 Temporary Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid and drought-stricken areas, or during snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased, temporary

vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

8.J.4.3.3 Final Stabilization of Disturbed Areas. Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In semi-arid and drought-stricken areas, or during snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers must be used.

8.J.5 Technology-Based Effluent Limits for Active Mining Activities.

8.J.5.1 Employee Training. Conduct employee training at least annually at active and temporarily inactive sites. (See also Part 2.1.2.9)

8.J.5.2 Storm Water Controls. Apart from the control measures you implement to meet your Part 2 effluent limits, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part 8.J.6.3 shall determine the priority and appropriateness of the control measures selected. For mines subject to dust control requirements under state or county air quality permits, provided the requirements are equivalent, compliance with such air permit dust requirements shall constitute compliance with the dust control effluent limit in Part 2.1.2.11.

Storm Water Diversions: Divert storm water away from potential pollutant sources through implementation of control measures such as the following, where determined feasible (list not exclusive): interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

Capping: When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.

Treatment: If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of storm water is encouraged. Treated storm water may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (NDEE Title 119, Chapter 27, Part 007.34, see 40 CFR Part 436).

8.J.5.3 Certification of Discharge Testing. (See also Part 5.1.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations (e.g., 40 CFR Part 436). Alternately, if applicable, keep this certification with your SWPPP.

8.J.6 Additional SWPPP Requirements. Note: The requirements in Part 8.J.6 are not applicable to inactive mineral mining facilities.

8.J.6.1 Nature of Industrial Activities. (See also Part 5.1.2) Document in your SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.J.6.2 Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit; outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

8.J.6.3 Potential Pollutant Sources. (See also Part 5.1.3) For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

8.J.6.4 Storm Water Controls. To the extent that you use any of the control measures in Part 8.J.5.2, document them in your SWPPP pursuant to Part 5.1.4. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP.

8.J.6.4 Employee Training. All employee training(s) conducted in accordance with Part 8.J.5.1 must be documented with the SWPPP.

8.J.6.5 Certification of Permit Coverage for Commingled Non-Storm Water Discharges. If you determine that you are able to certify, consistent with Part 8.J.5.3, that a particular discharge composed of commingled storm water and non-storm water is covered under a separate NPDES permit, and that permit subjects the non-storm water portion to effluent limitations prior to any commingling, you must retain such certification with your SWPPP. This certification must identify the non-storm water discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-storm water discharge by the permit(s), and the points at which the limitations are applied.

8.J.7 Additional Inspection Requirements. (See also Part 4) Except for earth-disturbing activities conducted as part of the exploration and construction phase, which are subject to Part 8.J.4.2.1, you must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as outstanding waters must be inspected monthly. See Part 8.J.8.1 for inspection requirements for inactive and unstaffed sites.

8.J.8 Sector-Specific Benchmarks. (See also Part 6) Table 8.J-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.J-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

8.J.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring. As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to storm water" in Parts 4.2.3 and 6.2.1.3, respectively. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- NDEE retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an in-stream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.3 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.J-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.J-2

Industrial Activity	Parameter	Effluent Limitation
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 – 9.0 S.U.
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 – 9.0 S.U.
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	45 mg/L, daily maximum
		25 mg/L, monthly average
	pH	6.0 – 9.0 S.U.

8.J.10 Termination of Permit Coverage. A site or a portion of a site that has been released from applicable Federal, State, or local reclamation requirements and has been reclaimed as defined in Part 8.J.3.5 is no longer required to maintain coverage under this permit.

8.K Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities

8.K.1 Covered Storm Water Discharges. The requirements in Subpart K apply to storm water discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

8.K.2 Industrial Activities Covered by Sector K. This permit authorizes storm water discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of Resource Conservation and Recovery Act (RCRA).

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are considered inactive and do not require coverage under this permit.

8.K.3 Limitations on Coverage.

8.K.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.K.4 Definitions.

8.K.4.1 Contaminated storm water **-** storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.K.4.2 Drained free liquids - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.K.4.3 Landfill - an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in NDEE Title 128, *Nebraska Hazardous Waste Regulations* (see also; 40 CFR Parts 257.2, 258.2, and 260.10).

8.K.4.4 Landfill wastewater - as defined in NDEE Title 119, Chapter 27, Part 007.28 (Landfills Point Source Category) (see 40 CFR Part 445), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water, and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.K.4.5 Leachate - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

8.K.4.6 Non-contaminated storm water **-** storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.K.5 Sector-Specific Benchmarks. (See also Part 6) Table 8.K-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.K-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code "HZ". Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Chemical Oxygen Demand (COD	120.0 mg/L
	Total Arsenic	0.34 mg/L
	Total Cadmium[1]	Hardness Dependent
	Total Cyanide	0.0413 mg/ L
	Total Lead[1]	Hardness Dependent
	Total Mercury	0.0014 mg/ L
	Total Selenium	0.0031 mg/L
	Total Silver[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.K.6 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.K-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.K-2[1]

Industrial Activity	Parameter	Effluent Limitation
Discharges from hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart A (see footnote).	Biochemical Oxygen Demand (BOD_5)	220 mg/L, daily maximum
		56 mg/L, monthly average
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly average
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly average
	Alpha Terpineol	0.042 mg/L, daily maximum
		0.019 mg/L, monthly average
	Aniline	0.024 mg/L, daily maximum
		0.015 mg/L, monthly average
	Benzoic Acid	0.119 mg/L, daily maximum
		0.073 mg/L, monthly average
	Naphthalene	0.059 mg/L, daily maximum
		0.022 mg/L, monthly average

Table continued on next page.

Industrial Activity	Parameter	Effluent Limitation
	p-Cresol	0.024 mg/L, daily maximum
		0.015 mg/L, monthly average
	Phenol	0.048 mg/L, daily maximum
		0.029 mg/L, monthly average
	Pyridine	0.072 mg/L, daily maximum
		0.025 mg/L, monthly average
	Total Arsenic	1.1 mg/L, daily maximum
		0.54 mg/L, monthly average
	Total Chromium	1.1 mg/L, daily maximum
		0.46 mg/L, monthly average
	Total Zinc	0.535 mg/L, daily maximum
		0.296 mg/L, monthly average
	pH	6.0 – 9.0 S.U.

[1] Monitor annually. As set forth at 40 CFR Part 445 Subpart A, these numeric limitations apply to contaminated storm water discharges from hazardous waste landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265 (Subpart N) except for any of the following facilities:

(a) landfills operated in conjunction with other industrial or commercial operations when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
(b) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes, provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
(c) landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
(d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

8.L Sector L – Landfills, Land Application Sites, and Open Dumps

8.L.1 Covered Storm Water Discharges. The requirements in Subpart L apply to storm water discharges associated with industrial activity from Landfills, Land Application Sites, and Open Dumps as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

8.L.2 Industrial Activities Covered by Sector L. This permit may authorize storm water discharges for Sector L facilities associated with waste disposal at landfills, land application sites that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

8.L.3 Limitations on Coverage.

8.L.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact wash water from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility. Storm water discharges from open dumps as defined under RCRA are also not authorized under this permit.

8.L.4 Definitions.

8.L.4.1 Contaminated storm water - storm water that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated storm water include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.L.4.2 Drained free liquids - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.L.4.3 Landfill wastewater - as defined in NDEE Title 119, Chapter 27, Part 007.28 (Landfills Point Source Category) (see 40 CFR Part 445) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated storm water; and contact wash water from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.L.4.4 Leachate - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

8.L.4.5 Non-contaminated storm water - storm water that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated storm water includes storm water that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.L.5 Additional Technology-Based Effluent Limits.

8.L.5.1 Preventive Maintenance Program. (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.

8.L.5.2 Erosion and Sedimentation Control. (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.

8.L.5.3 Unauthorized Discharge Test Certification. (See also Part 5.1.3.4) The discharge test and certification must also be conducted for the presence of leachate and vehicle wash water.

8.L.6 Additional SWPPP Requirements.

8.L.5.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

8.L.5.2 Summary of Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

8.L.7 Additional Inspection Requirements. (See also Part 4)

8.L.7.1 Inspections of Active Sites. Except in semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is semi-arid, conduct inspections at least once every month.

8.L.7.2 Inspections of Inactive Sites. Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

8.L.8 Additional Post-Authorization Documentation Requirements.

8.L.8.1 Recordkeeping and Internal Reporting. Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas.

8.L.9 Sector-Specific Benchmarks. (See also Part 6) Table 8.L-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.L-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector L1. All Landfill, Land Application Sites and Open Dumps (Industrial Activity Code "LF")	Total Suspended Solids (TSS)	100 mg/L

[1]Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2 below).

8.L.10. Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.L-2 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.L-2[1]		
Industrial Activity	**Parameter**	**Effluent Limitation**
Discharges from non-hazardous waste landfills subject to effluent limitations in 40 CFR Part 445 Subpart B (see footnote).	Biochemical Oxygen Demand (BOD_5)	140 mg/L, daily maximum
		37 mg/L, monthly average
	Total Suspended Solids (TSS)	88 mg/L, daily maximum
		27 mg/L, monthly average
	Ammonia	10 mg/L, daily maximum
		4.9 mg/L, monthly average
	Alpha Terpineol	0.033 mg/L, daily maximum
		0.016 mg/L, monthly average
	Benzoic Acid	0.12 mg/L, daily maximum
		0.071 mg/L, monthly average
	p-Cresol	0.025 mg/L, daily maximum
		0.014 mg/L, monthly average
	Phenol	0.026 mg/L, daily maximum
		0.015 mg/L, monthly average
	Total Zinc	0.20 mg/L, daily maximum
		0.11mg/L, monthly average
	pH	6.0 – 9.0 S.U.

[1] Monitor annually. As set forth at 40 CFR Part 445 Subpart B, these numeric limitations apply to contaminated storm water discharges from MSWLFs that have not been closed in accordance with 40 CFR Part 258.60, and to contaminated storm water discharges from those landfills that are subject to the provisions of 40 CFR Part 257 except for discharges from any of the following facilities:

(a) landfills operated in conjunction with other industrial or commercial operations, when the landfill receives only wastes generated by the industrial or commercial operation directly associated with the landfill;
(b) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes generated by the industrial or commercial operation directly associated with the landfill and also receives other wastes,

Continued on next page.

provided that the other wastes received for disposal are generated by a facility that is subject to the same provisions in 40 CFR Subchapter N as the industrial or commercial operation or that the other wastes received are of similar nature to the wastes generated by the industrial or commercial operation;
(c) landfills operated in conjunction with CWT facilities subject to 40 CFR Part 437, so long as the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A landfill directly associated with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater separately from other CWT wastewater or commingles the wastewater from its landfill only with wastewater from other landfills; or
(d) landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities, so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

8.M Sector M – Automobile Salvage Yards

8.M.1 Covered Storm Water Discharges. The requirements in Subpart M apply to storm water discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

8.M.2 Additional Technology-Based Effluent Limits.

8.M.2.1 Spill and Leak Prevention Procedures. (See also Part 2.1.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as practicable), or employ some other equivalent means to prevent spills and leaks.

8.M.2.2 Employee Training. (See also Part 2.1.2.9) If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

8.M.2.3 Management of Runoff. (See also Part 2.1.2.6) Implement control measures to minimize discharges of pollutants in runoff such as the following, where determined feasible (list not exclusive): berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

8.M.3 Additional SWPPP Requirements.

8.M.3.1 Drainage Area Site Map. (See also Part 5.1.2) Identify locations used for dismantling, storing, and maintaining used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.

8.M.3.2 Potential Pollutant Sources. (See also Part 5.1.3) Assess the potential for the following to contribute pollutants to storm water discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

8.M.4 Additional Inspection Requirements. (See also Part 4.1) Immediately (or as soon thereafter as practicable) inspect vehicles arriving at the site for leaks. Inspect quarterly for signs of leakage: all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage: all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

8.M.5 Sector-Specific Benchmarks. (See also Part 6) Table 8.M-1 identifies benchmarks that apply to Sector M. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.M-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/ L
	Total Lead[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.N Sector N – Scrap Recycling and Waste Recycling Facilities

8.N.1 Covered Storm Water Discharges. The requirements in Subpart N apply to storm water discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

8.N.2 Limitation on Coverage. Separate permit requirements have been established for recycling facilities that only receive, process, and do wholesale distribution of only source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF) (see Part 8.N.3.3).

8.N.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) Non-storm water discharges from turnings containment areas are not covered by this permit (see also Part 8.N.3.1.3). Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate NPDES permit.

8.N.3 Additional Technology-Based Effluent Limits.

8.N.3.1 Scrap and Waste Recycling Facilities (Non-Source Separated, Nonliquid Recyclable Materials). The following requirements are for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

8.N.3.1.1 Inbound Recyclable and Waste Material Control Program. Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Also through implementation of control measures such as the following, where determined feasible (list not exclusive): providing information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums), and removal of mercury switches from vehicles before delivery to your facility; establishing procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; establishing procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 8.N.3.1.6); providing training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and establishing procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with RCRA.

8.N.3.1.2 Scrap and Waste Material Stockpiles and Storage (Outdoor). Minimize contact of storm water runoff with stockpiled materials, processed materials, and nonrecyclable wastes through implementation of control measures such as the following, where determined feasible (list not exclusive): permanent or semi-permanent covers; sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; and oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).

8.N.3.1.3 Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage). Minimize contact of surface runoff with residual cutting fluids by storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with storm water run-on. Storm water runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

8.N.3.1.4 Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage). Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff through implementation of control measures such as the following, where determined feasible (list not exclusive): good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, and mercury spill kits for spills from storage of mercury switches; not allowing wash water from tipping floors or other processing areas to discharge to the storm sewer system; and disconnecting or sealing off all floor drains connected to the storm sewer system.

8.N.3.1.5 Scrap and Recyclable Waste Processing Areas. Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). To minimize discharges of pollutants in storm water from scrap and recyclable waste processing areas, implement control measures such as the following, where determined to be feasible (list not exclusive): regularly inspecting equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; establishing a preventive maintenance program for processing equipment; using dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; implementing containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of storm water runoff with outdoor processing equipment or stored materials; using oil and water separators or sumps; installing permanent or semi-permanent covers in processing areas where there are residual fluids and grease; and using retention or detention ponds or basins, sediment traps, vegetated swales or strips, and/or catch basin filters or sand filters for pollutant settling and filtration.

8.N.3.1.6 Scrap Lead-Acid Battery Program. To minimize the discharge of pollutants in storm water from lead-acid batteries properly handle, store, and dispose of scrap lead-acid batteries, and implement control measures such as the following, where determined to be feasible (list not exclusive): segregating scrap lead-acid batteries from other scrap materials; properly handling, storing, and disposing of cracked or broken batteries; collecting and disposing of leaking lead-acid battery fluid; minimizing or eliminating (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and providing employee training for the management of scrap batteries.

8.N.3.1.7 Spill Prevention and Response Procedures. (See also Part 2.1.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs

exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

8.N.3.1.8 Supplier Notification Program. As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

8.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).

8.N.3.2.1 Waste Material Storage (Indoor). Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. To minimize discharges of pollutants in storm water from indoor waste material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): implementing procedures for material handling (including labeling and marking); cleaning up spills and leaks with dry absorbent materials and/or a wet vacuum system; installing appropriate containment structures (trenching, curbing, gutters, etc.); and installing a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate NPDES wastewater permit or industrial user permit under the pretreatment program.

8.N.3.2.2 Waste Material Storage (Outdoor). Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of storm water from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. To minimize discharges of pollutants in storm water from outdoor waste material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): installing appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; installing drainage control and other diversionary structures; installing corrosion protection and/or leak detection systems for storage tanks; and using dry-absorbent materials and/or a wet vacuum system to collect spills.

8.N.3.2.3 Trucks and Rail Car Waste Transfer Areas. Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. To minimize discharges of pollutants in storm water from truck and rail car waste transfer areas, implement control measures such as the following, where determined to be feasible (list not exclusive): installing containment and diversionary structures to minimize contact with precipitation or runoff; and using dry clean-up methods, wet vacuuming, roof coverings, and/or runoff controls.

8.N.3.3 Recycling Facilities (Source-Separated Materials). The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

8.N.3.3.1 Inbound Recyclable Material Control. Minimize the chance of accepting nonrecyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Also through the implementation of control measures such as the following, where determined to be feasible (list not

exclusive): providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials; training drivers responsible for pickup of recycled material; clearly marking public drop-off containers regarding which materials can be accepted; rejecting nonrecyclable wastes or household hazardous wastes at the source; and establishing procedures for handling and disposal of nonrecyclable material.

8.N.3.3.2 Outdoor Storage. Minimize exposure of recyclables to precipitation and runoff by using good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Also through implementation of control measure such as the following, where determined to be feasible (list not exclusive): providing totally enclosed drop-off containers for the public; installing a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; providing dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); diverting surface water runoff away from outside material storage areas; providing covers over containment bins, dumpsters, and roll-off boxes; and storing the equivalent of one day's volume of recyclable material indoors.

8.N.3.3.3 Indoor Storage and Material Processing. Minimize the release of pollutants from indoor storage and processing areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): scheduling routine good housekeeping measures for all storage and processing areas; prohibiting tipping floor wash water from draining to the storm sewer system; and providing employee training on pollution prevention practices.

8.N.3.3.4 Vehicle and Equipment Maintenance. Minimize the discharge of pollutants in storm water from areas where vehicle and equipment maintenance occur outdoors through implementation of control measures such as the following, where determined to be feasible (list not exclusive): prohibit vehicle and equipment wash water from discharging to the storm sewer system; minimizing or eliminating outdoor maintenance areas; establishing spill prevention and clean-up procedures in fueling areas; avoiding topping off fuel tanks; diverting runoff from fueling areas; storing lubricants and hydraulic fluids indoors; and providing employee training on proper handling and storage of hydraulic fluids and lubricants.

8.N.4 Additional SWPPP Requirements.

8.N.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage; outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

8.N.4.2 Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities. If you are subject to Part 8.N.3.1.3, your SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

8.N.5 Additional Inspection Requirements.

8.N.5.1 Inspections for Waste Recycling Facilities. The inspections must be performed quarterly, pursuant to Part 4.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or storm water runoff.

8.N.6 Sector-Specific Benchmarks. (See also Part 6) Table 8.N-1 identifies benchmarks that apply to Sector N. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.N-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except those only receiving source-separated recyclable materials primarily from non-industrial and residential sources (SIC 5093)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/ L
	Total Copper	Hardness Dependent
	Total Lead[1]	Hardness Dependent
	Total Recoverable Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.O Sector O – Steam Electric Generating Facilities

8.O.1 Covered Storm Water Discharges. The requirements in Subpart O apply to storm water discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

8.O.2 Industrial Activities Covered by Sector O. This permit authorizes storm water discharges from the following industrial activities at Sector O facilities:

8.O.2.1 *Steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas (does not include geothermal power);*

8.O.2.2 *Coal pile runoff, including effluent limitations established at NDEE Title 119, Chapter 27, Part 007.51 (see 40 CFR Part 423); and*

8.O.2.2 *Dual fuel facilities that could employ a steam boiler.*

8.O.3 Limitations on Coverage.

8.O.3.1 Prohibition of Non-Storm Water Discharges. Non-storm water discharges subject to effluent limitations guidelines are not covered by this permit.

8.O.3.2 Prohibition of Storm Water Discharges. Storm water discharges from the following are not covered by this permit:

8.O.3.2.1 Ancillary facilities (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;

8.O.3.2.2 Gas turbine facilities (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

8.O.3.2.3 Cogeneration (combined heat and power) facilities utilizing a gas turbine.

8.O.4 Additional Technology-Based Effluent Limits. The following good housekeeping measures are required in addition to Part 2.1.2.2:

8.O.4.1 Fugitive Dust Emissions. Minimize fugitive dust emissions from coal handling areas to minimize the tracking of coal dust offsite that could be discharged in storm water through implementation of control measures such as the following, where determined feasible (list not exclusive): installing specially designed tires; and washing vehicles in a designated area before they leave the site and controlling the wash water.

8.O.4.2 Delivery Vehicles. Minimize contamination of storm water runoff from delivery vehicles arriving at the plant site. Implement procedures to inspect delivery vehicles arriving at the plant site as necessary to minimize discharges of pollutants in storm water. Ensure the overall integrity of the body or container of the delivery vehicle and implement procedures to deal with leakage or spillage from delivery vehicles or containers.

8.O.4.3 Fuel Oil Unloading Areas. Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Use containment curbs in unloading areas where feasible. In addition, ensure personnel familiar with spill prevention and response procedures are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

8.O.4.4 Chemical Loading and Unloading. Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Use containment curbs at chemical loading and unloading areas to contain spills, where practicable. In addition, ensure personnel familiar

with spill prevention and response are available to respond expeditiously in the event of a leak or spill during deliveries. Ensure that any leaks or spills are immediately contained and cleaned up; and where practicable, load and unload in covered areas and store chemicals indoors.

8.O.4.5 Miscellaneous Loading and Unloading Areas. Minimize contamination of precipitation or surface runoff from loading and unloading areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.

8.O.4.6 Liquid Storage Tanks. Minimize contamination of surface runoff from above-ground liquid storage tanks through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using protective guards around tanks; using containment curbs; installing spill and overflow protection; using dry cleanup methods; or equivalent measures.

8.O.4.7 Large Bulk Fuel Storage Tanks. Minimize contamination of surface runoff from large bulk fuel storage tanks by using containment berms (or their equivalent). You must also comply with applicable State and Federal laws, including SPCC Plan requirements.

8.O.4.8 Spill Reduction Measures. Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to storm water, and make any necessary repairs immediately.

8.O.4.9 Oil-Bearing Equipment in Switchyards. Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Use level grades and gravel surfaces to retard flows and limit the spread of spills, or collect runoff in perimeter ditches.

8.O.4.10 Residue-Hauling Vehicles. Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.

8.O.4.11 Ash Loading Areas. Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water as necessary to minimize discharges of pollutants in storm water.

8.O.4.12 Areas Adjacent to Disposal Ponds or Landfills. Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.

8.O.4.13 Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites. Minimize the potential for contamination of runoff from these areas.

8.O.5 Additional SWPPP Requirements.

8.O.5.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

8.O.5.2 Documentation of Good Housekeeping Measures. You must document in your SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 8.O.4.

8.O.6 Additional Inspection Requirements. (See also Part 4.1) As part of your inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

8.O.7 Effluent Limitations Based on Effluent Limitations Guidelines. (See also 6.2.3) Table 8.O-1 identifies effluent limitations that apply to the industrial activities described below. Compliance with these effluent limitations is to be determined based on discharges from these industrial activities independent of commingling with any other waste streams that may be covered under this permit.

Table 8.O-1

Industrial Activity	Parameter	Effluent Limitation
Discharges from coal storage piles at Steam Electric Generating Facilities	Total Suspended Solids (TSS)	50.0 mg/L[1]
	pH	6.0 – 9.0 S.U.[1]

[1] Any untreated overflow from facilities designed, constructed, and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the TSS limitations.

8.P Sector P – Land Transportation and Warehousing

8.P.1 Covered Storm Water Discharges. The requirements in Subpart P apply to storm water discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table D-1 of Appendix D of the permit.

8.P.2 Limitation on Coverage.

8.P.2.1 Prohibited Discharges (see also Parts 1.1.4 and 8.P.3.1.4) This permit does not authorize the discharge of vehicle/equipment/surface wash water, including tank cleaning operations. Such discharges must be authorized under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

8.P.3 Additional Technology-Based Effluent Limits.

8.P.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2) In addition to the Good Housekeeping requirements in Part 2.1.2.2, you must do the following:

8.P.3.1.1 Vehicle and Equipment Storage Areas. Minimize the potential for storm water exposure to leaky or leak-prone vehicles/equipment awaiting maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using drip pans under vehicles/equipment; storing vehicles and equipment indoors; installing berms or dikes; using absorbents; roofing or covering storage areas; and cleaning pavement surfaces to remove oil and grease.

8.P.3.1.2 Fueling Areas. Minimize contamination of storm water runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

8.P.3.1.3 Material Storage Areas. Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of storm water and plainly label them (e.g., "Used Oil," "Spent Solvents," etc.). To minimize discharges of pollutants in storm water from material storage areas, implement control measures such as the following, where determined to be feasible (list not exclusive): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

8.P.3.1.4 Vehicle and Equipment Cleaning Areas. Minimize contamination of storm water runoff from all areas used for vehicle/equipment cleaning through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all cleaning operations indoors; covering the cleaning operation; ensuring that all wash water drains to a proper collection system (i.e., not the storm water drainage system); treating and/or recycling collected wash water; or other equivalent measures. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.P.3.1.5 Vehicle and Equipment Maintenance Areas. Minimize contamination of storm water runoff from all areas used for vehicle/equipment maintenance through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods;

treating and/or recycling collected storm water runoff; and minimizing run-on/runoff of storm water to maintenance areas.

8.P.3.1.6 Locomotive Sanding (Loading Sand for Traction) Areas. Minimize discharges of pollutants in storm water from locomotive sanding areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering sanding areas; minimizing storm water run-on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by storm water.

8.P.3.2 Employee Training. (See also Part 2.1.2.9) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

8.P.4 Additional SWPPP Requirements.

8.P.4.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

8.P.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Assess the potential for the following activities and facility areas to contribute pollutants to storm water discharges: onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections between shop floor drains and the storm water conveyance system(s); and fueling areas. Describe these activities in the SWPPP.

8.P.4.3 Description of Good Housekeeping Measures. You must document in your SWPPP the good housekeeping measures you implement consistent with Part 8.P.3.

8.P.4.4 Vehicle and Equipment Wash Water Requirements. If applicable, attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment wash water or, if an NPDES permit has not been issued, a copy of the pending application. If wash water is handled in a manner that does not involve separate NPDES permitting (e.g., hauled offsite), describe the disposal method and include all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.P.5 Additional Inspection Requirements. (See also Part 4.1) Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance; fueling areas; indoor and outdoor vehicle/equipment maintenance areas; material storage areas; vehicle/equipment cleaning areas; and loading/unloading areas.

8.Q Sector Q – Water Transportation

8.Q.1 Covered Storm Water Discharges. The requirements in Subpart Q apply to storm water discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table D-1 of Appendix D of the permit.

8.Q.2 Limitations on Coverage.

8.Q.2.1 Prohibition of Non-Storm water Discharges. (See also Part 1.1.4) Discharges from vessels are not covered by this permit including: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water. Any discharges of pollutants from a point source to waters of the state requires coverage under an NPDES permit.

8.Q.3 Additional Technology-Based Effluent Limits.

8.Q.3.1 Good Housekeeping Measures. You must implement the following good housekeeping measures in addition to the requirements of part 2.1.2.2:

8.Q.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressures washing area so that they are not co-mingled with storm water discharges authorized by this permit.

8.Q.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into receiving waters or the storm sewer systems. Contain all blasting and painting activities, or use other measures, to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

8.Q.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and contain, enclose, or use other measures for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.Q.3.1.4 Engine Maintenance and Repair Areas. Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area.

8.Q.3.1.5 Material Handling Area. Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing runoff of storm water to material handling areas.

8.Q.3.1.6 Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock.

Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. To minimize discharges of pollutants in storm water from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding; and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

8.Q.3.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management; spent solvent management; disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.

8.Q.3.3 Preventive Maintenance. (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.Q.4 Additional SWPPP Requirements.

8.Q.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

8.Q.4.2 Summary of Potential Pollutant Sources. (See also Part 5.1.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

8.Q.5 Additional Inspection Requirements. (See also Part 4.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.Q.6 Sector-Specific Benchmarks. (See also Part 6) Table 8.Q-1 identifies benchmarks that apply to Sector Q. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.Q-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Lead[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.R Sector R – Ship and Boat Building and Repair Yards

8.R.1 Covered Storm Water Discharges. The requirements in Subpart R apply to storm water discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

8.R.2 Limitations on Coverage.

8.R.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) Discharges from vessels are not covered by this permit including: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water.

8.R.3 Additional Technology-Based Effluent Limits.

8.R.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.R.3.1.1 Pressure Washing Area. If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate NPDES permit.

8.R.3.1.2 Blasting and Painting Area. Minimize the potential for spent abrasives, paint chips, and overspray to be discharged into the receiving water or the storm sewer systems. Consider containing all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean storm water conveyances of deposits of abrasive blasting debris and paint chips.

8.R.3.1.3 Material Storage Areas. Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Implement an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.R.3.1.4 Engine Maintenance and Repair Areas. Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair through implementation of control measures such as the following, where determined to be feasible (list not exclusive): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting the practice of hosing down the shop floor; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the maintenance area.

8.R.3.1.5 Material Handling Area. Minimize the discharge of pollutants in storm water from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing storm water run-on to material handling areas.

8.R.3.1.6 Drydock Activities. Routinely maintain and clean the drydock to minimize pollutants in storm water runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. To minimize discharges of pollutants in storm water from drydock activities, implement control measures such as the following, where determined to be feasible (list not exclusive): sweeping rather than hosing off debris and spent blasting material from

accessible areas of the drydock prior to flooding; and having absorbent materials and oil containment booms readily available to clean up and contain any spills.

8.R.3.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management; spent solvent management; disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.

8.R.3.3 Preventive Maintenance. (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of storm water management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.R.4 Additional SWPPP Requirements.

8.R.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

8.R.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

8.R.4.3 Documentation of Good Housekeeping Measures. Document in your SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 8.R.3.

8.R.4.3.1 Blasting and Painting Areas. Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

8.R.4.3.2 Storage Areas. Specify in your SWPPP which materials are stored indoors; and contain, enclose, or use other measures for those stored outdoors.

8.R.5 Additional Inspection Requirements. (See also Part 4.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.S Sector S – Air Transportation

8.S.1 Covered Storm Water Discharges. The requirements in Subpart S apply to storm water discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit.

8.S.2 Limitation on Coverage.

8.S.2.1 Limitations on Coverage. This permit authorizes storm water discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

Note: the term "deicing" in this permit will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made otherwise.

8.S.2.2 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4 and Part 8.S.4.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment wash waters; nor the dry weather discharge of deicing chemicals. Such discharges must be covered by separate NPDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge.

8.S.3 Additional Technology-Based Effluent Limits.

8.S.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.S.3.1.1 Aircraft, Ground Vehicle and Equipment Maintenance Areas. Minimize the contamination of storm water runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers) through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the storm water runoff from the maintenance area and providing treatment or recycling.

8.S.3.1.2 Aircraft, Ground Vehicle and Equipment Cleaning Areas. (See also Part 8.S.3.1.6) Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of storm water runoff from cleaning areas.

8.S.3.1.3 Aircraft, Ground Vehicle and Equipment Storage Areas. Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and implement control measures to minimize the discharge of pollutants in storm water from these storage areas where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

8.S.3.1.4 Material Storage Areas. Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition to prevent or minimize contamination of storm water. Also plainly label the vessels (e.g., "used oil," "Contaminated Jet A," etc.). To minimize contamination of precipitation/runoff from these areas implement control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints,

and flight considerations (list not exclusive): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.

8.S.3.1.5 Airport Fuel System and Fueling Areas. Minimize the discharge of pollutants in storm water from airport fuel system and fueling areas through implementation of control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting storm water runoff. If you have implemented a SPCC plan, you may cite relevant aspects that comply with the requirements of this section in you SWPPP.

8.S.3.1.6 Source Reduction. Consistent with safety considerations, minimize, and where feasible eliminate, the use of urea and glycol-based deicing chemicals, to reduce the aggregate amount of deicing chemicals used that could add pollutants to storm water discharges. Chemical options to replace pavement deicers (urea or glycol) include (list not exclusive): potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.

- *Runway Deicing Operatio*n. To minimize the discharge of pollutants in storm water from runway deicing operations, implement source reduction control measures such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight consideration (list not exclusive): metered application of chemicals; pre-wetting dry chemical constituents prior to application; installing a runway ice detection system; implementing anti-icing operations as a preventive measure against ice buildup; heating sand; and product substitution.
- *Aircraft Deicing Operations.* Minimize the discharge of pollutants in storm water from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. Determine whether alternatives to glycol and whether containment measures for applied chemicals are feasible. Implement control measures for reducing deicing fluid such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): forced-air deicing systems; computer-controlled fixed-gantry systems; infrared technology; hot water; varying glycol content to air temperature; enclosed-basket deicing trucks; mechanical methods; solar radiation; hangar storage; aircraft covers; and thermal blankets for MD-80s and DC-9s. Also consider using ice-detection systems, airport traffic flow strategies, and departure slot allocation systems where feasible. The evaluations and determinations required by this Part should be carried out by the personnel most familiar with the particular aircraft and flight operations and related systems in question (versus an outside entity such as the airport authority).

8.S.3.1.7 Management of Runoff. (See also 2.1.2.6) Where deicing operations occur, implement a program to control or manage contaminated runoff to minimize the discharge of pollutants in storm water such as the following, where determined to be feasible and that accommodate considerations of safety, space, operational constraints, and flight considerations (list not exclusive): installing a centralized deicing pad to recover deicing fluid following application; plug-and-pump (PnP); using vacuum/collection trucks (glycol recovery vehicles); storing contaminated storm water/deicing fluids in tanks; recycling collected deicing fluid where feasible; releasing controlled amounts to a publicly owned treatment works; mechanical systems (snow plows, brushes); separation of contaminated snow; conveying contaminated runoff into a

storm water impoundment for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations); directing runoff into vegetative swales or other infiltration measures; and pollution prevention practices such as ice detection systems, and airfield prewetting.

When applying deicing fluids during non-precipitation events (also referred to as "clear ice deicing"), implement control measures to prevent unauthorized discharge of pollutants (dry-weather discharges of pollutants would need coverage under an NPDES wastewater permit), or to minimize the discharge of pollutants from deicing fluids in later storm water discharges, implement control measures such as the following, where determined to be feasible and that accommodate considerations safety, space, operational constraints, and flight considerations (list not exclusive): recovering deicing fluids and recycling whenever practicable; preventing the fluids from entering storm sewers or other storm water discharge conveyances (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains); and releasing controlled amounts to a publicly owned treatment works.

8.S.3.2 Deicing Season. You must determine the seasonal timeframe (e.g., October - April) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If you meet the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season you identified is the timeframe during which you must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH. See also Part 8.S.6.

8.S.4 Additional SWPPP Requirements. An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from its own areas of the airport, prior to authorization, that SWPPP must be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in storm water discharges associated with industrial activity.

8.S.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; and storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

8.S.4.2 Potential Pollutant Sources. (See also Part 5.1.3) In the inventory of exposed materials, describe the potential for the following activities and facility areas to contribute pollutants to storm water discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; and aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If deicing chemicals are used, you must maintain a record of the types (including the Safety Data Sheets [SDS]) used and the monthly quantities, either as measured or, in the absence of metering, using best estimates. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Deicing operators must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.

8.S.4.3 Vehicle and Equipment Wash Water Requirements. Attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment wash water or, if an NPDES permit has not been issued, a copy of the pending application. If wash water is handled in manner

that does not involve separate NPDES permitting (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent information (e.g., frequency, volume, destination, etc.) in your SWPPP. Discharges of vehicle and equipment wash water are not authorized by this permit for this sector.

8.S.4.4 Documentation of Control Measures Used for Management of Runoff. Document in your SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

8.S.5 Additional Inspection Requirements.

8.S.5.1 Inspections. (See also Part 4.1) At a minimum conduct routine facility inspections at least monthly during the deicing season (e.g., October - April). If your facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Director may specifically require you to increase inspection frequencies.

8.S.5.2 Comprehensive Site Inspections. (See also Part 4.3) Using only qualified personnel, conduct your annual site inspection during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

8.S.6 Sector-Specific Benchmarks. (See also Part 6) Table 8.S-1 identifies benchmarks that apply to Sector S. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.S-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of pure glycol in glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor these parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Biochemical Oxygen Demand (BOD5)[1]	30.0 mg/L
	Chemical Oxygen Demand (COD)[1]	120.0 mg/L
	Ammonia[1]	2.14 mg/L
	pH[1]	6.0 - 9.0 S.U.

[1] These are deicing-related parameters. Collect the four benchmark samples, and any required follow-up benchmark samples, during the timeframe defined in Part 8.S.3.2 when deicing activities are occurring.

8.S.7 Effluent Limitations Based on Effluent Limitations Guidelines and New Source Performance Standards. (See also 6.2.3)

8.S.7.1 Airfield Pavement Deicing. For both existing and new "primary airports" (as defined at 40 CFR Part 449.2) with 1,000 or more annual non-propeller aircraft departures that discharge storm water from airfield pavement deicing activities, there shall be no discharge of airfield pavement deicers containing urea. To comply with this limitation, such airports must do one of the following: certify annually and maintain with your SWPPP that you do not use pavement deicers containing urea, or meet the effluent limitation in Table 8.S-3.

8.S.7.2 Aircraft Deicing. Airports that are both "primary airports" (as defined at 40 CFR Part 449.2) and new sources ("new airports") with 1,000 or more annual non-propeller aircraft departures must meet the applicable requirements for aircraft deicing at 40 CFR Part 449.11 (a).

Discharges of the collected aircraft deicing fluid directly to waters of the state are not eligible for coverage under this permit.

8.S.7.3 Monitoring, Reporting, and Recordkeeping. For new and existing airports subject to the effluent limitations in part 8.S.7.1 or 8.S.7.2 of the permit, you must comply with applicable monitoring, reporting, and recordkeeping requirements outlined in 40 CFR Part 449.20.

Table 8.S-2

Industrial Activity	**Parameter**	**Effluent Limitation**
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Ammonia as Nitrogen	14.7 mg/L, daily maximum

8.T Sector T – Treatment Works

8.T.1 Covered Storm Water Discharges. The requirements in Subpart T apply to storm water discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

8.T.2 Industrial Activities Covered by Sector T. This permit authorizes storm water discharges from all existing point source storm water discharges associated with the following activities: treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more.

The following are not required to have permit coverage: farmlands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

8.T.3 Limitations on Coverage.

8.T.3.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) Sanitary and industrial wastewater and equipment and vehicle wash water are not authorized by this permit.

8.T.4 Additional Technology-Based Effluent Limits.

8.T.4.1 Control Measures. (See also Part 2.1.2) To minimize the discharge of pollutants in storm water, implement control measures such as the following, where determined to be feasible (list not exclusive): routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

8.T.4.2 Employee Training. (See also Part 2.1.2.9) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

8.T.5 Additional SWPPP Requirements.

8.T.5.1 Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

8.T.5.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

8.T.5.3 Wastewater and Wash Water Requirements. Keep a copy of all your current NPDES permits issued for wastewater and industrial, vehicle and equipment wash water discharges or, if an NPDES permit has not yet been issued, a copy of the pending application(s) with your SWPPP. If wastewater and/or vehicle and equipment wash water is handled in another manner (e.g., hauled offsite, retained onsite), the disposal method must be described and all pertinent information (e.g., frequency, volume, destination) must be included in your SWPPP. Discharges of vehicle and equipment wash water, including tank cleaning operations, are not authorized by this permit for this sector.

8.T.6 Additional Inspection Requirements. (See also Part 4.1) Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

8.U Sector U – Food and Kindred Products

8.U.1 Covered Storm Water Discharges. The requirements in Subpart U apply to storm water discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

8.U.2 Limitations on Coverage.

8.U.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown; cooling tower overflow and blowdown; ammonia refrigeration purging; and vehicle washing and clean-out operations.

8.U.3 Additional Technology-Based Limitations.

8.U.3.1 Employee Training. (See also Part 2.1.2.9) Address pest control in your employee training program.

8.U.4 Additional SWPPP Requirements.

8.U.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

8.U.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

8.U.5 Additional Inspection Requirements. (See also Part 4.1) Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to storm water exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

8.U.6 Sector-Specific Benchmarks. (See also Part 6) Table 8.U-1 identifies benchmarks that apply to the specific subsectors of Sector U. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.U-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD_5)	30.0 mg/L
	Chemical Oxygen Demand (COD)	120.0 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.V Sector V – Textile Mills, Apparel, and Other Fabric Products

8.V.1 Covered Storm Water Discharges. The requirements in Subpart V apply to storm water discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

8.V.2 Limitations on Coverage.

8.V.2.1 Prohibition of Non-Storm Water Discharges. (See also Part 1.1.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process); reused or recycled water; and waters used in cooling towers. If you have these types of discharges from your facility, you must cover them under a separate NPDES permit.

8.V.3 Additional Technology-Based Limitations

8.V.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.V.3.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of wash water from these cleanings properly.

8.V.3.1.2 Material Handling Areas. Minimize contamination of storm water runoff from material handling operations and areas through implementation of control measures such as the following, where determined to be feasible: using spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

8.V.3.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible: covering the fueling area; using spill and overflow protection; minimizing run-on of storm water to the fueling areas; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the fueling area.

8.V.3.1.4 Above-Ground Storage Tank Area. Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves, through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regular cleanup of these areas; including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of storm water from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

8.V.3.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters; solvents management; proper disposal of dyes; proper disposal of petroleum products and spent lubricants; spill prevention and control; fueling procedures; and general good housekeeping practices.

8.V.4 Additional SWPPP Requirements.

8.V.4.1 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

8.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas. Document in the SWPPP your containment area or enclosure for materials stored outdoors in connection with Part 8.V.3.1.1 above.

8.V.5 Additional Inspection Requirements. (See also Part 4.1) Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines; spill prevention; good housekeeping practices; management of process waste products; and all structural and nonstructural management practices.

8.W Sector W – Furniture and Fixtures

8.W.1 Covered Storm Water Discharges. The requirements in Subpart W apply to storm water discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table D-1 of Appendix D of the permit.

8.W.2 Additional SWPPP Requirements.

8.W.2.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

8.X Sector X – Printing and Publishing

8.X.1 Covered Storm Water Discharges. The requirements in Subpart X apply to storm water discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table D-1 of Appendix D of the permit.

8.X.2 Additional Technology-Based Effluent Limits.

8.X.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.X.2.1.1 Material Storage Areas. Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the storm water runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances.

8.X.2.1.2 Material Handling Area. Minimize contamination of storm water runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials) through implementation of control measures such as the following, where determined to be feasible (list not exclusive): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

8.X.2.1.3 Fueling Areas. Minimize contamination of storm water runoff from fueling areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the fueling area; using spill and overflow protection; minimizing runoff of storm water to the fueling areas; using dry cleanup methods; and treating and/or recycling storm water runoff collected from the fueling area.

8.X.2.1.4 Above Ground Storage Tank Area. Minimize contamination of the storm water runoff from above-ground storage tank areas, including the associated piping and valves through implementation of control measures such as the following, where determined to be feasible (list not exclusive): regularly cleaning these areas, explicitly addressing tanks, piping and valves in the SPCC program; minimizing storm water runoff from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

8.X.2.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management; spill prevention and control; used oil management; fueling procedures; and general good housekeeping practices.

8.X.3 Additional SWPPP Requirements.

8.X.3.1 Description of Good Housekeeping Measures for Material Storage Areas. In connection with Part 8.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

8.Y Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries

8.Y.1 Covered Storm Water Discharges. The requirements in Subpart Y apply to storm water discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table D-1 of Appendix D of the permit.

8.Y.2 Additional Technology-Based Effluent Limits.

8.Y.2.1 Controls for Rubber Manufacturers. (See also Part 2.1.2) Minimize the discharge of zinc in your storm water discharges. Parts 8.Y.2.1.1 to 8.Y.2.1.5 give possible sources of zinc to be reviewed and list control measures to be implemented where determined feasible. Implement additional control measures such as the following, where determined feasible (list not exclusive): using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize "puffing" losses when the container is opened; and using automatic dispensing and weighing equipment.

8.Y.2.1.1 Zinc Bags. Ensure proper handling and storage of zinc bags at your facility through implementation of control measures such as the following, where determined to be feasible (list not exclusive): employee training on the handling and storage of zinc bags; indoor storage of zinc bags; cleanup of zinc spills without washing the zinc into the storm drain; and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

8.Y.2.1.2 Dumpsters. Minimize discharges of zinc from dumpsters through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering the dumpster; moving the dumpster indoors; and providing a lining for the dumpster.

8.Y.2.1.3 Dust Collectors and Baghouses. Minimize contributions of zinc to storm water from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

8.Y.2.1.4 Grinding Operations. Minimize contamination of storm water as a result of dust generation from rubber grinding operations. Where determined to be feasible, install a dust collection system.

8.Y.2.1.5 Zinc Stearate Coating Operations. Minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. Where determined feasible, use alternative compounds to zinc stearate.

8.Y.2.2 Controls for Plastic Products Manufacturers. Minimize the discharge of plastic resin pellets in your storm water discharges through implementation of control measures such as the following, where determined to be feasible (list not exclusive): minimizing spills; cleaning up of spills promptly and thoroughly; sweeping thoroughly; pellet capturing; employee education; and disposal precautions.

8.Y.3 Additional SWPPP Requirements.

8.Y.3.1 Potential Pollutant Sources for Rubber Manufacturers. (See also Part 5.1.3) Document in your SWPPP the use of zinc at your facility and the possible pathways through which zinc may be discharged in storm water runoff.

8.Y.4 Sector-Specific Benchmarks. (See also Part 6) Table 8.Y-1 identifies benchmarks that apply to Sector Y. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.Y-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.Z Sector Z – Leather Tanning and Finishing

8.Z.1 Covered Storm Water Discharges. The requirements in Subpart Z apply to storm water discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

8.Z.2 Additional Technology-Based Effluent Limits.

8.Z.2.3 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.Z.2.3.1 Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products. Minimize contamination of storm water runoff from pallets and bales of raw, semi-processed, or finished tannery by-products (e.g., splits, trimmings, shavings). Where practicable, store or protect indoors with polyethylene wrapping, tarpaulins, roofed storage, etc. Place materials on an impermeable surface and enclose or put berms (or equivalent measures) around the area to prevent storm water run-on and runoff where practicable.

8.Z.2.3.2 Material Storage Areas. Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with storm water.

8.Z.2.3.3 Buffing and Shaving Areas. Minimize contamination of storm water runoff with leather dust from buffing and shaving areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): dust collection enclosures; preventive inspection and maintenance programs; or other appropriate preventive measures.

8.Z.2.3.4 Receiving, Unloading, and Storage Areas. Minimize contamination of storm water runoff from receiving, unloading, and storage areas. If these areas are exposed, implement control measures such as the following, where determined to be feasible (list not exclusive): covering all hides and chemical supplies; diverting drainage to the process sewer; or grade berming or curbing the area to prevent storm water runoff.

8.Z.2.3.5 Outdoor Storage of Contaminated Equipment. Minimize contact of storm water with contaminated equipment through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering equipment; diverting drainage and discharging in a controlled manor to the process sewer; and cleaning thoroughly prior to storage.

8.Z.2.3.6 Waste Management. Minimize contamination of storm water runoff from waste storage areas through implementation of control measures such as the following, where determined to be feasible (list not exclusive): covering dumpsters; moving waste management activities indoors; covering waste piles with temporary covering material such as tarpaulins or polyethylene; and minimizing storm water runoff by enclosing the area or building berms around the area.

8.Z.3 Additional SWPPP Requirements.

8.Z.3.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse; tanyard; and re-tan wet finishing and dry finishing operations.

8.Z.3.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

8.AA Sector AA – Fabricated Metal Products

8.AA.1 Covered Storm Water Discharges. The requirements in Subpart AA apply to storm water discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA in Table D-1 of Appendix D of the permit.

8.AA.2 Additional Technology-Based Effluent Limits.

8.AA.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.AA.2.1.1 Raw Steel Handling Storage. Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

8.AA.2.1.2 Paints and Painting Equipment. Minimize exposure of paint and painting equipment to storm water.

8.AA.2.2 Spill Prevention and Response Procedures. (See also Part 2.1.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed:

8.AA.2.2.1 Metal Fabricating Areas. Maintain clean, dry, orderly conditions in these areas. Use dry clean-up techniques where practicable.

8.AA.2.2.2 Storage Areas for Raw Metal. Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials. Implement control measures such as the following (list not exclusive): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

8.AA.2.2.3 Metal Working Fluid Storage Areas. Minimize the potential for storm water contamination from storage areas for metal working fluids.

8.AA.2.2.4 Cleaners and Rinse Water. Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

8.AA.2.2.5 Lubricating Oil and Hydraulic Fluid Operations. Minimize the potential for storm water contamination from lubricating oil and hydraulic fluid operations. Use monitoring equipment or other devices to detect and control leaks and overflows where feasible. Install perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures where feasible.

8.AA.2.2.6 Chemical Storage Areas. Minimize storm water contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

8.AA.2.3 Spills and Leaks. (See also Part 5.1.3.3) In your spill prevention and response procedures, required by Part 2.1.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

8.AA.3 Additional SWPPP Requirements.

8.AA.3.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

8.AA.3.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, tumbling media, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

8.AA.4 Additional Inspection Requirements.

8.AA.4.1 Inspections. (See also Part 4) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, and vehicle fueling and maintenance areas.

8.AA.4.2 Comprehensive Site Inspections. (See also Part 4.3) As part of your inspection, also inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

8.AA.5 Sector-Specific Benchmarks. (See also Part 6) Table 8.AA-1 identifies benchmarks that apply to the specific subsectors of Sector AA. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.AA-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Zinc[1]	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Total Zinc[1]	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Hardness-based benchmarks follow Table 8.2-1 and the requirements in Appendix E.

8.AB Sector AB – Transportation Equipment, Industrial or Commercial Machinery Facilities

8.AB.1 Covered Storm Water Discharges. The requirements in Subpart AB apply to storm water discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

8.AB.2 Additional SWPPP Requirements.

8.AB.2.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

8.AC Sector AC – Electronic and Electrical Equipment and Components, Photographic and Optical Goods

8.AC.1 Covered Storm Water Discharges. The requirements in Subpart AC apply to storm water discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

8.AC.2 Additional Requirements. No additional sector-specific requirements apply.

8.AD Sector AD – Storm Water Discharges Designated by the Director as Requiring Permits

8.AD.1 Covered Storm Water Discharges. Sector AD is used to provide permit coverage for facilities designated by the Director as needing a storm water permit, and any discharges of storm water associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

8.AD.1.1 Eligibility for Permit Coverage. Because this sector is primarily intended for use by discharges designated by the Director as needing a storm water permit (which is an atypical circumstance), and your facility may or may not normally be discharging storm water associated with industrial activity, you must obtain the Director's written permission to use this permit prior to submitting an NOI or have been notified by NDEE that permit authorization is required and that this permit is applicable. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part 1.1.

8.AD.2 Sector-Specific Benchmarks and Effluent Limits (See also Part 6)

The Director may establish additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your storm water discharges.

9 Permit Conditions Applicable to Specific Indian Country Lands, Service Delivery Areas, or Territories

9.1 State of Nebraska Department of Environment and Energy

Pursuant to the terms and conditions of the Ponca Restoration Act (U.S. Code Title 25, Chapter 14, Subchapter XLVI-A – Ponca Tribe of Nebraska: Restoration of rights and privileges), and subsequent memorandums of agreement, NPDES permitting authority within the Ponca Tribe of Nebraska Service Delivery Areas is the NDEE. This general permit is applicable to these discharges:

- **Ponca Tribe of Nebraska** - Knox, Holt Counties

9.2 EPA Region 7

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 7 is the permitting authority for these lands:

- **Ioway Tribe of Kansas and Nebraska -** Richardson County
- **Omaha Tribe of Nebraska** - Thurston, Cumming, Burt Counties
- **Sac and Fox -** Richardson County
- **Santee Sioux Tribe of Nebraska -** Knox County
- **Winnebago Tribe of Nebraska -** Thurston, Dixon Counties

9.3 EPA Region 8

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 8 is the permitting authority for these lands:

- **Pine Ridge Trust Lands -** Sheridan County

Appendix A

Standard Conditions Applicable to all NPDES and NPP Permits

The following conditions apply to all NDEE NPDES and NPP permits. These conditions shall not preempt any more stringent requirements found elsewhere in this permit. Please refer to the permit specific conditions located elsewhere in this permit for requirements specific to this permit. Timeframes and requirements specified elsewhere in this permit override these Standard Conditions. Unless specified, these standard conditions are set forth in NDEE, Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*.

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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 NDEE Title 115 - *Rules of Practice and Procedure*, Chapter 2.

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 (CWA) 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 CWA 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 CWA.

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

a. 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.

b. This permit may be reopened and modified after public notice and opportunity for a public hearing for reasons specified in NDEE Title 119, Chapter 24.

c. The attachments to this permit may be modified without a formal modification of the permit.

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 CWA, any substances or parameters at any location.

12. Signatory Requirements

a. All applications, reports, or information submitted to the Director shall be signed and certified.

b. All permit applications shall be signed by a certifying official as follows:

i) For a corporation

(a) By a responsible corporate officer. For the purpose of this section, a responsible corporate officer 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.

ii) For a partnership or sole proprietorship

(a) By a general partner or the proprietor.

iii) For a municipality, State, Federal, or other public agency

(a) By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

- The chief executive officer of the agency, or
- A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

c. Reports and other information shall be signed by a certifying official or by a duly authorized representative as follows:

i) All reports required by permits, and other information requested by the Director shall be signed by a person described above in section 12.b, 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 section 12.b;

(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 on the NPDES Signatory Authorization Form.

d. Changes to Authorization

If an authorization of sections 12.b or 12.c is no longer accurate because a different individual or position has responsibility than previously reported, a new Signatory Authorization Form 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 a certifying official or authorized representative.

e. 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.**

f. 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.

13. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. 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. If the permit has requirements related to sewage sludge use and disposal activities, corresponding records must be

retained for a period of at least five years (or longer as required by 40 CFR Part 503), 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 NDEE 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 CWA 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 section, 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.

f. The Department may require increases in the monitoring frequencies set forth in this permit to address new information concerning a discharge, evidence of potential noncompliance, suspect water quality in a discharge, evidence of water quality impacts in the receiving stream or waterway, or other similar concerns. The Department may require monitoring for additional parameters not specified in this permit to address new information concerning a discharge, evidence of potential noncompliance, suspect water quality in a discharge, evidence of water quality impacts in the receiving stream or waterway, or other similar concerns.

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 NDEE 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 NDEE 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 NDEE Title 119, Chapter 24 in some cases, modification or revocation and reissuance is mandatory.

d. Discharge Monitoring Reports

i) The NPDES Electronic Reporting Rule, published October 22, 2015, requires electronic reporting of NPDES information rather than the previously required paper-based reports from the permitted facilities. Permittees are required by 40 CFR Part 127 to submit discharge monitoring reports (DMRs) electronically on EPA NetDMR, which is accessed via EPA's Central Data Exchange (CDX) located at cdx.epa.gov.

ii) Permittees may submit a request for an electronic reporting waiver to the Department if the facility is physically located in a geographic area that is identified as under-served for broadband internet by the Federal Communications Commission, or there are limitations regarding computer access. The request must document the conditions the permittee meets and provide evidence supporting the claims. The Department will either approve or deny this electronic reporting waiver request. The duration of a temporary waiver may not exceed 5 years, which is the normal period for an NPDES permit term. Temporary waivers may be granted for a one-time use for a single information submittal. A waiver may only be considered granted once written confirmation from the Department is received by the permittee. If waiver has been granted, submit DMRs on forms provided or specified by the Department

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 28
April - June	July 28
July - September	October 28
October - December	January 28

iv) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved in NDEE 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.

v) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

vi) The minimum detection limit (MDL) is defined as the level at which the analytical system gives acceptable calibration points. If the analytical results are below MDL then the reported value on the DMR shall be a numerical value less than the MDL (e.g. <0.005).

e. Sludge or Biosolids

For POTWs required to electronically submit Biosolids Annual Reporting to EPA Region VII, reports are due by February 19th of each year as implemented through 503 Sludge regulations. Submit the report using the NPDES eReporting Tool (NeT), which is accessed via EPA's Central Data Exchange (CDX) located at cdx.epa.gov.

f. 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.

g. Twenty-four Hour Reporting

i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report 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. A Noncompliance Report Form is provided on the Department website.

ii) For POTWs with noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described in 14.f.i (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. By or before December 2025, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Department, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, Subpart D to Part 3), §122.22, and 40 CFR Part 127. 40 CRF Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.

iii) The following shall be included as information which must be reported within 24 hours under this section:

(a) Any unanticipated bypass which exceeds any effluent limitation in this permit;

(b) Any upset which exceeds any effluent limitation in this permit; or

(c) A 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.

iv) The Director may waive the written report on a case-by-case basis for reports under this section if the oral report has been received within 24 hours.

h. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under section 14.f, at the time monitoring reports are submitted. The reports shall contain the information listed in 14.f; a noncompliance report form is available on the Department website. As per 40 CFR Part 127, the Director may require permittees to electronically submit these reports.

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. Identification of the Initial Recipient for NPDES Electronic Reporting Data

The owner, operator, or the duly authorized representative of an NPDES-regulated entity is required to electronically submit the required NPDES information (as specified in appendix A to 40 CFR Part 127) to

the appropriate initial recipient, as determined by EPA, and as defined in §127.2(b) of this chapter. EPA will identify and publish the list of initial recipients on its Web site and in the Federal Register, by state and by NPDES data group [see §127.2(c) of this chapter]. EPA will update and maintain this listing.

k. Noncompliance Report Forms

i) Noncompliance Report Forms are available on the Department website 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. 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 sections 15.c. and 15.d.

b. 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 section 14.g (24-hour reporting).

iii) No later than December 2025, all notices submitted in compliance with this section must be submitted electronically by the permittee to the Department or initial recipient, as defined in 40 CFR Part 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §122.22, and 40 CFR Part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part 127, permittees may be required to report electronically if specified by a particular permit or if required to do so by state law.

c. 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. 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;

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 section 15.b.

d. 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 section 15.c.

16. Upset

a. 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 section 16.c. 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.

b. 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 section 14.g (24-hour reporting); and

iv) The permittee complied with any remedial measures required under section 14.g.

c. 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 NDEE 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 NDEE 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 CWA. The permittee shall conform to the provisions set forth in NDEE Title 126 - *Rules and Regulations Pertaining to Management of Waste*. 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 Environment and Energy at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEE cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEE 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 section.

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 Department.

(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 NDEE Title 132 - *Integrated Solid Waste Management Regulations*.

e. Publicly owned treatment works (POTWs) 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 CWA.

f. This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

g. 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.

h. Composite sampling shall be conducted in one of the following manners;

i) Continuous discharge - a minimum of one discrete aliquot collected every three hours,

ii) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or

iii) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.

iv) Composite samples shall be collected in one of the following manners:

(a) 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,

(b) A number of equal volume aliquots taken at varying time intervals in proportion to flow,

(c) A sample continuously collected in proportion to flow, and

(d) Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.

v) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.

vi) All sample preservation techniques shall conform to the methods adopted in NDEE 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.

i. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to ensure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to ensure 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:

- "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)

- "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)

j. 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 NDEE Title 119, Chapter 26, if it were directly discharging those pollutants; and

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 section, 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

Additional definitions are found at NDEE Title 119, Chapter 1.

Administrator: The Administrator of the USEPA.

Aliquot: An individual sample having a minimum volume of 100 milliliters that is collected either manually or in an automatic sampling device.

Annually: Once every calendar year.

Authorized Representative: Individual or position designated the authorization 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 who is duly authorized, and the authorization is submitted to the Director.

Bimonthly: Once every other month.

Biosolids: Sewage sludge that is used or disposed through land application, surface disposal, incineration, or disposal in a municipal solid waste landfill.

Biweekly: Once every other week.

Bypass: The intentional diversion of wastes from any portion of a treatment facility.

Certifying Official: See Section 12 above.

Daily Average: An effluent limitation that cannot be exceeded and is calculated by averaging the monitoring results for any given pollutant parameter obtained during a 24-hour day.

Department: Nebraska Department of Environment and Energy, or NDEE.

Director: The Director of the Nebraska Department of Environment and Energy.

Industrial Discharge: Wastewater that originates from an industrial process and / or is noncontact cooling water and / or is boiler blowdown.

Industrial User: A source of indirect discharge (a pretreatment facility).

Monthly Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Operator: A 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 facility.

Owner: A person or party possessing the title of the land on which the activities will occur; or if the activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the activity.

Outfall: A discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged into Waters of the State.

Passive Discharge: A discharge from a POTW that occurs in the absence of an affirmative action and is not authorized by the NPDES permit (e.g. discharges due to a leaking valve, discharges from an overflow

structure) and / or is a discharge from an overflow structure not designed as part of the POTW (e.g. discharges resulting from lagoon berm / dike breaches).

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Clean Water Act (Public Law 100-4) which is owned by the state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment.

Semiannually: Twice every year.

Significant Industrial User (SIU): All industrial users subject to Categorical Pretreatment Standards or any industrial user that, unless exempted under Chapter 1, Section 105 of NDEE Title 119, discharges an average of 25,000 gallons per day or more of process water; or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

Sludge: Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

Monthly Average or 30-Day Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Total Toxic Organics (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for toxic organic compounds that may be identified elsewhere in this permit. (If this term has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Toxic Pollutant: Those 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 administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction), or physical deformations in such organisms or their offspring.

Upset: 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, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

Volatile Organic Compounds (VOC): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for volatile, toxic organic compounds that may be identified elsewhere in this permit. (See the definition for Total Toxic Organics above. In many instances, VOCs are defined as the volatile fraction of the TTO parameter. If the term VOC has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

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.

Weekly Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a fixed calendar week. The permittee may start their week on any weekday, but the weekday must remain fixed. The Department approval is required for any change of the starting day.

"X" Day Average: An effluent limitation defined as the maximum allowable "X" day average of consecutive monitoring results during any monitoring period where "X" is a number in the range of one to seven days.

21. Abbreviations

CFR: Code of Federal Regulations

CWA: Clean Water Act

kg/Day: Kilograms per Day

MGD: Million Gallons per Day

mg/L: Milligrams per Liter

NOI: Notice of Intent

NDEE: Nebraska Department of Environment and Energy

NDEE Title 115: Rules of Practice and Procedure

NDEE Title 117: Nebraska Surface Water Quality Standards

NDEE Title 118: Ground Water Quality Standards and Use Classification

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

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

NDEE 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

Definitions, Abbreviations, and Acronyms (for the purposes of the 2021 ISW-GP)

B.1 DEFINITIONS

Action Area: all areas to be affected directly or indirectly by the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Best Available Technology Economically Achievable (BAT): defined in CWA section 304(b)(2).

Best Conventional Pollutant Control Technology (BCT): defined in CWA section 304(b)(4).

Best Management Practices (BMPs): schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. (See 40 CFR 122.2)

Best Practicable Control Technology Currently Available (BPT): defined in CWA section 304(b)(1).

Co-located Industrial Activities: any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the storm water regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the storm water regulations or identified by the SIC code list in Appendix D.

Control Measure: refers to any storm water control or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Corrective Action: for the purposes of the permit, any action taken, or required to be taken, to repair, modify, or replace any storm water control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

Critical Habitat: as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Department: Nebraska Department of Environment and Energy, or NDEE.

Director: the Director of the Nebraska Department of Environment and Energy.

Discharge: when used without qualification, means the "discharge of a pollutant." See Title 119, Chapter 1 038.

Discharge of a pollutant: any addition of any “pollutant” or combination of pollutants to “waters of the state” from any “point source”. This includes discharge into waters of the state from surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality or other party which do not lead to treatment systems; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharge Point or Outfall: for the purposes of this permit, the location where collected and concentrated storm water flows are discharged from the facility such that the first receiving waterbody into which the discharge flows, either directly or through a separate storm sewer system, is a water of the state.

Discharge-related activities: activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction, and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Drought-stricken area: a period of below average water content in streams, reservoirs, ground-water aquifers, lakes, and soils. For the purposes of this permit, a drought-stricken area is identified by the National Drought Mitigation Center as an intensity of at least D1 Drought – Moderate. Information on Drought Monitoring is available from the National Drought Mitigation Center at: *http://drought.unl.edu/*.

Effluent Limitations Guideline (ELG): defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

EPA Approved or Established Total Maximum Daily Loads (TMDLs): "EPA Approved TMDLs" are those that are developed by NDEE and approved by EPA. "EPA Established TMDLs" are those that are developed by EPA.

Existing Discharger: an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Expanded Discharges: instances where an alteration or addition to a facility could significantly change the nature or increase the quantity of pollutants from a facility's storm water discharge.

Facility or Activity: any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. See Title 119, Chapter 1 046, see also 40 CFR 122.2.

Feasible: for the purposes of this permit, feasible means technologically possible and economically practicable and achievable in light of best industry practices.

Hazardous Waste: for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See 40 CFR §261.2.

Historic Property: as defined in the National Historic Preservation Act regulations means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe that meet the National Register criteria.

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment"): a water is impaired for purposes of this permit if it has been identified by the NDEE pursuant to Section 303(d) of the Clean Water Act as not meeting applicable state water quality standards. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. Impaired waters are identified in the NDEE Surface Water Quality Integrated Report

Indian Country or Indian Country Lands: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

Industrial Activity: the 10 categories of industrial activities included in the definition of "storm water discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Storm Water: storm water runoff from industrial activity.

Infeasible: for the purposes of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices**.**

Monitored Outfall: means any discernible, confined and discrete conveyance, including but not limited to any pipe, sewer, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, collection system, or

other conveyances, which do not lead to treatment systems, from which pollutants are or may be discharged, (i.e. a shallow swale or rill, a depression, or a curb cut could fit such a description.)

Municipal Separate Storm Sewer System (MS4): all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to this chapter or designated under Title 119, Chapter 10.

> **Large MS4:** all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the most recent Decennial Census by the Bureau of the Census, or designated by the Director as part of the large municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers designated as a Large MS4.
>
> **Medium MS4:** all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the most recent Decennial Census by the Bureau of the Census or designated by the Director as part of the medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers designated as a Medium MS4.
>
> **Small MS4:** all separate storm sewers that are not defined as "large" or "medium" municipal separate storm sewer systems pursuant to this chapter or designated under Title 119, Chapter 10. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
>
> **Permitted MS4:** authorized under an NPDES permit for the discharge of storm water from a municipal separate storm sewer system to waters of the state of Nebraska.

New Discharger: a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source: any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. (See 40 CFR 122.2)

New Source Performance Standards (NSPS): technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No Exposure: all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See Title 119, Chapter 10 007, (see also 40 CFR 122.26(g)).

Operator: any entity with a storm water discharge associated with industrial activity that meets either of the following two criteria:

- The entity has operational control over industrial activities, including the ability to modify those activities; or
- The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Person: an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. (See 40 CFR 122.2)

Point source: any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. See Title 119, Chapter 1 088.

Pollutant: defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. See Title 119, Chapter 1 089.

Pollutant of concern: a pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a 303(d) list.

Portable Facility: temporary asphalt or concrete plant located on or contiguous to a construction site, subject to Department approval.

Primary Industrial Activity: includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel: Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity Release: a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff Coefficient: the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Run-On: sources of storm water that drain from land located upslope or upstream from the regulated facility.

Semi-Arid Climate: areas where annual rainfall averages from 10 to 20 inches. For the state of Nebraska, this climate region includes the panhandle.

Sheet flow: means an overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth and level surfaces and not concentrated into channels or conveyances.

Significant materials: includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges. See 40 CFR 122.26(b)(12).

State Resource Waters 'Class A': For antidegradation purposes, State Resource Waters 'Class A' are surface waters, whether or not they are designated in the Surface Water Quality Standards, which constitute an

outstanding State or National resource, such as waters within national or state parks, national forests or wildlife refuges, and waters of exceptional recreational or ecological significance. Waters which provide a unique habitat for federally designated endangered or threatened species and rivers designated under the Wild and Scenic Rivers Act are also included. The existing quality of these surface waters shall be maintained and protected. See Title 117, Chapter 3, Part 002.

State Resource Waters 'Class B': For antidegradation purposes, State Resource Waters 'Class B' are surface waters, whether or not they are designated in the Surface Water Quality Standards, which possess an existing quality which exceeds levels necessary to maintain recreational and/or aquatic life uses. The existing water quality of these surface waters shall be maintained and protected. However, the State may choose, in accordance with Neb. Rev. Stat. § 81-1513, to allow lower water quality as a result of important and necessary economic or social development in the area. There shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control. In cases where potential water quality impairment associated with a thermal discharge is involved, the method of implementation of this antidegradation policy shall be consistent with Section 316 of the CWA.

Storm Event: a precipitation event that results in a measurable amount of precipitation**.**

Storm Water: storm water runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Storm Water Discharges Associated with Construction Activity: a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Storm Water Discharges Associated with Industrial Activity: the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial facility. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on facility lands separate from the facility's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above-described areas. Industrial facilities include those that are federally, state, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Storm Water Pollution Prevention Team: the storm water pollution prevention team is responsible for overseeing development of the SWPPP, any modifications to it, and for implementing and maintaining storm water control measures and taking corrective actions when required. Each member of the storm water pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP. The individuals on the "Storm water Team" must be identified in the SWPPP.

Total Maximum Daily Loads (TMDLs): the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of

either mass per time, toxicity, or other appropriate measure. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

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.

Water Quality Standards: defined in 40 CFR § 131.3, and are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high- quality waters. Water quality standards protect the public health or welfare, enhance the quality of water, and serve the purposes of the Act.

"You" and "Your": as used in this permit intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you must submit" means the permittee must submit something for a particular facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

B.2 ABBREVIATIONS AND ACRONYMS

AIM: Advanced Implementation Measures

BAT: Best Available Technology Economically Achievable

BCT: Best Conventional Pollutant Control Technology

BOD5: Biochemical Oxygen Demand (5-day test)

BMP: Best Management Practice

BPT: Best Practicable Control Technology Currently Available

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act

CFR: Code of Federal Regulations

CSW-GP: Construction Storm Water General Permit

COD: Chemical Oxygen Demand

CWA: Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

EPA: U. S. Environmental Protection Agency

ISW-SEMR: Industrial Storm Water – Storm Event Monitoring Report

ISW-GP: Industrial Storm Water General Permit

LA: Load Allocations

MGD: Million Gallons per Day

mg/L: Milligrams per liter

MS4: Municipal Separate Storm Sewer System

NEC: No Exposure Certification

NOI: Notice of Intent

NOT: Notice of Termination

NPDES: National Pollutant Discharge Elimination System

NRC: National Response Center

NSPS: New Source Performance Standard

NTU: Nephelometric Turbidity Unit

OSM: U. S. Office of Surface Mining

RCRA: Resource Conservation and Recovery Act

RQ: Reportable Quantity

SDS: Safety Data Sheet

SIC: Standard Industrial Classification

SMCRA: Surface Mining Control and Reclamation Act

SPCC: Spill Prevention, Control, and Countermeasures

S.U.: Standard Units

SWPPP: Storm Water Pollution Prevention Plan

TMDL: Total Maximum Daily Load

TSDF: Treatment, Storage, or Disposal Facility

TSS: Total Suspended Solids

USGS: United States Geological Survey

WLA: Wasteload Allocation

Appendix C

List of 40 CFR Subchapter N Categories

Table C-1. 40 CFR Point Source Category			
Part 405	Dairy Products Processing	**Part 435**	Oil & Gas Extraction
Part 406	Grain Mills	**Part 436**	Mineral Mining & Processing
Part 407	Canned & Preserved Fruits & Vegetables	**Part 437**	Centralized Waste Treatment
Part 408	Canned & Preserved Seafood Processing	**Part 438**	Metal Products and Machinery
Part 409	Sugar Processing	**Part 439**	Pharmaceutical Manufacturing
Part 410	Textile Mills	**Part 440**	Ore Mining & Dressing
Part 411	Cement Manufacturing	**Part 442**	Transportation Equipment Cleaning
Part 412	CAFOs	**Part 443**	Paving and Roofing Material (Tars and Asphalt)
Part 413	Electroplating	**Part 444**	Waste Combustors
Part 414	Organic Chemicals, Plastics, and Synthetic Fibers	**Part 445**	Landfills
Part 415	Inorganic Chemicals Manufacturing	**Part 446**	Paint Formulating
Part 417	Soap and Detergent	**Part 447**	Ink Formulating
Part 418	Fertilizer Manufacturing	**Part 450**	Construction and Development
Part 419	Petroleum Refining	**Part 451**	Concentrated Aquatic Animal Production
Part 420	Iron & Steel Manufacturing	**Part 454**	Gum & Wood Chemicals Manufacturing
Part 421	Nonferrous Metals Manufacturing	**Part 455**	Pesticide Chemicals
Part 422	Phosphate Manufacturing	**Part 457**	Explosives Manufacturing
Part 423	Steam Electric Power Generating	**Part 458**	Carbon Black Manufacturing
Part 424	Ferroalloy Manufacturing	**Part 459**	Photographic
Part 425	Leather Tanning and Finishing	**Part 460**	Hospital
Part 426	Glass Manufacturing	**Part 461**	Battery Manufacturing
Part 427	Asbestos Manufacturing	**Part 463**	Plastics Molding & Forming
Part 428	Rubber Manufacturing	**Part 464**	Metal Molding & Casting
Part 429	Timber Products Processing	**Part 465**	Coil Coating
Part 430	Pulp, Paper, and Paperboard	**Part 466**	Porcelain Enameling
Part 429	Glass Manufacturing	**Part 467**	Aluminum Forming
Part 432	Meat and Poultry Products	**Part 468**	Copper Forming
Part 433	Metal Finishing	**Part 469**	Electrical & Electronic Components
Part 434	Coal Mining	**Part 471**	Nonferrous Metals Forming & Metal Powders

Appendix D

Facilities and Activities Covered

Your permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity summarized in Table D-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

Table D-1. Sectors of Industrial Activity covered by the ISW-GP		
Subsector (May be subject to more than one sector/subsector)	**SIC Code or Activity Code[1]**	**Activity Represented**
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5 (continued on following page)	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2861-2869	Industrial Organic Chemicals
	2891-2899	Miscellaneous Chemical Products

Table D-1. Sectors of Industrial Activity covered by the ISW-GP		
Subsector (May be subject to more than one sector/subsector)	**SIC Code or Activity Code[1]**	**Activity Represented**
C5 (continued)	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094,1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand

Table D-1. Sectors of Industrial Activity covered by the ISW-GP		
Subsector (May be subject to more than one sector/subsector)	**SIC Code or Activity Code[1]**	**Activity Represented**
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
L2	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling site
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES		
S1	4512-4581	Air Transportation Facilities

Table D-1. Sectors of Industrial Activity covered by the ISW-GP		
Subsector (May be subject to more than one sector/subsector)	**SIC Code or Activity Code[1]**	**Activity Represented**
SECTOR T: TREATMENT WORKS		
	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties
	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified

Table D-1. Sectors of Industrial Activity covered by the ISW-GP		
Subsector (May be subject to more than one sector/subsector)	**SIC Code or Activity Code[1]**	**Activity Represented**
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

[1] A complete list of SIC Codes (and conversions from the newer North American Industry Classification System" (NAICS)) can be obtained from the Internet at https://www.census.gov/naics/ or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

Appendix E

Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Overview

For any sectors required to conduct benchmark samples for a hardness-dependent metal, this permit includes 'hardness ranges' from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table E-1.

Table E-1. Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.

All Units mg/L	Benchmark Values (mg/L, dissolved)					
	Cadmium	**Copper**	**Lead**	**Nickel**	**Silver**	**Zinc**
0-25 mg/L	0.0008	0.002	0.007	0.083	0.0001	0.021
25-50 mg/L	0.0023	0.005	0.022	0.207	0.0007	0.052
50-75 mg/L	0.0038	0.009	0.039	0.317	0.0016	0.079
75-100 mg/L	0.0052	0.012	0.056	0.420	0.0028	0.105
100-125 mg/L	0.0066	0.015	0.074	0.519	0.0043	0.130
125-150 mg/L	0.0081	0.018	0.092	0.615	0.0060	0.154
150-175 mg/L	0.0095	0.021	0.110	0.708	0.0080	0.177
175-200 mg/L	0.0109	0.024	0.128	0.799	0.0102	0.200
200-225 mg/L	0.0123	0.027	0.146	0.888	0.0127	0.222
225-250 mg/L	0.0137	0.030	0.164	0.975	0.0153	0.244
250+ mg/L	0.0151	0.033	0.182	1.061	0.0182	0.266

How to Determine Hardness for Hardness-Dependent Parameters

You may select one of three methods to determine hardness, including: individual grab sampling; grab sampling by a group of operators which discharge to the same receiving water; or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information with your benchmark monitoring records so that the Department can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all records and monitoring data in accordance with Part 7 of the permit. The three method options for determining hardness are detailed in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during storm water discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can use receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or the Department. EPA's data system STORET, short for STOrage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\text{mg/L } CaCO3 = 2.497 \text{ (Ca mg/L)} + 4.118 \text{ (Mg mg/L)}$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and non-carbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that non-carbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Attachment 1
Threatened & Endangered Species Guidance and Checklist

Disclaimer: This checklist was developed for guidance purposes only to assist Industrial Storm Water permit applicants to identify potential locations of threatened and endangered species that could be affected by storm water run-off from industrial sites. Completion of this checklist is not a requirement for permit authorization and is not intended to be used as a substitute for a professional environmental review or for an electronic submittal of the Notice of Intent (NOI) via the Department website. The use of this form does not relieve the permittee from further review or enforcement action by the Nebraska Department of Environment and Energy (NDEE) or the Nebraska Game and Parks Commission (NGPC).

1.	Does the action area drain to a stream of concern? *(See attached Stream and River Reaches of Concern for Nebraska Fish Species map.*)	☐ Yes ☐ No
2.	Does the action area drain to rivers, streams, ponds, lakes or wetlands within the range of American burying beetle? (*See attached American Burying Beetle Range map.*)	☐ Yes ☐ No
3.	Does the action area drain to a Salt Creek, Little Salt Creek, Rock Creek or saline wetlands in Lancaster or Saunders County?	☐ Yes ☐ No
4.	Does the action area drain to Lodgepole Creek from Kimball to the Wyoming State line?	☐ Yes ☐ No
5.	Does the action area drain to wetlands or wet meadows in the range of the western prairie fringed orchid or small white lady's slipper? (*These are both species of orchids. See attached Orchid Range maps.*)	☐ Yes ☐ No
6.	Does the action area drain to a river within the breeding range of interior least tern or piping plover? (*See attached Plover and Tern Range map*.)	☐ Yes ☐ No
7.	Does the action area drain to a river, stream, lake, pond, or wetland within the range of massasauga? (*See attached Massasauga Range map*.)	☐ Yes ☐ No
8.	Does the action area drain to a river within the range of river otter? (*See attached River Otter Range map*.)	☐ Yes ☐ No
9.	Does the action drain to wetlands or to the Republican, Platte, Loup, Middle Loup, North Loup, or Niobrara Rivers within the primary whooping crane migration use area and critical habitat? (*See attached Migration Use Area and Critical Habitat of Whooping Crane map*.)	☐ Yes ☐ No

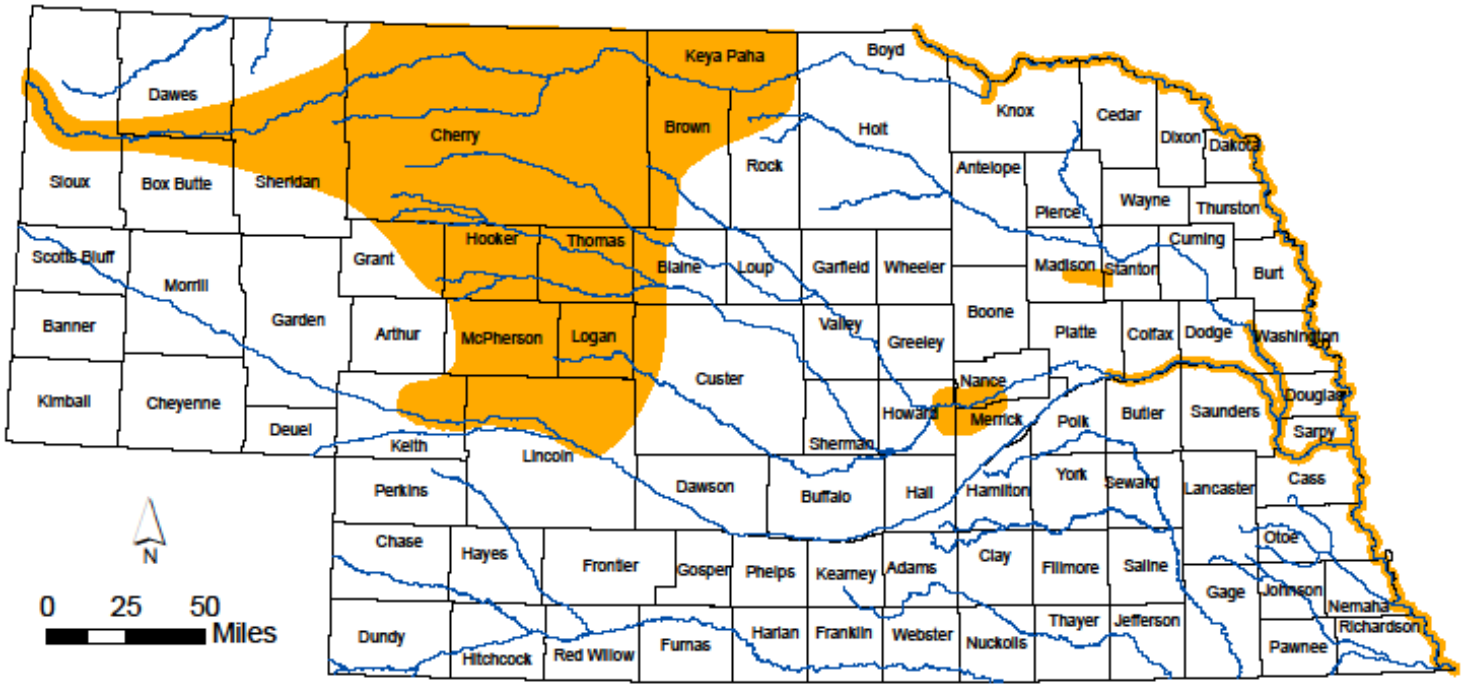
If you answered "no" to all questions, a review by NGPC may not be needed (*see disclaimer above*).

If you answered "yes" to any of these questions, consultation with the Nebraska Game and Parks Commission may be necessary. Permit authorizations will vary from those identified in Table 1-2 depending on the additional time required to evaluate potential impacts.

All NOI submissions received from new or expanded dischargers without documentation relating to threatened and endangered species will be considered incomplete.

If you have questions, please call the Nebraska Game and Parks Commission at (402) 471-0641 or visit http://outdoornebraska.gov/environmentalreview.

Stream and River Reaches of Concern for Nebraska Fish Species



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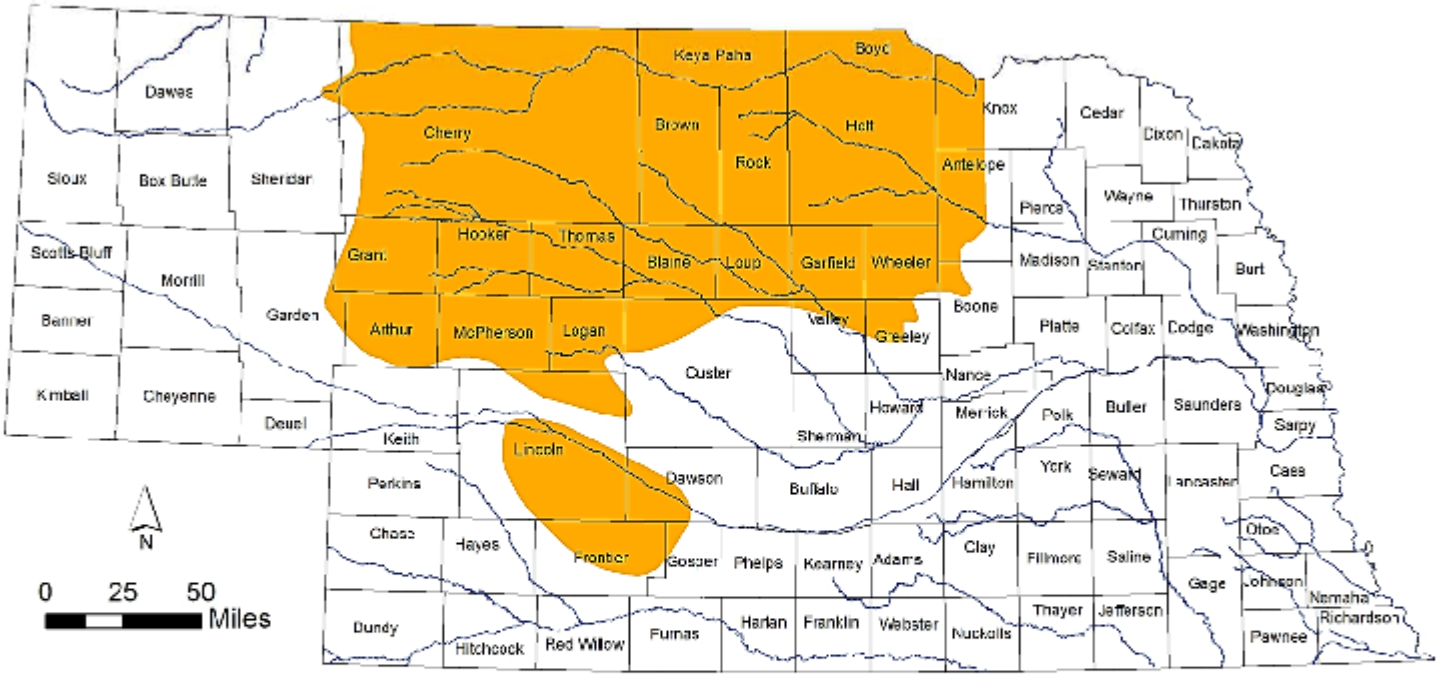
Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
September 2011

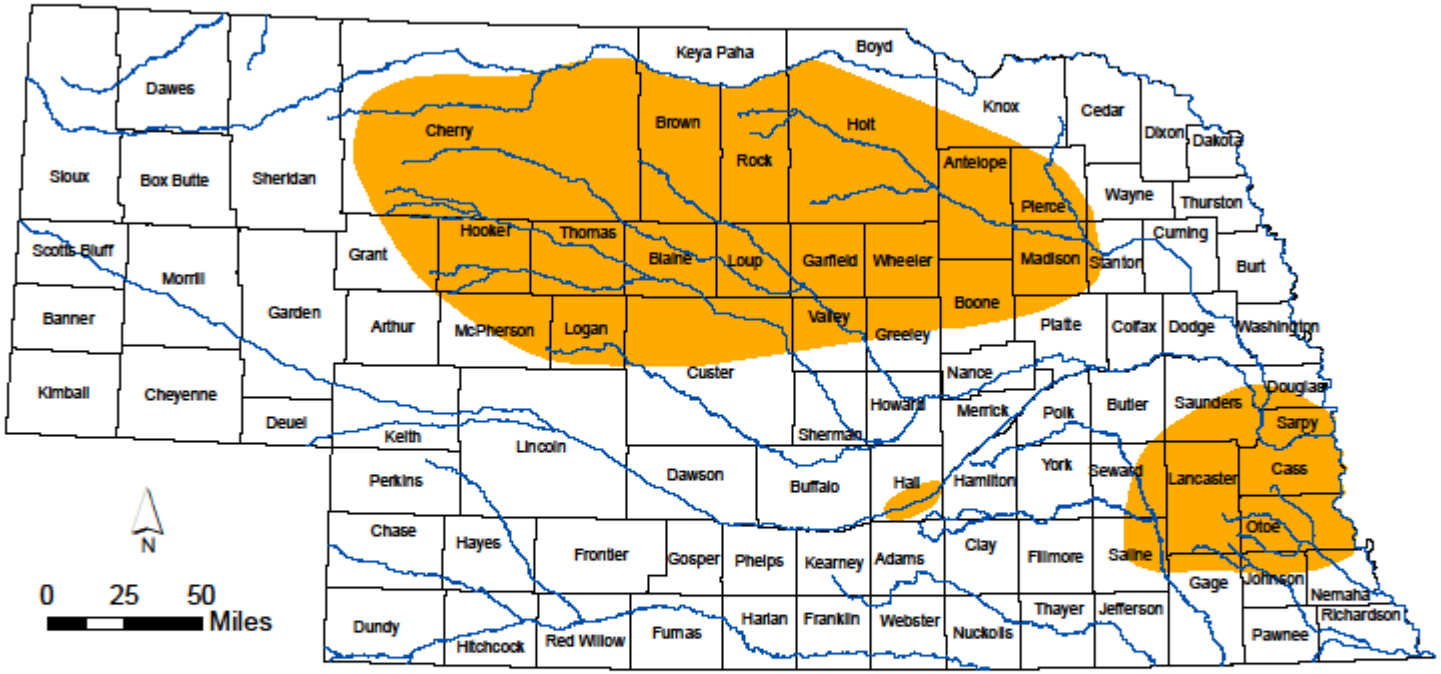
Estimated Current Range of American Burying Beetle (*Nicrophorus americanus*)



The Sandhills portion of this range was based largely on a distribution model created using data collected from 2001 through 2011 by various government and non-government organizations. Logistic regression was used to predict probability of occurrence of American Burying Beetle based on data collected in the Sandhills and a number of climate, soil, and land cover variables. The model was created by The US Fish and Wildlife Service, University of Nebraska Kearney, Rainwater Basin Joint Venture, and Nebraska Game and Parks Commission. The Sandhills probability model and range map was combined with other known distribution data to create the overall range map shown here. Work is being undertaken to create comparable models outside of the Sandhills.

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, March 2014.

Estimated Current Range of Western Prairie Fringed Orchid (*Platanthera praeclara*)



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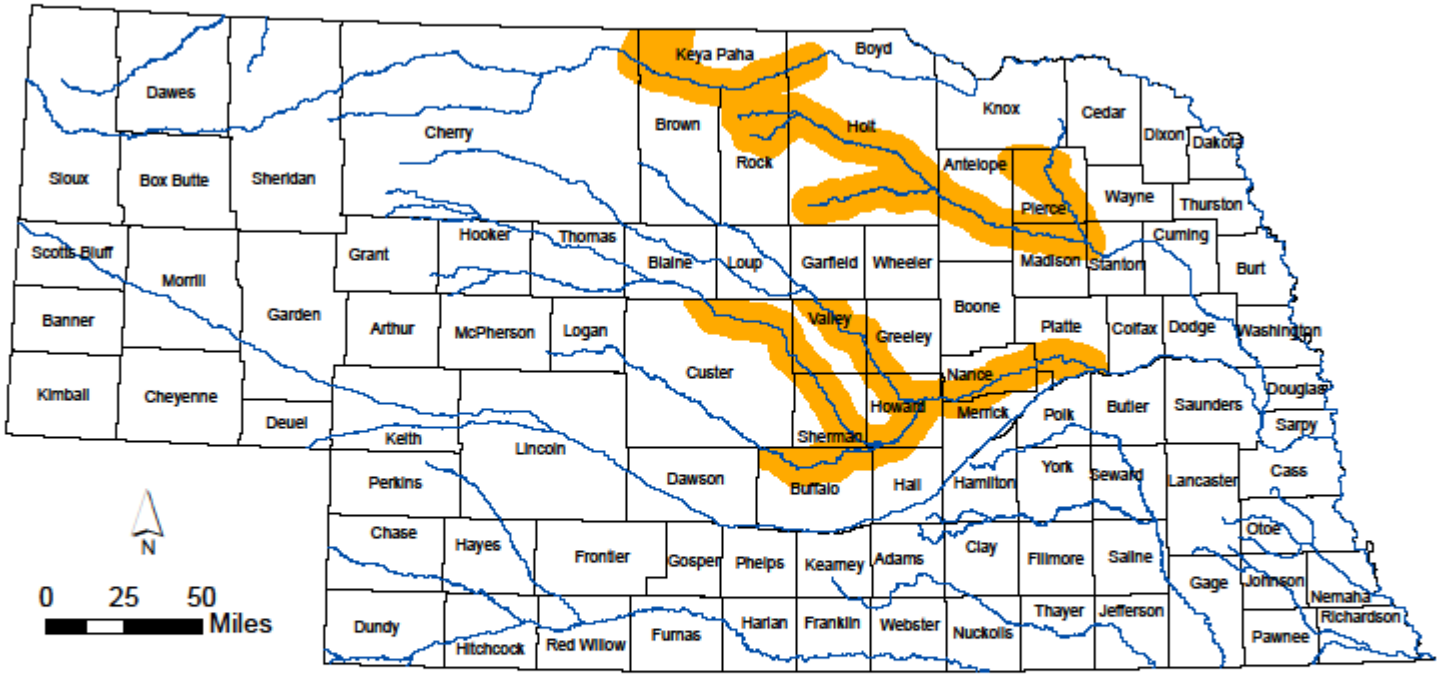
Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
June 2019

Estimated Current Range of Small White Lady's Slipper (*Cypripedium candidum*)



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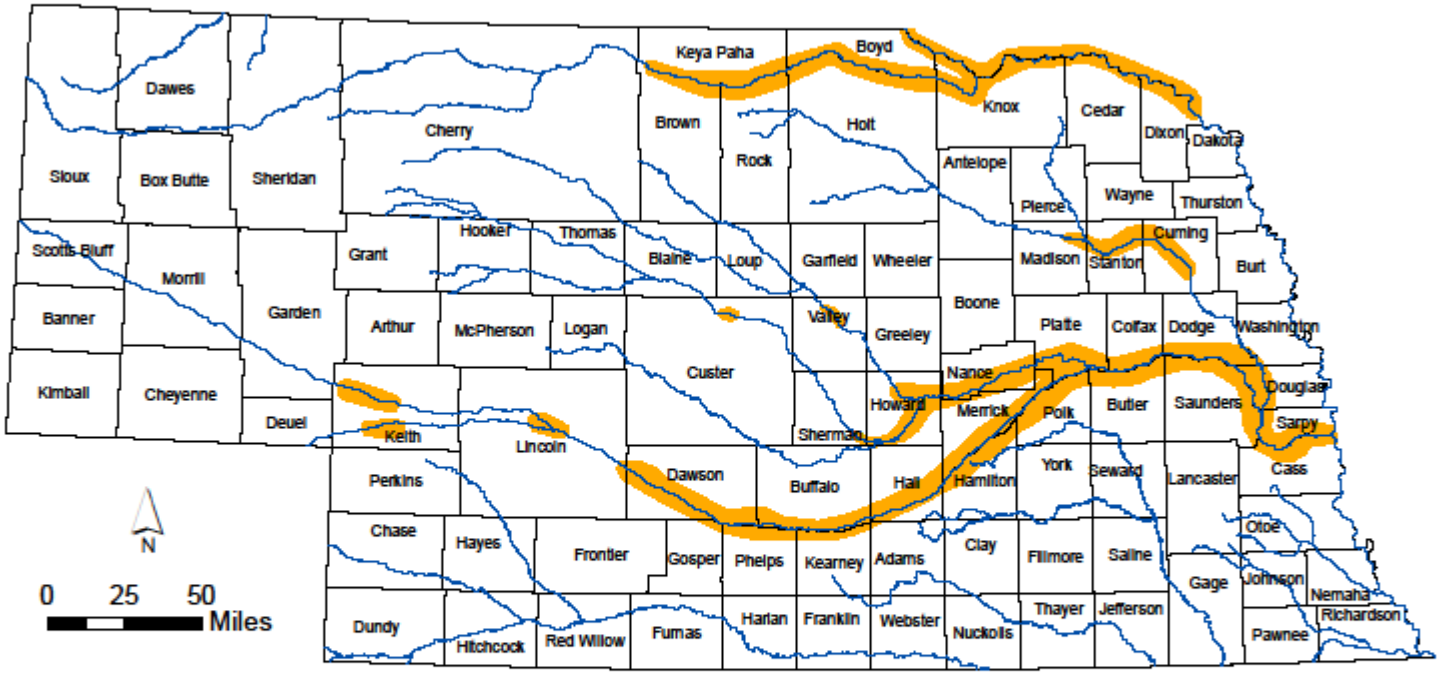
Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
January 2020

Estimated Current Breeding Range of Piping Plover (*Charadrius melodus*) and Interior Least Tern (*Sternula antillarum athalassos*)



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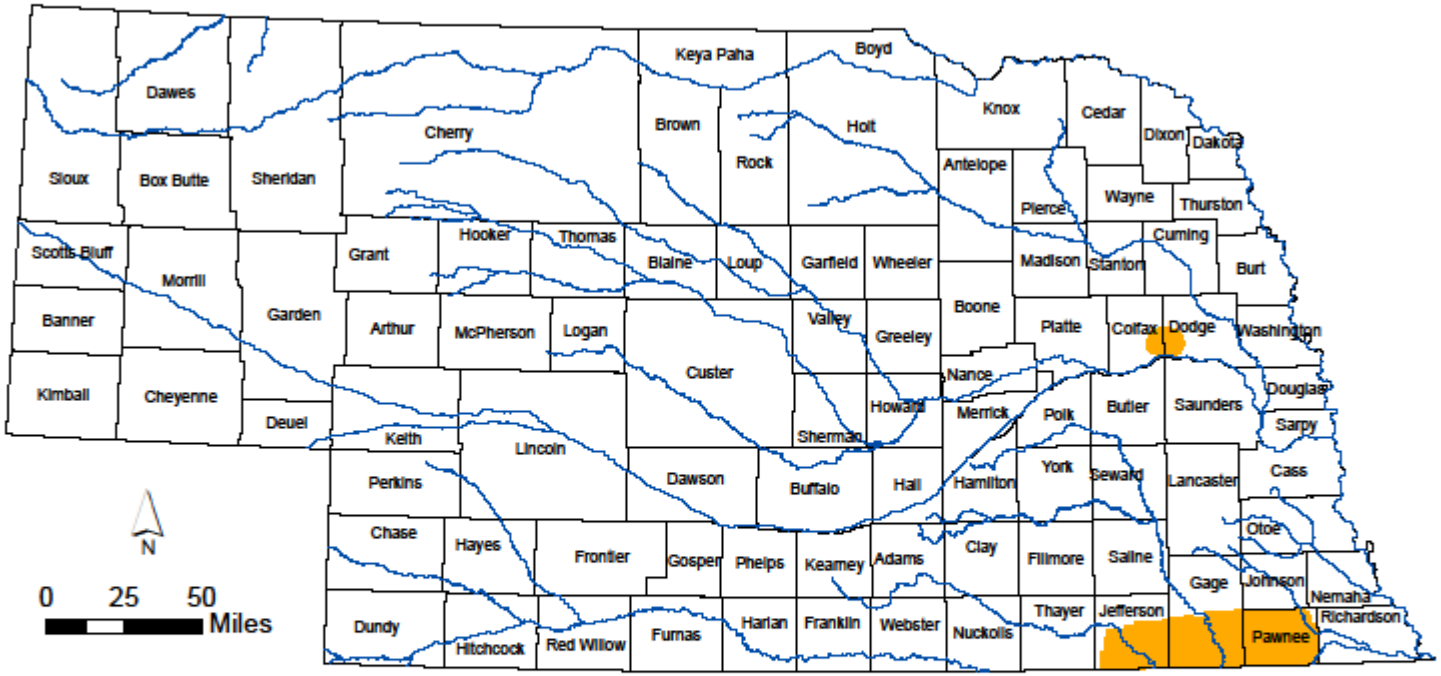
Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
June 2019

Estimated Current Range of Western Massasauga (*Sistrurus tergeminus*)



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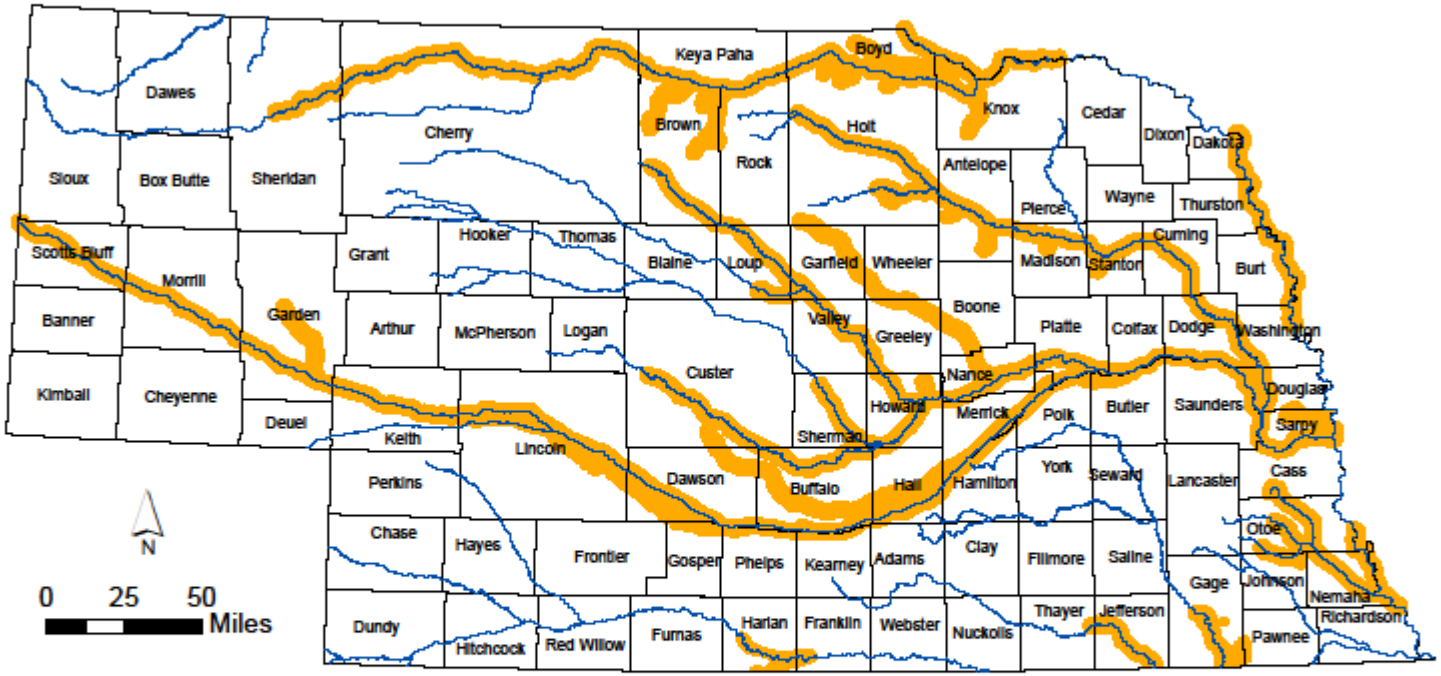
Nebraska Game and Parks Commission
January 2020

Estimated Current Range of River Otter (*Lontra canadensis*)



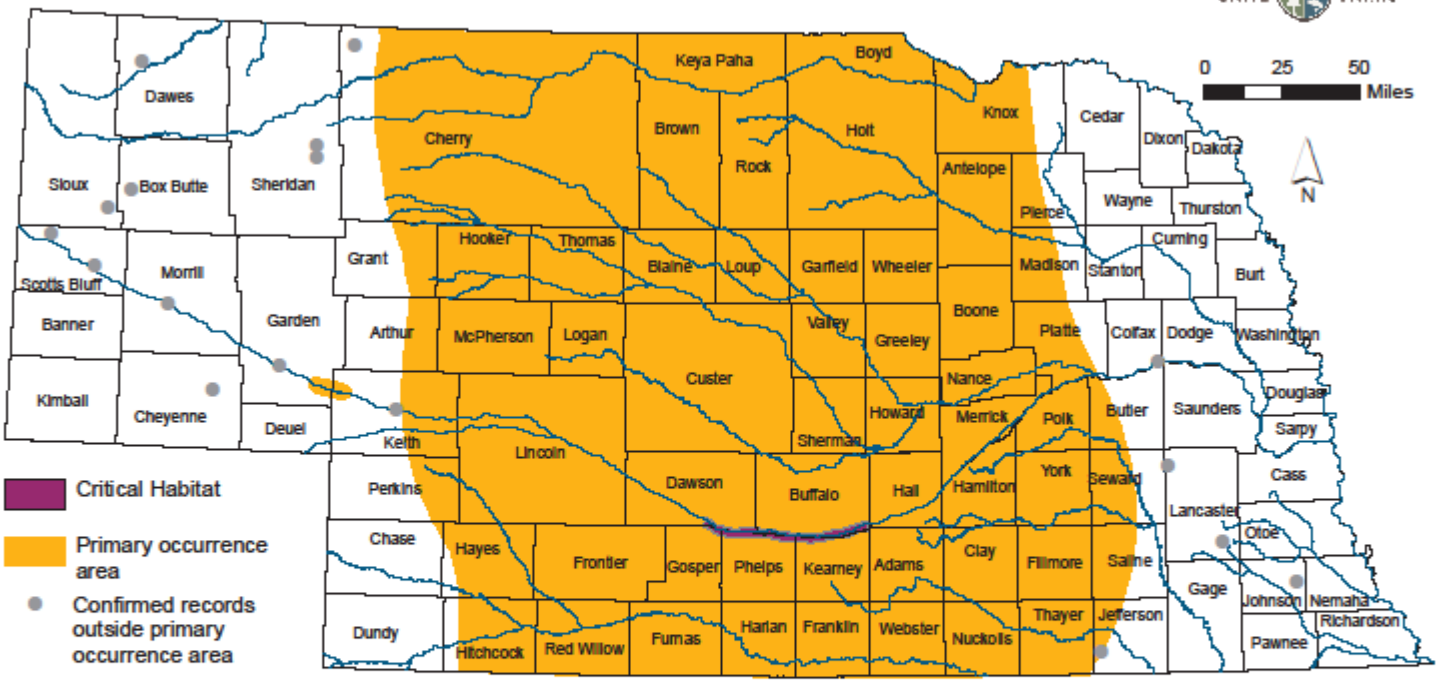
NEBRASKA – GAME PARKS –

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
November 2020

Whooping Crane (*Grus americana*): Migration Use Area and USFWS-designated Critical Habitat

NEBRASKA GAME & PARKS



NEBRASKA Natural Heritage Program

The primary occurrence area is a modification of the area identified by the U.S. Fish and Wildlife Service (USFWS) as encompassing 95% of documented Whooping Crane migratory stopovers between 1975 and 2007. The modification consisted of incorporating additional locations known to have repeated use. Data source: USFWS. State-specific Nebraska flyway for Whooping Crane. Vector digital data. Unpublished shapefile received October 27, 2008 from USFWS Nebraska Ecological Services Field Office, Grand Island.

Critical Habitat areas are considered essential for the conservation of a listed species. Data source: USFWS, Region 2. 2003. Whooping Crane critical habitat. Vector digital data. Downloaded October 29, 2008 from http://crithab.fws.gov.

Confirmed records are current through Fall 2016. Data source: USFWS Nebraska Ecological Services Field Office. For data disclaimer and full citation see page 2.

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, January 2017 .

Attachment 2
No Exposure Certification Guidance and Checklist

Disclaimer: This checklist was developed for guidance purposes only to assist Industrial Storm Water permit applicants to identify potential for No Exposure Certification (NEC). Completion of this checklist is not a requirement for certification and is not intended to be used as a substitute for an electronic submittal NEC via the Department website. The use of this form does not relieve the permittee from further review or enforcement action by the Nebraska Department of Environment and Energy (NDEE).

A NEC must be provided electronically for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure conditional exclusion. You must submit a NEC to the Department once every five years, or upon reissuance or replacement of this permit, and maintain a condition of No Exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities (including the storage, loading and unloading, transportation or conveyance of any raw material, intermediate, final or waste product), industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. A storm-resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products intended for outdoor use, other than products that would be mobilized in storm water discharges (e.g., rock salt).

NDEE recommends reviews be conducted at least semi-annually to ensure that the facility maintains a condition of no exposure. It is the responsibility of the owner/operator of the facility to ensure compliance with the no exposure condition. Significant potential penalties exist for failure to comply with the NPDES regulations. Additional reporting may be required for some facilities which discharge through a permitted MS4.

Exposure Checklist: Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions, you are <u>not</u> eligible for the no exposure conditional exclusion.**

Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing, or cleaning industrial machinery or equipment remain and are exposed to storm water	☐ Yes ☐ No
Materials or residuals on the ground or in storm water inlets from spills/leaks	☐ Yes ☐ No
Materials or products from past industrial activity	☐ Yes ☐ No
Material handling equipment (except adequately maintained vehicles)	☐ Yes ☐ No
Materials or products during loading/unloading or transporting activities	☐ Yes ☐ No
Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants)	☐ Yes ☐ No
Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	☐ Yes ☐ No
Materials or products handled/stored on roads or railways owned or maintained by the discharger	☐ Yes ☐ No
Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	☐ Yes ☐ No
Application or disposal of process wastewater (unless otherwise permitted)	☐ Yes ☐ No
Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow	☐ Yes ☐ No

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NPDES and State Permits Section
PO Box 98922
Lincoln, NE 68509-8922

P: 402-471-2186
F: 402-471-2909
http://dee.ne.gov

NDEE Industrial Storm Water General Permit - Attachment 3
Corrective Actions Report

a. *Within 24 hours of discovery of any conditions listed in Part 3 of the permit, complete Section 1 of this report (see Part 3.3.1).*
b. *Within 14 days of discovery of any of conditions listed in Part 3 of the permit, complete Section 2 of this report (see Part 3.3.2).*
c. *This report must be sent to the Department within 30 days of the of the initial discovery. Supplementary comments or further written explanation may be included. Retain a copy of this report with your SWPPP.*

Facility Information

Permittee:	Permit ID:
Contact Name:	Title:
Phone:	Email:

Corrective Actions – Section 1

Complete this section for each specific condition requiring a corrective action or review determining that no corrective action is needed. Copy this page as needed.

Corrective Action # _____ of _____ for this report	Date of initial discovery:

Is this corrective action:

- ☐ An update on a corrective action from a previous report?
- ☐ A new corrective action?

How was condition discovered:

- ☐ Routine facility inspection
- ☐ Quarterly visual assessment
- ☐ Comprehensive site inspection
- ☐ Benchmark or Effluent limitations monitoring
- ☐ Notification by NDEE, EPA, or local authorities
- ☐ Other (please describe):

Identify the condition(s) triggering the need for this review (see Part 3.1. of the permit):

- ☐ Unauthorized release or discharge
- ☐ Discharge violates numeric effluent limitations
- ☐ Control measures inadequate to meet applicable water quality standards
- ☐ Control measures inadequate to meet non-numeric effluent limitations
- ☐ Control measures not properly maintained
- ☐ An inspection determined modifications to control measures are necessary
- ☐ Change in facility operations necessitated change in control measures
- ☐ Average benchmark value exceedance
- ☐ Other (please describe):

Include brief written description:

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http://dee.ne.gov

Corrective Actions – Section 2 *Complete this section for each specific condition requiring a corrective action or review determining that no corrective action is needed. Copy this page as needed.*
Summary of corrective action(s) taken or to be taken, or if corrective action is not necessary, the basis for that determination:
Did/will this corrective action require modification of your SWPPP? ☐ Yes ☐ No
Date corrective action initiated:
Date corrective action completed: or expected to be completed:
If corrective action not yet completed, provide the status at the time of this submission, and describe any remaining steps (including timeframes) to complete corrective action(s):

Certification: I certify that I am familiar with the information in this report, and that to the best of my knowledge and belief such information is true, complete, and accurate.	
Certifying Official or Authorized Representative, per Title 119, Chapter 13, or SWPPP contact provided on NOI Name/Title:	
Signature:	Date:

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NPDES and State Permits Section
PO Box 98922
Lincoln, NE 68509-8922

P: 402-471-2186
F: 402-471-2909
http://dee.ne.gov

NDEE Industrial Storm Water General Permit - Attachment 4
Storm Event Monitoring Report (ISW-SEMR)

This form is not required but is recommended by NDEE for reporting and recordkeeping (see Part 7 of the permit for more information).

Facility Information

Permittee:	Permit ID:
Contact Name:	Title:
Phone:	Email:

ISW-SEMR Preparer

Complete only if form was prepared by someone other than the person signing the certification statement.

Prepared by:	Title:
Organization *(if different than permittee)*:	
Phone:	Email:

Discharge Information

Identify Monitoring Period: ☐ Quarter 1 (January 1 – March 31) ☐ Quarter 2 (April 1 – June 30) ☐ Quarter 3 (July 1 – September 30) ☐ Quarter 4 (October 1- December 31)	☐Check here if proposing alternative monitoring period due to semi-arid climate, or freezing conditions: ☐ Quarter 1: From _____/_____ To _____/_____ ☐ Quarter 2: From _____/_____ To _____/_____ ☐ Quarter 3: From _____/_____ To _____/_____ ☐ Quarter 4: From _____/_____ To _____/_____
Are you required to monitor for any hardness dependent metals (cadmium, chromium, lead, nickel, silver, zinc, see Part 8 of permit for requirements)? ☐ Yes ☐ No	If so, what is the hardness of the receiving water? _____ mg/L

Outfall Information

Reference attachment if additional space is needed to complete the table below.

How many outfalls are identified in the SWPPP? _____

List the identification code (ex. SW-001) for each outfall in the table below.

Do any of the outfalls discharge substantially identical effluents? ☐ Yes ☐ No

If yes, indicate substantially identical outfalls in the table below.

A. Monitoring Outfall Name	B. Substantially Identical Outfalls (to column A)	C. Discharge?
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No
		☐ Yes ☐ No

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NPDES and State Permits Section
PO Box 98922
Lincoln, NE 68509-8922

P: 402-471-2186
F: 402-471-2909
http://dee.ne.gov

Monitoring Information

Nature of discharge: ☐ Rainfall ☐ Snowmelt

If rainfall event, complete:
Duration of Rain Event (hours): _____
Rainfall amount (inches): _____
Time since previous measurable storm event (days): _____

Outfall Name	Monitoring Type*	Parameter	Quantity or Concentration	Units	Results	Collection Date	Exceedance due to exceptions listed in Part 3.2.6 (list exception)

**See Part 6.2 of the permit for monitoring type descriptions: Indicator, Benchmark, Effluent Limitations, Impaired Waters, Other as required by NDEE.*

Certification

I certify that I am familiar with the information in this report, and that to the best of my knowledge and belief such information is true, complete, and accurate.

Certifying Official or Authorized Representative, per Title 119, Chapter 13, or SWPPP contact provided on NOI

Name/Title:

Signature:

Date:

Attachment 5
Relocation Notice Form

The following form is for notifying the Department of the relocation of portable facilities with industrial storm water discharges. The form is intended for use by portable facilities that are subject to the Air Program and/or National Pollutant Discharge Elimination System (NPDES) Storm Water reporting requirements.

See Part 1.8 of the permit for more information regarding portable facilities.

NEBRASKA
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Attn: ☐Air Program or ☐ NPDES Permits
PO Box 98922
Lincoln, NE 68509-8922

P: 402-471-2186
F: 402-471-2909
http://dee.ne.gov

Relocation Notice Form

a. *This form is intended for use by portable facilities subject to Air Program and/or NPDES Storm Water reporting requirements.*
b. *This notification form is to be submitted 20 days prior to a proposed relocation. Relocation Notices are subject to review and proposed relocation sites may be rejected based upon air quality (NDEE Title 129 Chapter 10) or water quality (NPDES Permit # NER920000, Section 1.8) concerns.*
c. *The completed and signed form should be sent to the Department. Please indicate if the form should be sent to the attention of the Air Program, and/or the NPDES Program.*

Facility Information

NDEE ID	Permit ID	
Facility Legal Name		
Contact Name (first and last)	Title	
Phone number	Email address	
Facility Type		
Air Pollution Control Equipment ☐ N/A		

Facility Operator Information *(If different than above)*

Contact Name (first and last):	Title	
Company Name		
Mailing Address (Street or PO Box)		
City or Town	State	Zip Code
Phone number	Email address	

Relocation Information

a. *Relocation onto Indian Country land requires EPA and/or tribal approval.*
b. *Include a brief narrative description of the site location. Regarding the Air Program, provide the direction and proximity to the nearest dwelling or occupied buildings, and a narrative description of the site and adjacent surroundings. A site map may be attached to facilitate processing.*

Street Address (or brief description of the facility location)	
City or Town	County
Facility Latitude (decimal degrees)	Facility Longitude (decimal degrees)
Site Description	

Relocation Schedule

a. *Provide the dates requested as best known at time of submittal. If the start or finish dates change by more than two weeks, a follow-up notification should be provided*

Start of Site Development	Start of Facility Operations	End of Facility Operations

Certification: I certify that I am familiar with the information in this report, and that to the best of my knowledge and belief such information is true, complete, and accurate.

a. *For NPDES permitted facilities, the form must be signed by the Certifying Official or Authorized Representative, per NDEE Title 119, Chapter 13, or the SWPPP contact provided on NOI.*
b. *For Air Program permitted facilities, the form must be signed by the Responsible Official, per NDEE Title 129, Chapter 1.089.*

Name/Title	
Signature	Date
Phone number	Email address