NEBRASKA

Good Life. Great Environment.

DEPT. OF ENVIRONMENTAL QUALITY

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

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

NPDES Permit No.	**NE0137936**
NDEQ ID.	**52236**
Permittee:	**DuPont Pioneer Hi-Bred International, Inc.**
Facility Name	**DuPont Pioneer Hi-Bred – York Production**
Facility Location	**1410 Highway 34, York, NE 68467**
Facility Mailing Address	**1410 Highway 34, York, NE 68467**
Latitude/Longitude	**40.9014 °N, 97.5693 °W**
Legal Description	**S ½, SW ¼, Section 20, Township 11 N, Range 2 E, York County, NE**
Receiving Water	**Land Application in the Big Blue River Basin (Subbasin BB3)** **Undesignated tributary to Beaver Creek (Segment BB3-10400 in the Big Blue River Basin)**
Effective Date	**October 1, 2018**
Expiration Date	**September 30, 2023**

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

Signed this 20th day of August, 2018

Shelley Schneider

Shelley Schneider
Water Permits Division Administrator

2018004323

Table of Contents

Part I. Application Requirements, Discharge Limits, and Monitoring for Outfall 001 3
A. Discharge Limits and Monitoring Requirements 3
B. General Land Application Requirements 3
C. Requirement for Site Approval 4
D. Best Management Practices Plan 4
E. Annual Report 5
F. Withdrawal of Site Approval 6
Part II. Discharge Limits and Monitoring Requirements for Outfall 002 7
A. Discharge Limits and Monitoring Requirements 7
Part III. Other Requirements and Conditions 8
A. Narrative Limits, Discharges authorized under this permit 8
B. Additional Monitoring 8
C. Method Detection Limit Reporting Requirements 8
D. Permit Attachments 8
E. Permit Modification and Reopening 8
F. Electronic Submission of Discharge Monitoring Reports 8
Table of Contents for Appendix A 9

Attachment 1 – Certification of Annual Land Application Report

Part I. Application Requirements, Discharge Limits, and Monitoring for Outfall 001

DuPont Pioneer Hi-Bred – York Production discharges wash water from the Grapar washer through land application to an area of turf at the facility. The discharge of this wash water to a land application site in the Big Blue River Basin is authorized and shall be monitored and limited as specified in the table below and by complying with best management practices. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge to through land application, unless an alternative or more specific monitoring point is specified by the NDEQ.

A. Discharge Limits and Monitoring Requirements

Table 1: Discharge Limits and Monitoring Requirements

Parameters	Storet #	Units	Quantity or Concentration	Monitoring Frequency	Sample Type
pH	00400	S.U.	Report	Monthly	Grab[a]
Total Alkalinity (as CaCO3)	00410	mg/L	Report	Monthly	Grab
Ammonia as Nitrogen	00610	mg/L	Report	Monthly	Grab
Nitrate as Nitrogen	00620	mg/L	Report	Monthly	Grab
Total Kjeldahl Nitrogen (TKN)	00625	mg/L	Report	Monthly	Grab
Total Phosphorus as P	00665	mg/L	Report	Monthly	Grab
Application – Weekly Spray Irrigation	01287	Inches	Report	Monthly	Calculated or Measured
Total Dissolved Solids (TDS)	70295	mg/L	Report	Monthly	Grab
Fludioxonil (Maxim)	N/A[b]	µg/L	Report	Monthly	Grab
Metalaxyl (Apron)	N/A[b]	µg/L	Report	Monthly	Grab

[a] Analysis shall occur within 15 minutes of sample collection.
[b] Fludioxonil and metalaxyl do not have Storet codes and cannot be entered into facility discharge monitoring reports (DMRs). Instead, these two parameters should be sampled with results of the tests kept at DuPont Pioneer. The two values should be added together and reported on facility DMRs under Pesticides – General, Storet code 74053.
Abbreviations: mg/L – milligrams per liter S.U. – standard units µg/L – micrograms per liter

B. General Land Application Requirements

Land application of wastewater shall not cause degradation of the plant-soil characteristics nor degrade the long-term beneficial uses of the application site.

1. Infiltration from the land application of process wastewater shall not cause impairment to the beneficial uses of waters of the State.
2. Application of the process wastewater shall not cause degradation of the plant-soil characteristics nor degrade the long-term beneficial uses of the application site.
3. The application rate is limited to the agronomic rate of Nitrogen.
4. The total volume of wastewater applied on a given site shall not exceed 2 inches per acre per week or ¼ inch per acre per week when the ground is frozen.
5. The beneficial reuse of treated effluent (e.g., land application at agronomic rates) is required.
6. A best management practices (BMP) plan shall be developed or maintained as described in Part I.D of this permit.

Part I. Application Requirements, Discharge Limits, and Monitoring for Outfall 001

DuPont Pioneer Hi-Bred – York Production discharges wash water from the Grapar washer through land application to an area of turf at the facility. The discharge of this wash water to a land application site in the Big Blue River Basin is authorized and shall be monitored and limited as specified in the table below and by complying with best management practices. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge to through land application, unless an alternative or more specific monitoring point is specified by the NDEQ.

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[a] Analysis shall occur within 15 minutes of sample collection.
[b] Fludioxonil and metalaxyl do not have Storet codes and cannot be entered into facility discharge monitoring reports (DMRs). Instead, these two parameters should be sampled with results of the tests kept at DuPont Pioneer. The two values should be added together and reported on facility DMRs under Pesticides – General, Storet code 74053.

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B. General Land Application Requirements

Land application of wastewater shall not cause degradation of the plant-soil characteristics nor degrade the long-term beneficial uses of the application site.

1. Infiltration from the land application of process wastewater shall not cause impairment to the beneficial uses of waters of the State.
2. Application of the process wastewater shall not cause degradation of the plant-soil characteristics nor degrade the long-term beneficial uses of the application site.
3. The application rate is limited to the agronomic rate of Nitrogen.
4. The total volume of wastewater applied on a given site shall not exceed 2 inches per acre per week or ¼ inch per acre per week when the ground is frozen.
5. The beneficial reuse of treated effluent (e.g., land application at agronomic rates) is required.
6. A best management practices (BMP) plan shall be developed or maintained as described in Part I.D of this permit.

7. A certified agronomist or certified crop advisor shall prepare an annual report as described in Part I.E of this permit. The cognizant official shall certify and submit it annually to the Department.
8. The irrigation equipment used to land apply wastewater shall be properly operated and maintained, and shall be visually checked daily during application period. An automatic shutoff system shall be installed on the irrigation equipment to shut down the system if there is a malfunction that may include but is not limited to a mainline break, sprinkler head failure or a sudden water pressure change.
9. Wastewater and solid materials shall not be applied to saturated soils. The application of wastes shall cease immediately if ponding or runoff occurs during the application event.
10. Land application shall be on cropland, tree plantations, pasture, grasslands, or hay land used as a source of livestock feed.

C. Requirement for Site Approval

Any proposed effluent land application site must be approved by NDEQ prior to the initial effluent land application. The permittee shall submit a *Land Application Site Approval Form* to the Department for **each** application site. Land application approvals shall be based upon the requirements set forth in NDEQ Titles 117, Title 118, and Title 119.

An exception from this requirement is the current land application site, which has been approved of by the Department. This site is the area of turf located on the northeast side of DuPont Pioneer Hi-Bred – York Production, detailed in the permit application and in the permit fact sheet.

D. Best Management Practices Plan

The permittee shall prepare or maintain a best management practices (BMP) plan for the application of treated effluent according to the requirements set forth below. Any new BMP plan or updates to the plan shall be submitted to the NDEQ at least 30 days prior to start of land application and shall be prepared in consultation with a professional agronomist or certified crop specialist.

1. The permittee shall prepare a best management practices (BMP) plan for the land application of process wastewater from the Grapar washer or holding cell.
2. This plan shall be submitted to the Department for approval prior to the start of land application. A copy of the approved plan shall be retained onsite and available to the Department upon request.
3. The BMP plan must incorporate the following information for each application site and must be prepared in consultation with a certified agronomist or certified crop advisor.
   a. Provide Specific application site information to include:
      i. The name(s) of the land owner(s).
      ii. A copy of any lease or contract.
      iii. The total number of acres for land application.
      iv. A description of the irrigation method to be used on this property.
      v. The crop or vegetation to be grown onsite and the type of agricultural practices generally employed.
   b. Prepare a soil management evaluation to include:
      i. An analysis of soil texture and structure.
      ii. Internal soil drainage.
      iii. Analysis of total alkalinity.
      iv. Total nitrogen content in the soil.
      v. Salt and sodium tolerance of the crop.
      vi. Irrigation method and management.
   c. The evaluation must specifically address the following items:

i. An evaluation of site-specific plant-soil assimilation characteristics.

ii. An assessment of wastewater characteristics to include a determination of the pollutant from the wastewater that requires the greatest land application area.

iii. A determination of the wastewater application rates and the land area needed to protect the plant-soil characteristics with the purpose of ensuring there is no loss of crops or soil microbial populations.

iv. An evaluation of soil management practices to ensure that there is a long-term correction for potential salt imbalances due to the application of wastes.

d. Submit subsurface data to include approximate depth to groundwater, general direction of the ground-water flow, and a map depicting various soil characteristics.

e. Submit surface data that includes a topographic map or aerial photograph showing the project boundaries, drinking water wells, residences, highways, and surface waters within a one-mile radius of the irrigation sites.

f. Provide a narrative explanation of the type of controls to be maintained by the permittee to prevent short-term and long-term surface and ground water contamination.

4. The BMP plan shall incorporate the following requirements for the application of the wastewater:

a. During treated effluent land application:

i. No treated wastewater shall be allowed to runoff the application site. If runoff occurs, the effluent shall be subject to the requirements for Outfall 002.

ii. Proper irrigation system operation shall insure that no treated wastewater is sprayed onto or across any public right-of-way.

b. A 30-foot vegetative buffer strip shall be maintained between the application site and any public right-of-way.

c. A 300-foot separation from an inhabited dwelling. Exception: If the liquid wastewater is incorporated with the soil and the resident owner/occupant give their written consent this distance may be reduced to 200 feet.

d. A 300-foot separation from potable water supply well and 1,000 foot separation from a well serving a public water supply.

e. A 200-foot separation to any waters of the state such as a stream or wetland. Exception: If a 30-foot vegetative buffer strip is maintained between the site and the surface water, the separation may be reduced to 100 feet.

E. Annual Report

If treated effluent or sludge is land applied, the permittee shall submit an annual report each calendar year to the NDEQ by April 1 of the following year to include the following specified provisions and requirements. If no land application is performed, an annual report is not required.

1. The annual report shall be prepared by an independent certified agronomist or certified crop specialist and shall be certified by the certifying official by means of Attachment 1 - *Certification of Annual Land Application Report.*

2. The annual report shall include the following information.

1. A daily record of the volume of wastewater applied.

2. A list of the site(s) that wastewater was applied.

3. The number of acres at each site that wastewater was applied.

4. The application rate in gallons per acre at each application site.

5. A determination of agronomic rate of application of treated effluent for the crop on the receiving site.

3. The annual report shall contain a review by a certified agronomist or certified crop specialist to include the following items.
    1. Crop conditions.
    2. Soil conditions.
    3. Soil testing data.
    4. Treated effluent chemical analysis.
    5. Agricultural practices.
    6. Crop tolerances.
    7. A discussion of any concerns or problems encountered during the preceding year.
4. The annual report shall contain a statement by the certified agronomist or crop specialist that the land application of treated effluent wastewater from the permittee (is or is not) having any long-term detrimental effects to the soil characteristics on the application sites.
5. The annual report shall contain the results of annual soil testing or each application site to include at a minimum total alkalinity, total nitrogen, total phosphorus, and pH. The certified agronomist or certified crop specialist preparing the annual report may require additional testing.
6. The annual report shall contain an evaluation of the BMP plan to include any proposed revisions of site locations, operations, or procedures. Changes to the BMP must be submitted to the NDEQ 30 days prior to implementation.
7. The annual report shall contain a map showing the location of all land application sites.

F. Withdrawal of Site Approval

The Department may withdraw site approval(s) for any of the following:

1. Failure to comply with the regulations contained in this NPDES permit.
2. Potential risks to surface or ground water quality.
3. Potential risks to the environment.
4. Potential risks to public health and/or welfare.
5. Other site specific or facility specific consideration.

Part II. Discharge Limits and Monitoring Requirements for Outfall 002

DuPont Pioneer discharges wastewater from the Grapar washer to surface water when land application is infeasible. The discharge of wastewater from Outfall 002, final effluent to an undesignated tributary of Beaver Creek (BB2-10400), is authorized and shall be monitored and limited as specified in the tables below. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge to the receiving stream, unless an alternative or more specific monitoring point is specified by the NDEQ.

A. Discharge Limits and Monitoring Requirements

Table 2: Discharge Limits and Monitoring Requirements

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Monthly Average	Daily Maximum		
Biochemical Oxygen Demand, 5-day (BOD)	00310	mg/L	Report	Report	Monthly	Grab
Total Suspended Solids (TSS)	00530	mg/L	Report	Report	Monthly	Grab
Flow	50050	MGD	Report	Report	Monthly	Measured or Calculated
Fludioxonil (Maxim)	N/A[a]	µg/L	Report	Report	Monthly	Grab
Metalaxyl (Apron)	N/A[a]	µg/L	Report	Report	Monthly	Grab
Parameter	**Storet #**	**Units**	**Requirements**		**Monitoring Frequency**	**Sample Type**
Pollutant Scan[b]	51168	Yes = 1 No = 0	Report		Once Per Permit Term	Grab
Parameters	**Storet #**	**Units**	**Discharge Limits**		**Monitoring Frequency**	**Sample Type**
			Daily Minimum	**Daily Maximum**		
pH	00400	S.U.	6.5	9.0	Monthly[a]	Grab

[a] Fludioxonil and metalaxyl do not have Storet codes and cannot be entered into facility discharge monitoring reports (DMRs). Instead, these two parameters should be sampled with results of the tests kept at DuPont Pioneer. The two values should be added together and reported on facility DMRs under Pesticides – General, Storet code 74053.

[b] Pollution scan requirements are detailed on the Department website. If a pollution scan is conducted this monitoring period, enter 1 on the DMR. If it was not conducted during this period, enter 0.

[c] Analysis shall occur within 15 minutes of sample collection.

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units
µg/L – milligrams per liter

Part III. Other Requirements and Conditions

A. Narrative Limits, Discharges authorized under this permit

1. Shall not be toxic to aquatic life in surface waters of the State outside the mixing zones allowed in NDEQ Title 117, *Nebraska Surface Water Quality Standards*,
2. 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
3. Shall not contain pollutants at concentrations or levels that cause the occurrence of undesirable or nuisance aquatic life in the receiving stream.

B. Additional Monitoring

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.

C. Method Detection Limit Reporting Requirements

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).

D. Permit Attachments

The attachments to this permit may be modified without a formal modification of the permit.

E. Permit Modification and Reopening

This permit may be reopened and modified after public notice and opportunity for a public hearing for reasons specified in NDEQ Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*, Chapter 24.

F. Electronic Submission of Discharge Monitoring Reports

The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. To comply with the federal rule, permittees are required to submit DMRs electronically using the EPA NetDMR tool (Appendix A of 40 CFR part 127). Permittees may seek an electronic reporting waiver by submitting a letter to the department with a brief written statement regarding the basis for needing such a temporary waiver. 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.

Table of Contents for Appendix A
Standard Conditions that Apply to NPDES and NPP Permits

Section **Page**

1. Information Available 1
2. Duty to Comply 1
3. Violations of this Permit 1
4. Duty to Reapply 1
5. Need to Halt or Reduce Activity not a Defense 1
6. Duty to Mitigate 1
7. Proper Operation and Maintenance 1
8. Permit Actions 2
9. Property Rights 2
10. Duty to Provide Information 2
11. Inspection and Entry 2
12. Monitoring and Records 2
13. Signatory Requirements 3
14. Reporting Requirements 4
15. Bypass 6
16. Upset 7
17. Other Rules and Regulations Liability 7
18. Severability 7
19. Other Conditions that Apply to NPDES and NPP Permits 7
20. Definitions 10
21. Abbreviations 12

Appendix A

Conditions Applicable to all NPDES Permits

The following conditions apply to all NPDES permits:

1. **Information Available**

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

2. **Duty to Comply**

   a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Applicable State Statutes and Regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

   b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

3. **Violations of this Permit**

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

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

4. **Duty to Reapply**

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

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

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

6. **Duty to Mitigate**

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

7. **Proper Operation and Maintenance**

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

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

8. Permit Actions

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

9. Property Rights

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

10. Duty to Provide Information

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

11. Inspection and Entry

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

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

12. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

c. Records of monitoring information shall include:

i) The date(s), exact place, time and methods of sampling or measurements;

ii) The individual(s) who performed the sampling or measurements;

iii) The date(s) analyses were performed;

iv) The individual(s) who performed the analyses;

v) The analytical techniques or methods used; and

vi) The results of such analyses.

d. Monitoring must be conducted according to test procedures approved under NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 or O – Sewer Sludge Parts 501 and 503.

e. Falsifies, Tampers, or Knowingly Renders Inaccurate

i) On actions brought by EPA, the Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction: be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

ii) On action brought by the State, The Nebraska Environmental Protection Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished pursuant to Neb. Stat. §81-1508.01.

13. Signatory requirements

a. All applications, reports, or information submitted to the Director shall be signed and certified.

i) All permit applications shall be signed as follows:

(a) For a corporation

(i) By a responsible corporate officer: For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) For a partnership or sole proprietorship

(i) By a general partner or the proprietor.

(c) For a municipality, State, Federal, or other public agency

(i) By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. Reports and Other Information

i) All reports required by permits, and other information requested by the Director shall be signed by a person described in this section [paragraphs13. a. i) (a),(b), or (c)], or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in paragraphs 13. a. i) (a),(b), or (c);

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and;

(c) The written authorization is submitted to the Director.

c. Changes to Authorization

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

d. Certification

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

i) I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

e. False Statement, Representation, or Certification

i) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

ii) The Nebraska Environmental Protection Act provides criminal penalties and sanctions for false statement, representation, or certification in any application, label, manifest, record, report, plan, or other document required to be filed or maintained by the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts.

14. Reporting Requirements

a. Planned Changes

i) The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in NDEQ Title 119, Chapter 4 and 8.

(b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under NDEQ Title 119, Chapter 15.

(c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions

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

b. Anticipated Noncompliance

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

c. Transfers

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

d. Monitoring Reports

i) Monitoring results shall be reported at the intervals specified elsewhere in this permit.

ii) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.

iii) Monitoring results shall be submitted on a quarterly basis using the reporting schedule set forth below, unless otherwise specified in this permit or by the Department.

Monitoring Quarters	**DMR Reporting Deadlines**
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

iv) For reporting results of monitoring of sludge use or disposal practices

v) Additional reports may be required by the EPA Regional Administrator.

vi) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 and O – Sewer Sludge Parts 501 and 503, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director or EPA Regional Administrator.

vii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance Schedules

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

f. Twenty-four Hour Reporting

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

ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(a) Any unanticipated bypass which exceeds any effluent limitation in this permit.

(b) Any upset which exceeds any effluent limitation in this permit.

(c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.

g. The Director may waive the written report on a case-by-case basis for reports under section 14. f. ii) (a), (b) and (c) if the oral report has been received within 24 hours.

h. Other noncompliance

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

i. Other information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

j. Noncompliance Report Forms

i) Noncompliance Report Forms are available from the Department and shall be submitted with or as the written noncompliance report.

ii) The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

15. Bypass

a. Definitions

i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass Not Exceeding Limitations

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

c. Notice

i) Anticipated Bypass

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

ii) Unanticipated Bypass

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

d. Prohibition of Bypass

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

i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii) The permittee submitted notices as required under paragraph 15.c. of this section.

e. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 15.d.

16. Upset

a. Definition

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

b. Effect of an Upset

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

c. Conditions Necessary for a Demonstration of Upset.

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

i) An upset occurred and that the permittee can identify the cause(s) of the upset;

ii) The permitted facility was at the time being properly operated;

iii) The permittee submitted notice of the upset as required in paragraph 14.f. ii) (a), of this section (24-hour notice).

iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

d. Burden of Proof

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

17. Other Rules and Regulations Liability

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

18. Severability

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

19. Other Conditions that Apply to NPDES and NPP Permits

a. Land Application of Wastewater Effluent

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

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

b. Toxic Pollutants

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

c. Oil and Hazardous Substances/Spill Notification

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

d. Removed Substances

i) Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality.

(a) The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 257.

(b) The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 503.

(c) If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132.

ii) Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act.

iii) This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

e. Representative Sampling

i) Samples and measurements taken as required within this permit shall be representative of the discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.

ii) Composite sampling shall be conducted in one of the following manners;

(a) Continuous discharge - a minimum of one discrete aliquot collected every three hours,

(b) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or

(c) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.

(d) Composite samples shall be collected in one of the following manners:

(i) The volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,

(ii) A number of equal volume aliquots taken at varying time intervals in proportion to flow,

(iii) A sample continuously collected in proportion to flow, and

(e) Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.

(f) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.

iii) All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:

(a) In the case of sludge samples, alternative techniques are specified in 40 CFR Part 503, or

(b) Other procedures are specified in this permit.

iv) Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements. The accepted capability shall be consistent with that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:

(a) "Water Measurement Manual," U.S. Department of the Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001.
(Available online at http://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm)

(b) "NPDES Compliance Flow Measurement Manual, "U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 147 pp.
(Available online at http://www.epa.gov/nscep, and enter 'NPDES Compliance Flow Measurement Manual, Publication MCD-77' in the search box)

f. Changes of Loadings to Publicly Owned Treatment Works (POTWs)

All POTWs must provide adequate notice to the Director of the following:

i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to NDEQ Title 119, Chapter 26, if it were directly discharging those pollutants;

ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

iii) For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

20. Definitions

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 13, Standard Conditions 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 Environmental Quality.

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

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 NDEQ 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.

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

kg/Day: Kilograms per Day

MGD: Million Gallons per Day

mg/L: Milligrams per Liter

NOI: Notice of Intent

NDEQ: Nebraska Department of Environmental Quality

NDEQ Title 115: Rules of Practice and Procedure

NDEQ Title 117: Nebraska Surface Water Quality Standards

NDEQ Title 118: Ground Water Quality Standards and Use Classification

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

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

NDEQ Title 132: Integrated Solid Waste Management Regulations

NPDES: National Pollutant Discharge Elimination System

NPP: Nebraska Pretreatment Program

POTW: Publicly Owned Treatment Works

µg/L: Micrograms per Liter

WWTF: Wastewater Treatment Facility

Attachment 1

Nebraska Department of Environmental Quality

Wastewater Section

The Atrium Building, Suite 400, 1200 N Street
PO Box 98922
Lincoln, NE 68509-8922
Tel. (402) 471-4220
Fax (402) 471-2909

CERTIFICATION OF ANNUAL LAND APPLICATION REPORT

A. Identification of Facility

Facility Name: NPDES Permit No.:

Mailing Address:_____

City:_____ State:_____ Zip Code:_____

B. Agronomist/Crop Specialist that Prepared the Annual Report

Name of Agronomist/Crop Specialist:_____

Phone Number_____

Mailing Address:_____

City:_____ State:_____ Zip Code:_____

C. Certification of Annual Report

Part I. I certify that the _____ facility, located

Part II. At _____, Nebraska is in compliance with the requirements of the NPDES permit

I also certify, under penalty of law, that the annual report 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, 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.

_____ _____
Signature of Cognizant Official Date

_____ _____
Printed Name Title