

NEBRASKA ADMINISTRATIVE CODE

Title 119 - Nebraska Department of Environmental Quality

Chapter 3 - PERMITS; EXCLUSIONS; PROHIBITIONS

001 The following discharges are exempt from applying for and having an NPDES permit to discharge except as indicated:

001.01 Discharges of sewage from vessels within the meaning of Section 312 of the Clean Water Act;

001.02 Discharges from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when a vessel is being used as an energy or mining facility, a storage facility, or a food processing facility, or is secured to the bed of waters of the state for the purpose of mineral or oil exploration development;

001.03 Water, gas or other material which is injected into a well to facilitate production of oil and gas, or water derived in association with oil or gas production and disposal of in a well, if the well is used either to facilitate production or for disposal purposes and is approved by the Nebraska Oil and Gas Conservation Commission, complies with Title 122 - Rules and Regulations for Underground Injection and Mineral Production Wells, and it is determined by the Department that injection or disposal will not result in the degradation of ground or surface water resources;

001.04 Nonpoint source discharges of pollutants from agricultural and silvicultural activities, including irrigation return flow and runoff from orchards, cultivated crops, pastures, range lands, and forest lands, unless identified by the Director as a significant contributor of pollution;

001.05 Discharges of dredged or fill material into waters of the state and regulated under Section 404 of the Clean Water Act;

001.06 Discharges of sewage, industrial wastes or other pollutants into POTW's by indirect dischargers. Indirect dischargers may require an NPDES Pretreatment Permit;

001.07 Diversion, carriage, and exchange of water from or into streams, lakes, reservoirs, or conveyance structures, or storage of water in or release of water from lakes, reservoirs, or conveyance structures, in the exercise of water rights;

001.08 Discharge of water from single family household non-recirculating geothermal heat pumps, if the discharge does not include chemical additives for cleaning or descaling and does not create a threat to public health or safety, a nuisance, or unlawful pollution of waters of the state;

001.09 Discharge from swimming pools, if the discharge from a swimming pool is discharged through permanent piping to a POTW and does not create a threat to public health or safety, result in pass through or interference to a POTW, a nuisance, or unlawful pollution of waters of the state;

001.10 Discharge from Agricultural tile drain systems to surface waters of the state; and

001.11 Application of water containing nutrients that is agronomically applied as a fertilizer, when the source of the water is not wastewater, cooling water or process water.

002 No permit may be issued:

002.01 When the conditions of the permit do not provide for compliance with the applicable requirements of the Clean Water Act, or regulations promulgated under the Clean Water Act;

002.02 When the applicant is required to obtain a State or other appropriate certification under section 401 of Clean Water Act and Title 120 and that certification has not been obtained or waived;

002.03 By the State Director where the Regional Administrator has objected to issuance of the permit;

002.04 When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected States;

002.05 When, in the judgment of the Secretary of the Army acting through the Chief of Engineers, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge;

002.06 For the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;

002.07 For any discharge inconsistent with a plan or plan amendment approved under section 208(b) of the Clean Water Act;

002.08 To a new source or a new discharger, if the discharge from its construction or operation will cause or contribute to the violation of water quality standards.

Any discharge from a new source or new discharger, if the discharge from the construction or operation of the facility will cause or contribute to the violation of water quality standards by the POTW to which it discharges. The owner or operator of a new source or new discharger proposing to discharge into a water segment which does not meet applicable water quality standards or is not expected to meet those standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Clean Water Act, and for which the State or interstate agency has performed a pollutants load allocation for the pollutant to be discharged, must demonstrate, before the close of the public comment period, that:

002.08A There are sufficient remaining pollutant load allocations to allow for the discharge; and

002.08B The existing dischargers into that segment are subject to compliance schedules designed to bring the segment into compliance with applicable water quality standards. The Director may waive the submission of required information by the new source or new discharger if the Director determines that the Director already has adequate information to evaluate the request. An explanation of the development of limitations to meet the criteria of this paragraph is to be included in the fact sheet to the permit.

002.09 Any discharge from a new source or new discharger if the discharge exceeds the reserve treatment capacity at the POTW.

002.10 Any discharge from an Industrial User which does not assure compliance with applicable pretreatment standards or requirements which will otherwise interfere with, pass through, or be incompatible with a POTW's treatment processes, including contamination of sewage sludge.

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003 The Director may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable National Pretreatment Standards and requirements, where such contributions would cause the POTW to violate its NPDES permit, or where such contributions exceed the reserve treatment capacity of the POTW.

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

Legal Citation: Title 119, Chapter 3, Nebraska Department of
Environmental Quality