

NEBRASKA ADMINISTRATIVE CODE  
TITLE 130 - NEBRASKA DEPARTMENT OF WATER, ENERGY, AND  
ENVIRONMENTAL QUALITY

Chapter 6 – NPDES PERMIT, CONSTRUCTION AND OPERATING PERMIT, OPERATING  
PERMIT, CONSTRUCTION APPROVAL, MAJOR MODIFICATION,  
APPLICATION: ISSUANCE, DENIAL, REVOCATION, REJECTION,  
MODIFICATION, TRANSFER, OR SUSPENSION

001 A NPDES permit, a construction and operating permit, construction approval, major modification, or application may be denied, revoked, modified or suspended for cause, including, but not limited to, the following:

001.01 Allowing a discharge of livestock wastes into waters of the State, except as provided by a permit or these regulations;

001.02 Violation of Title 117 (Nebraska Administrative Code) – Nebraska Surface Water Quality Standards or Title 118 (Nebraska Administrative Code) – Ground Water Quality Standards and Use Classification;

001.03 Obtaining approval by misrepresentation or failure to disclose fully all relevant facts;

001.04 Refusal to allow the Director or his or her representative:

001.04A Access to the operation and facility at any reasonable time;

001.04B Access to records or failure to provide records required under these regulations or conditions of a NPDES permit, operating permit, construction and operating permit, or construction approval; or

001.04C Access to any waste sources, surface water or ground water to obtain samples at the operation or facility.

001.05 Failure to inspect, operate, and maintain the operation and facility as specified in the approved application and these regulations;

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001.06 Failure to inspect, operate, and maintain the mechanical devices identified in Chapter 10 in proper working condition;

001.07 Failure to pay the appropriate fee; or

001.08 Violation of, or failure to comply with, the requirements in these rules and regulations, or the terms or conditions of a NPDES permit, construction approval, operating permit, or construction and operating permit.

002 In the event these regulations are amended or superseded, the Department may modify a construction approval, operating permit, construction and operating permit, or NPDES permit and include a schedule for compliance.

003 A construction and operating permit, construction approval, operating permit or NPDES permit may be transferred to another person. A completed transfer request form shall be submitted to the Department at least 30 days prior to the proposed transfer. The transfer is complete only upon written approval by the Director. The transfer request shall include the following:

003.01 A completed Form D – ‘Permit Transfer Request’ form, as published on the Department website (see Appendix D <https://dwee.nebraska.gov>) and available in paper form on request, signed and dated by the current authorized representative and the authorized representative for the proposed owner or operator.

003.02 A Form C – ‘Applicant Disclosure’ form, as published on the Department website (see Appendix C <https://dwee.nebraska.gov>) and available in paper form on request, completed by the new owner or operator.

004 In addition to other permit review determinations under the Livestock Waste Management Act and the Environmental Protection Act, pursuant to Neb. Rev. Stat. § 54-2431, the Department shall reject an application for a NPDES permit, construction and operating permit or major modification, or revoke or suspend a NPDES permit, or a construction and operating permit upon a finding that the applicant or permittee is unsuited to perform the obligations of a permitholder. Whenever the Director initiates proceedings under this section, those proceedings shall be as set out in Neb. Rev. Stat. § 81-1507 and Title 115.

Enabling Legislation: Neb. Rev. Stat. § 81-1504(10)(11)(12)(13)(20)(21); § 81-1505(10)(11); § 54-2416 to § 54-2438

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