

NEBRASKA ADMINISTRATIVE CODE

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

CHAPTER 7 National Pollutant Discharge Elimination System (NPDES) Permit Fees

001 This chapter implements Neb. Rev. Stat. §§ 81-1505; 81-1522.

001.01 Definitions used in this Chapter.

001.01(A) Combined sewer systems means the definition at 40 CFR 122.26(a)(7), as adopted and incorporated by reference in Chapter 1, 003 of this Title.

001.01(B) Direct dischargers means dischargers of a pollutant or combination of pollutants into a water of the state as defined in Neb. Rev. Stat. § 81-1502(21), from a point source without first being received by a publicly owned treatment works.

001.01(C) Major facility means the definition in 40 CFR 122.2, as adopted and incorporated by reference in Chapter 1, 003 of this Title.

001.01(D) Major municipal wastewater treatment facility means the definition in Chapter 1, 018 of this Title or as otherwise determined to be a major municipal wastewater treatment facility by the Regional Administrator in connection with the State Director.

001.01(E) Minor facility means the definition in Chapter 1, 019 of this Title.

001.01(F) Minor Municipal Wastewater Treatment Facility means the definition in Chapter 1, 020 of this Title.

001.01(G) Municipal separate storm sewer system or MS4 means the definition in 40 CFR 122.26(b)(4) applicable to large MS4s, 122.26(b)(7) applicable to medium MS4s, and 122.26(b)(16) applicable to small MS4s.

001.01(H) Potable water treatment plant means a drinking water system facility utilizing aeration, settling, filtration, or other physical process and/or the addition of any chemical or chemicals for the purpose of removing, deactivation, or adjusting the level of one or more contaminants present in the raw water source to meet drinking water standards.

001.01(I) Pretreatment means the definition in 40 CFR 403.3(s) as adopted and incorporated by reference in Chapter 1, 003 of this Title.

001.01(J) Publicly owned treatment works means the definition in 40 CFR 403.3(q) as adopted and incorporated by reference in Chapter 1, 003 of this Title.

001.01(K) Treatment works treating domestic sewage means the definition in 40 CFR 122.2, as adopted and incorporated by reference in Chapter 1, 003 of this Title.

002 The following application fee will be submitted with an NPDES and/or pretreatment application in the amounts specified as follows:

002.01 Permit applications for publicly owned treatment works (POTWs), treatment works treating domestic sewage (TWTDS), and potable water treatment plants (PWTs).

002.01(A) A two thousand five hundred dollar (\$2,500) fee will be submitted for major municipal wastewater treatment facilities.

002.01(B) A one thousand five hundred dollar (\$1,500) fee will be submitted for a minor POTW, TWTDS, or

PWTP serving a population of one thousand (1,000) or greater.

002.01(C) A seven hundred fifty dollar (\$750) fee will be submitted for a minor POTW, TWTDS, or PWTP serving a population of five hundred (500) to nine hundred ninety-nine (999).

002.01(D) A five hundred dollar (\$500) fee will be submitted for a minor POTW, TWTDS, or PWTP serving a population of two hundred fifty (250) to four hundred ninety-nine (499).

002.01(E) A two hundred fifty dollar (\$250) fee will be submitted for a minor POTW, TWTDS, or PWTP serving a population two hundred forty-nine (249) or less.

002.02 Permit applications for all facilities, activities, point source categories other than POTWs, TWTDS, and PWTPs.

002.02(A) A two thousand five hundred dollar (\$2,500) fee will be submitted for major facilities which are direct dischargers.

002.02(B) A one thousand five hundred dollar (\$1,500) fee will be submitted for minor facilities which are direct dischargers.

002.02(C) A one thousand five hundred dollar (\$1,500) fee will be submitted for industrial users under the significant industrial user definition at 40 CFR Part 403.3(v)(1)(ii).

002.02(C)(i) An additional two hundred dollar (\$250) fee will be submitted for additional each direct discharge outfall(s) identified in a significant industrial user's permit application.

002.02(D) A seven hundred fifty dollar (\$750) fee will be submitted for industrial users under the significant industrial user definition at 40 CFR Part 403.3(v)(1)(i).

002.02(D)(i) An additional two hundred dollar (\$250) fee will be submitted for each direct discharge outfall(s) identified in a significant industrial user's permit application.

002.02(E) A five hundred dollar (\$500) fee will be submitted for dischargers with truck wash land application only or single pass cooling water only.

002.02(F) An additional five hundred dollar (\$500) fee will be submitted for applicants under Section 002.02 which request to land apply under a NPDES permit.

002.03 Permit applications for individual or general NPDES stormwater permits and notices of intent.

002.03(A) A one hundred seventy-five dollar (\$175) fee will be submitted for a construction stormwater notice of intent or application for individual permit.

002.03(B) A one hundred seventy-five dollar (\$175) fee will be submitted for an industrial stormwater notice of intent or application for individual permit.

002.03(C) A one hundred seventy-five dollar (\$175) fee will be submitted for a municipal separate storm sewer system notice of intent or application for individual permit.

002.04 Combined sewer systems.

002.04(A) A one thousand five hundred-dollar (\$1,500) fee will be submitted for a combined sewer system.

003 The following annual fees will be submitted to the department by July 1 of each year:

003.01 A one thousand-dollar (\$1,000) annual fee will be submitted for major direct dischargers.

003.02 A seven hundred fifty dollar (\$750) fee will be submitted for minor industrial direct dischargers, pretreatment

dischargers under the significant industrial user definition at 40 CFR Part 403.3(v)(1)(ii), and a minor POTW, TWTDS, or PWTP serving a population of one thousand (1,000) or greater.

003.03 A five hundred dollar (\$500) fee will be submitted for pretreatment dischargers under the significant industrial user definition at 40 CFR Part 403.3(v)(1)(ii) and a minor POTW, TWTDS, or PWTP serving a population of five hundred (500) to nine hundred ninety-nine (999).

003.04 A one hundred dollar (\$100) fee will be submitted for dischargers with truck wash land application outfall(s) only, single pass cooling water only, and a minor POTW, TWTDS, or PWTP serving a population of two hundred forty-nine (249) or less.

003.05 A one hundred fifty dollar (\$150) fee will be submitted for each active construction stormwater authorization.

003.06 A one hundred fifty dollar (\$150) fee will be submitted for each active industrial stormwater authorization.

003.07 A one hundred fifty dollar (\$150) fee will be submitted for each municipal separate storm sewer system implementing a stormwater management plan.

003.08 A five hundred dollar (\$500) fee will be submitted for a combined sewer system.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1505; 81-1522.