Authorization to Discharge Under the Nebraska Pretreatment Program (NPP)

This NPP 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.

NPP Permit No.	**NE0140503**
DWEE ID	**3873**
Permittee	**Nebraska Dairy Products, Inc.**
Facility Name	**Nebraska Dairy**
Facility Mailing Address	**325 N 3rd Street, David City, NE 68632**
Facility Address	**325 N 3rd Street, David City, NE 68632**
Legal Description	**SW ¼, SE ¼, Section 19, Township 15 N, Range 3 E, Butler County, NE**
Latitude/Longitude	**41.24278 °N / 97.14750 °W**
Receiving POTW	**City of David City WWTF**
Receiving Water	**Keyser Creek, an undesignated tributary to North Fork Big Blue River, Segment BB4-30200, Big Blue River Basin**
Effective Date	
Expiration Date	

Pursuant to a Delegation Memorandum dated February 18, 2026, and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this _____ day of _____, _____

_____
Reuel S. Anderson
Permits and Engineering Division Administrator

Permit Action Items

The following is a brief summary of action items pertaining to this permit that are required of Nebraska Dairy Products, Inc. and the Nebraska Department of Water, Energy, and Environment (DWEE). The summary is a schedule of permit and compliance items for the facility. See the permit and fact sheet for more specific information on the permit conditions.

Daily

- Monitor flow for Outfall 001.

Weekly

- Sample Outfall 001 for temperature, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and pH.

Monthly

- total Kjeldahl nitrogen (TKN) and oil and grease.

Quarterly

- Discharge monitoring reports (DMRs) must be submitted electronically.

Three Years

- The compliance schedule in Part I of the permit will be complete and the final limits in Table 2 are implemented.

Every 5 Years

- Nebraska Dairy Products, Inc. must submit a NPP process wastewater application to the Department 180 days prior to permit expiration.
- Nebraska Dairy Products, Inc. must apply for coverage or non-exposure under the industrial stormwater general permit.

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Appendix A – *Standard Conditions Applicable to all NPDES and NPP Permits*

Part I. Compliance Schedule for Outfall 001

Upon issuance of this permit, Nebraska Dairy Products, Inc. will implement the compliance schedule set forth below for meeting final permit limit requirements. This schedule may be modified in accordance with Nebraska Department of Water, Energy, and Environment (DWEE) Title 119, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System (NPDES)*, and written notice from the DWEE. During the compliance schedule period, interim limits and monitoring in Table 1 shall be applicable. Once the schedule is complete, Nebraska Dairy will be subject to the final permit limits requirements set forth in Table 2.

Annually

Every twelve months after the effective date of this permit, Nebraska Dairy will submit to the DWEE a treatment progress report describing the steps taken to achieve compliance with the requirements of this schedule. This report can be in written letter form or as a memorandum submitted to the DWEE. These will be addressed to the attention of the NPDES Compliance Section.

Three Years

No later than three years after the effective date of this permit Nebraska Dairy will complete the construction of upgrades to the facility treatment facility or implement process changes and/or best management practices (BMPs) to treat wastewater to the required permitted levels. No later than three years after the effective date of this permit, the final limits in Table 2 will be in effect and will apply to the discharge of wastewater from Nebraska Dairy.

Part II. Discharge Limits and Monitoring Requirements

A. Interim Outfall 001 Monitoring Requirements

The discharge from Nebraska Dairy, Outfall 001, to the City of David City WWTF is authorized and shall be monitored and limited as specified below. These limits are maintained until completion of the compliance schedule set forth in Part I of this permit. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge to the receiving POTW, unless an alternative or more specific monitoring point is specified by the DWEE. The City of David City may enforce more stringent local limits.

Table 1: Interim Discharge Limits and Monitoring Requirements for Outfall 001

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Monthly Average	Daily Maximum		
Flow	50050	MGD	Report	Report	Daily	Measured or Calculated
Temperature	00011	°F	Report	Report	Weekly	Grab
Biochemical Oxygen Demand (BOD)	00310	mg/L	Report	Report	Weekly	24 Hour Composite
		lbs/day	2084	Report		
Total Suspended Solids (TSS)	00530	mg/L	Report	Report	Weekly	24 Hour Composite
		lbs/day	1831	Report		
Oil and Grease	00552	mg/L	Report	Report	Monthly	Grab
Total Kjeldahl Nitrogen (TKN)	00625	mg/L	Report	Report	Monthly	24-Hour Composite
		lbs/day	257	Report		
Parameters	**Storet #**	**Units**	**Discharge Limits**		**Monitoring Frequency**	**Sample Type**
			Daily Minimum	**Daily Maximum**		
pH	00400	S.U.	5.0	Report	Weekly	Grab[(a)]

[(a)] pH shall be measured within 15 minutes of sample collection.

Abbreviations: MGD – million gallons per day S.U. – standard units mg/L – milligrams per liter lbs/day – pounds per day °F – degrees Fahrenheit

B. Final Outfall 001 Monitoring Requirements

The discharge from Nebraska Dairy, Outfall 001, to the City of David City WWTF is authorized and shall be monitored and limited as specified below. These limits are implemented after completion of the compliance schedule set forth in Part I of this permit. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge to the receiving POTW, unless an alternative or more specific monitoring point is specified by the DWEE. The City of David City may enforce more stringent local limits.

Table 2: Final Discharge Limits and Monitoring Requirements for Outfall 001

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Monthly Average	Daily Maximum		
Flow	50050	MGD	0.075	Report	Daily	Measured or Calculated
Temperature	00011	°F	Report	Report	Weekly	Grab
Biochemical Oxygen Demand (BOD)	00310	mg/L	Report	Report	Weekly	24 Hour Composite
		lbs/day	1391	Report		
Total Suspended Solids (TSS)	00530	mg/L	Report	Report	Weekly	24 Hour Composite
		lbs/day	350	Report		
Oil and Grease	00552	mg/L	100	Report	Monthly	Grab
Total Kjeldahl Nitrogen (TKN)	00625	mg/L	Report	Report	Monthly	24-Hour Composite
		lbs/day	145	Report		
Parameters	**Storet #**	**Units**	**Discharge Limits**		**Monitoring Frequency**	**Sample Type**
			Daily Minimum	**Daily Maximum**		
pH	00400	S.U.	5.0	Report	Weekly	Grab[(a)]

[(a)] pH shall be measured within 15 minutes of sample collection.

Abbreviations: MGD – million gallons per day S.U. – standard units mg/L – milligrams per liter lbs/day – pounds per day °F – degrees Fahrenheit

Part II. Other Requirements and Conditions

A. Prohibited Discharge Standards

In accordance with 40 CFR Section 403.5(a), the facility discharge shall not cause the introduction of pollutants into the POTW which will interfere with the operation of the POTW, including interference with its use or disposal of municipal sludge; shall not introduce pollutants into the POTW which will pass through the treatment works or otherwise be incompatible with such works; and not reduce opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

Discharges authorized under this permit:

1. Shall not create a fire or explosion hazard in the POTW;
2. Shall not cause corrosive structural damage to the POTW;
3. Shall not cause obstruction to the flow in the collection system;
4. Shall not cause interference or process upset at the treatment facility including slug loads;
5. Shall not contain heat in amounts that can inhibit biological activity at the POTW;

6. Shall not result in the presence of toxic gases, vapors, or fumes within a POTW in a quantity that may cause acute worker health and safety problems;
7. Shall not contain petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through; and
8. Shall not include trucked or hauled pollutants, except at discharge points designated by the POTW. Prior approval shall be obtained from the Department and the appropriate POTW.

B. Dilution of Wastewater

The use of process wastewater or other dilution as a partial or total substitute for adequate treatment is prohibited in accordance with 40 CFR Section 403.6(d).

C. Notification of Additional Pollutant Potential

The Department and the appropriate POTW shall be notified prior to any system changes, production increases and/or the use of any new chemicals or additives that may result in a significant increase in the discharge of pollutants.

D. Notification of City POTW

The permittee shall submit copies of all Discharge Monitoring Reports (DMRs) and noncompliance reports to the NPDES Compliance Section and to the appropriate contact at the city POTW. This includes the immediate and 24 hour reporting requirements set forth in Appendix A, Part 14. Contact addresses and telephone numbers current at the time of permit development are listed in the following paragraphs:

NPDES Compliance Section
Nebraska Department of Water, Energy, and Environment
245 Fallbrook Boulevard, Suite 100
Lincoln, NE 68521
Telephone Number (402) 471-4220

David City WWTF
City of David City
557 4th Street
David City , Nebraska
(402) 367-3135

E. Wastes Trucked or Hauled to the POTW

Prior Departmental and city approval shall be obtained for any waste and wastewater disposal practice that involves the trucking or hauling of waste to the POTW.

F. Best Management Practices

The permittee shall employ Best Management Practices for identifying and minimizing potential pollutant loading sources being discharged. The practices shall address processes as well as maintenance and management procedures that include, but not limited to, material storage and handling, employee training, recordkeeping, cleaning procedures, water conservation, and spill prevention.

G. Effluent Violation Repeat Sampling

The permittee shall conduct or repeat sampling and analysis and submit the results of the repeat analysis to the Department within 30 days of becoming aware of the violation. The results of the repeat analysis must be submitted with a copy of the previously submitted noncompliance form.

H. Notice of Potential Problems

All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any sludge loadings.

I. Sludge Disposal or Use

Solid wastes generated at the facility are subject to a hazardous waste determination pursuant to DWEE Title 128 – *Nebraska Hazardous Waste Regulations*, Chapter 4, 002. Any questions regarding the management of solid waste should be directed to the Department's Waste Management Section.

J. 90 Day Compliance Reports

Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Department a report containing the information listed below as specified in 40 CFR Section 403.12(d).

1. The name and address of the Industrial User;
2. A description of the location of the Industrial User's treatment system and the point of entrance into the POTW;
3. A description of the Industrial User's existing water pollution control facility;
4. A schematic flow diagram of the Industrial user's water system including water supply, process wastewater systems, and points of discharge;
5. A list of any environmental control permits held by or for the facility;
6. A description of the operations carried out by the Industrial User, the average rate of production, and Standard Industrial Classification of the operation carried out by such Industrial User;
7. The measured average and maximum flow of the discharge from such Industrial User to the POTW in gallons per day, or the average and maximum flow of the discharge as estimated by verifiable techniques;
8. The nature, concentration, and mass of pollutants in the discharge from each regulated process from the Industrial User and identification of the applicable Categorical Standards and Requirements. The concentration and mass shall be reported as a maximum or average level as provided for in the applicable Categorical Standard. If an equivalent concentration limit has been calculated in accordance with 40 CFR Section 403.12(j), this adjusted concentration limit shall also be submitted;
9. When sampling for Categorical Standards and Requirements, if testing for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds is necessary, then a minimum of four (4) grab samples is required;
10. Report the existence of any technical evaluation concerning the facilities wastewater treatment, along with the name and location of similar plants of which the facility has knowledge;
11. Any optional information the permittee wished to have considered;
12. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operations and maintenance and/or additional pretreatment is required for the Industrial User to meet the pretreatment standards and requirements;
13. Signature of certifying official under 40 CFR Section 122.22.

Appendix A

Standard Conditions Applicable to all NPDES and NPP Permits

The following conditions apply to all DWEE 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 EPA's 40 CFR – *Code of Federal Regulations*.

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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 DWEE 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 include 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 40 CFR Part 104.

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*; 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*; by a general partner or the proprietor.

iii) *For a municipality, State, Federal, or other public agency*; 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. 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:
   i) The authorization is made in writing by a person described in section 12.b;
   ii) 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;
   iii) 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 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 gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

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 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.* 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:

i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Section 122.41(l)(1)(i).

ii) 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 40 CFR Section 122.41(l)(1)(ii).

iii) 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 40 CFR Section 122.41(l)(3) 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. According to 40 CFR Part 127 permittees that have reporting requirements must submit discharge monitoring reports (DMRs) electronically on EPA NetDMR, which is accessed via EPA's Central Data Exchange (CDX) located at cdx.epa.gov. The Department elected for EPA to be the initial recipient for DMRs.

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 40 CFR Part 136, 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 Schedule.* 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.g.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, combined 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 Section 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, Subpart D to Part 3), Section 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:

- Any unanticipated bypass which exceeds any effluent limitation in this permit.
- Any upset which exceeds any effluent limitation in this permit.
- 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.g, at the time monitoring reports are submitted. The reports shall contain the information listed in 14.g; 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. *Noncompliance Report Forms.* Noncompliance Report Forms are available on the Department website and shall be submitted with or as the written noncompliance report. 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 Section 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), Section 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.b. 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 DWEE Title 119, Chapter 4. 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 DWEE Titles 117 and 118. 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 DWEE 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 DWEE at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When DWEE cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the DWEE Immediate Response Team at telephone number (402) 479-4921. 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*. 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.
   i) The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 257.
   ii) The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 503.
   iii) If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in DWEE Title 132 - *Integrated Solid Waste Management Regulations*.

e. *Sewage Sludge*. 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. *Modification for Regulatory Limitations*. This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

g. *Representative Sampling*. 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. *Sampling.*
   i) Composite sampling shall be conducted in one of the following manners:
      - Continuous discharge - a minimum of one discrete aliquot collected every three hours;
      - Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge; or
      - Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
   ii) Composite samples shall be collected in one of the following manners:
      - 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;
      - A number of equal volume aliquots taken at varying time intervals in proportion to flow;
      - A sample continuously collected in proportion to flow; and
      - Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.
   iii) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
   iv) All sample preservation techniques shall conform to the methods adopted in 40 CFR Section 122.21(g)(7)(ii) unless:
      - In the case of sludge samples, alternative techniques are specified in 40 CFR Part 503; or
      - 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 to Loading to 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 section 301 or 306 of CWA, 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 under 40 CFR Section 125.58.

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.

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.

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 Water, Energy, and Environment, or DWEE.

Director: The Director of the Nebraska Department of Water, Energy, and Environment.

Industrial Discharge: Wastewater that originates from an industrial process and/or is non-contact cooling water and/or is boiler blowdown.

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 40 CFR Section 403.3(v), 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.

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 or Attachment 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 or Attachment 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

NOI: Notice of Intent

DWEE: Nebraska Department of Water, Energy, and Environment

DWEE Title 115: Rules of Practice and Procedure

DWEE Title 117: Nebraska Surface Water Quality Standards

DWEE Title 118: Ground Water Quality Standards and Use Classification

DWEE Title 119: Rules and Regulations Pertaining to the Issuance of Permits

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

DWEE Title 132: Integrated Solid Waste Management Regulations

NPDES: National Pollutant Discharge Elimination System

NPP: Nebraska Pretreatment Program

POTW: Publicly Owned Treatment Works

WWTF: Wastewater Treatment Facility