NEBRASKA
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DEPT. OF ENVIRONMENT AND ENERGY

Jim Pillen, Governor

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.	**NE0133680**
NDEE ID	**999428**
Facility	**City of Omaha Combined Sewer Overflows**
Permittee	**City of Omaha, Omaha, Nebraska**
Receiving Water	**Papillion Creek and Missouri River Drainage Basins**
Effective Date	**January 1, 2024**
Expiration Date	**December 31, 2028**

Pursuant to a Delegation Memorandum dated July 1, 2019, and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this 21st day of December, 2023

Steven M. Goans
Deputy Director

Department of Environment and Energy
P.O. Box 98922
Lincoln, Nebraska 68509-8922

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Permit Action Items

The following is a brief summary of action items pertaining to this permit that are required of the City of Omaha and the Nebraska Department of Environment and Energy (NDEE). The summary is a schedule of planned items for the facility. See the permit and fact sheet for more specific information on the permit conditions.

Throughout the permit term the City of Omaha must meet the compliance schedule dates set forth in the permit and Long Term Control Plan (LTCP).

Hourly During Discharge

- Sample Outfall CSO 102 for flow, duration of flow, and total flow.

Hourly During Discharge beginning January 1, 2024

- Sample Outfall CSO 205R for flow, duration of flow, and total flow.

Every Four Hours During Discharge

- Sample Outfall CSO 102 for pH, *E. coli*, and total residual chlorine (TRC).

Every Four Hours During Discharge beginning January 1, 2024

- Sample Outfall CSO 205R for pH, *E. coli*, and TRC.

Once Each Discharge

- Sample Outfall CSO 102 for total suspended solids and biochemical oxygen demand

Once Each Discharge beginning January 1, 2024

- Sample Outfall CSO 205R for total suspended solids and biochemical oxygen demand

Quarterly

- Discharge monitoring reports (DMRs) must be submitted electronically, see Appendix A for schedule.

Annually

- An annual report is due to the Department by December 31.

Every 5 Years

- NDEE will conduct a compliance inspection of the CSO facilities.
- The City of Omaha must submit a NPDES wastewater application to the Department 180 days prior to permit expiration.

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Part I. Identification of Outfalls Authorized to Discharge under this Permit

A. Characterization of Combined Sewer Overflow Outfalls

Combined sewer systems (CSS) are wastewater collection systems that are designed to transport sanitary sewage and stormwater in a single pipe to the wastewater treatment facility. In periods of dry weather, the combined sewer system conveys wastewater to the treatment facility. During wet weather events such as rainfall or snowmelt, total flows can exceed the capacity of the collection system or treatment facility. When this occurs, the combined sewer system is designed to overflow directly to the receiving stream through combined sewer overflow (CSO) outfalls. The area of the City of Omaha served by a combined sewer system is generally bounded on the east by the Missouri River, the west by 76th Street, the north by Interstate I-680 and on the south by Harrison Street/Douglas County Line. CSO outfalls exist on the Missouri River, Big Papillion Creek, Little Papillion Creek, Blood Creek, and Cole Creek

This permit specifically authorizes wet weather discharges from the City of Omaha's CSS through CSO outfalls according to the requirements, conditions, and limitations set forth in this permit. CSO outfalls are defined as designated overflow points in the combined sewer system (CSS) designed for the purpose of allowing the discharge of excess wet weather flows that exceed the capacity of the collection system to receiving waters prior to receiving complete treatment in the City's Water Resource Recovery Facilities. The CSO Outfalls associated with the Missouri River WRRF (MRWRRF) collection system are listed in Table 1 below and the CSO Outfalls associated with the Papillion Creek WRRF (PCWRRF) collection system are listed in Table 2 below. The MRWRRF CSO Outfall 102 is an approved wet weather bypass outfall of combined wastewater that has received primary treatment, and disinfection during the recreation season, but not secondary treatment. Some of these outfalls have been deactivated or are planned to be deactivated upon completion of the implementation of the LTCP.

This permit does not address nor authorize treated wastewater discharges from the City of Omaha wastewater treatment facilities or storm water discharges through the separate storm sewer system. The discharge of treated wastewater from the MRWRRF, Outfall 001, is authorized according to NPDES Permit NE0036358 and the discharge of treated wastewater from the PCWRRF, Outfall 001, is authorized according to NPDES Permit NE0112810. Wet weather discharge from the City of Omaha municipal separate storm sewer system (MS4) is authorized in NPDES Permit NE0133698.

B. Missouri River WRRF Service Area CSO Outfalls

Included in the following table are the active CSO Outfalls for the City of Omaha Missouri River WRRF service area.

Table 1: Combined Sewer Overflow Outfalls from the Missouri River WRRF Service Area

Outfall	Lat/Long	Location	Treatment Plant	Receiving Water
102	41.20139 -95.92420	Approved Bypass at Missouri River WRRF (see Part II)	Missouri River Plant	Missouri River
103	41.34309 -95.95745	Bridge Street Lift Station	Missouri River Plant	Missouri River
105	41.32484 -95.94566	Minne Lusa Avenue	Missouri River Plant	Outfall channel to Missouri River
106	41.27674 -95.92464	North Interceptor	Missouri River Plant	Outfall channel to Missouri River
107	41.27685 -95.92526	Grace Street	Missouri River Plant	Outfall channel to Missouri River
108	41.26489 -95.92553	Burt-Izard Street	Missouri River Plant	Outfall channel to Missouri River
109	41.25140 -95.91986	1st and Leavenworth	Missouri River Plant	Missouri River
110	41.24801 -95.91782	Pierce Street Lift Station	Missouri River Plant	Missouri River
111	41.24321 -95.91654	Hickory Street lift Station	Missouri River Plant	Outfall channel to Missouri River
112	41.23771 -95.91412	Martha Street	Missouri River Plant	Outfall channel to Missouri River
114	41.22384 -95.91741	Grover Street	Missouri River Plant	Outfall channel to Missouri River
115	41.22078 -95.92019	Riverview Lift Station	Missouri River Plant	Outfall channel to Missouri River.
118	41.20602 -95.92914	South Omaha - Ohern Street	Missouri River Plant	Missouri River
119	41.19543 -95.92794	Monroe Street Lift Station	Missouri River Plant	Missouri River
121	41.2518 -95.9183	Jones Street	Missouri River Plant	Missouri River

C. Papillion Creek WRRF Service Area CSO Outfalls

Included in the following table are the active CSO Outfalls for the City of Omaha Papillion Creek WRRF service area.

Table 2: Combined Sewer Overflow Outfalls from the Papillion Creek WRRF Service Area

Outfall	Lat/Long	Location	Treatment Plant	Receiving Water
201	41.07711 -95.87001	Papillion Creek WRRF Interceptor	Papillion Creek Plant	Missouri River
202	41.28863 -96.02482	72nd and Bedford	Papillion Creek Plant	Cole Creek
203	41.29222 -96.02139	69th and Evans	Papillion Creek Plant	Cole Creek
204	41.29931 -96.01801	63rd and Ames	Papillion Creek Plant	Cole Creek
205*	41.23513 -96.01219	64th and Dupont	Papillion Creek Plant	Outfall channel to Little Papillion Creek
208	41.20073 -95.98177	45th and T Street	Papillion Creek Plant	Blood Creek to Big Papillion Creek
210	41.25009 -96.02087	72nd and Mayberry	Papillion Creek Plant	Little Papillion Creek
211	41.2403 -95.0167	69th and Pierce	Papillion Creek Plant	Little Papillion Creek
212	41.2401 -96.0169	69th and Woolworth	Papillion Creek Plant	Little Papillion Creek

* Outfall 205R is added to the permit, representing the discharge from the Saddle Creek Retention Basin

Part II. CSO Outfall 102 Requirements

A. Requirements for CSO Outfall 102

The bypass of combined wastewater through CSO Outfall 102 at the MRWRRF is approved only when all of the following conditions are fulfilled. Approval for discharge through Outfall 102 may be modified or revoked by the NDEE if there is a substantial increase in the volume or characteristics of the pollutants being introduced into the POTW that is not consistent with the objectives of the LTCP.

1. Secondary treatment is provided for an instantaneous flow rate of up to 64 MGD (99 cfs) at the MRWRRF and the City is in compliance with secondary permit limits for CBOD and TSS in the MRWRRF NPDES Permit NE0036358.
2. Discharge through CSO Outfall 102 is approved only for combined wastewater during wet weather events.
3. Discharge through CSO Outfall 102 shall receive treatment to include solids and floatables removal and disposal, and primary treatment. Discharge shall also undergo disinfection during the recreation season.
4. The effluent discharged through Outfall 102 is monitored and limited according to the requirements set forth in Tables 3 and 4 below.

B. Interim Requirements for CSO Outfall 102 – Effective until January 1, 2025

The Interim Requirements for CSO Outfall 102 listed below in Table 3 shall be in effect upon permit issuance. On and after January 1, 2025, the Final Requirements for CSO Outfall 102 in Table 4 and Table 5 of this permit shall be in effect.

Table 3: Interim Requirements for CSO Outfall 102

Parameters	Storet#	Units	Limit		Monitoring Frequency	Sample Type
			Value			
Flow Rate	50050	MGD	Report		Hourly	Metered
Total Flow	82220	MG	Report		Hourly	Metered
Duration of Discharge	81381	Hours	Report		Hourly	Metered
Total Suspended Solids	00530	mg/L	Report		Once per discharge	Composite[a]
Biochemical Oxygen Demand	00310	mg/L	Report		Once per discharge	Composite[a]
Total Residual Chlorine[b]	50060	mg/L	Report		Once every 4 hours	Grab
Parameters	**Storet #**	**Units**	**Limit**		**Monitoring Frequency**	**Sample Type**
			Geometric mean			
E. coli[c]	31648	# 100 mL	Report		Once every 4 hours	Grab
Parameters	**Storet #**	**Units**	**Limit**		**Monitoring Frequency**	**Sample Type**
			Minimum	**Maximum**		
pH	00400	S.U.	Report	Report	Once every 4 hours	Grab

[a] Samples should be taken as individual grab samples as a flow weighted composite. One sample shall be reported per event, but as a composite of the whole discharge event. Sampling will be conducted according to standards set forth in 40 CFR Part 136.
[b] Monitoring for TRC is required only when chlorine producing chemical is added to the treatment system.
[c] *E. coli* monitoring applies only during the recreation season (May 1 through Sept. 30).
Abbreviations: MGD – million gallons per day mg/L – milligrams per liter S.U. – standard units MG – million gallons

C. Final Requirements for CSO Outfall 102 – Effective on January 1, 2025

The final requirements for CSO Outfall 102 listed in Table 4 shall be in effect beginning on January 1, 2025. On and after January 1, 2025, the Final Requirements for CSO Outfall 102 in Table 4 and Table 5 of this permit shall be in effect.

Table 4: Final Requirements for CSO Outfall 102

Parameters	Storet#	Units	Limit		Monitoring Frequency	Sample Type
			Value			
Flow Rate	50050	MGD	Report		Hourly	Metered
Total Flow	82220	MG	Report		Hourly	Metered
Duration of Discharge	81381	Hours	Report		Hourly	Metered
Total Suspended Solids	00530	mg/L	Report		Once per discharge	Composite[a]
Biochemical Oxygen Demand	00310	mg/L	Report		Once per discharge	Composite[a]
Parameters	**Storet#**	**Units**			**Monitoring Frequency**	**Sample Type**
Total Residual Chlorine[b]	50060	mg/L	Report TRC values		Once every 4 hours	Grab
Are you in compliance with TRC limits?[c]	51487	NA	Yes (DMR Report = 0) No (DMR Report = 1)		Once every 4 hours	NA
Parameters	**Storet #**	**Units**	**Limit**		**Monitoring Frequency**	**Sample Type**
			Minimum	**Maximum**		
pH	00400	S.U.	6.5	9.0	Once every 4 hours	Grab

[a] Samples should be taken as individual grab samples as a flow weighted composite. One sample shall be reported per event, but as a composite of the whole discharge event. Sampling will be conducted according to standards set forth in 40 CFR Part 136.

[b] Monitoring for TRC is required only when chlorine producing chemical is added to the treatment system.

[c] TRC compliance is determined by calculation of flow variable concentration limits following the Flow Variable Protocol for TRC at CSO 102 and MRWRRF 001 (NDEE Document #20180064938).

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

D. Final *E. coli* Requirements for CSO Outfall 102 – Effective on January 1, 2025

The final requirements for CSO Outfall 102 listed in Table 5 shall be in effect beginning on January 1, 2025. *E. coli* limits are dependent upon the duration of discharge from Outfall CSO 102 during a calendar month as set forth in Table 4 below.

One and only one *E. coli* sample shall be collected and analyzed once every 4 hours during discharge through Outfall CSO 102 until discharge through the outfall ceases. *E. coli* samples shall be representative of the monitored activity during the entire discharge event. Each discharge event is defined as the time period from when precipitation begins to when all CSO or bypasses have stopped and flow into the plant has returned to normal dry weather levels.

Table 5: Final *E. coli* Requirements for CSO Outfall 102[(a)]

Total duration of discharge during the calendar month	Parameter	Storet #	Units	Monthly Geomean Limit[(b)]	Monitoring Frequency	Sample Type
≤ 4 hours	*E. coli*	31648	# / 100 mL	1096	Once every 4 hours	Grab
> 4 hours ≤ 8 hours	*E. coli*	31648	# / 100 mL	565	Once every 4 hours	Grab
> 8 hours ≤ 12 hours	*E. coli*	31648	# / 100 mL	421	Once every 4 hours	Grab
> 12 hours ≤ 16 hours	*E. coli*	31648	# / 100 mL	354	Once every 4 hours	Grab
> 16 hours ≤ 20 hours	*E. coli*	31648	# / 100 mL	314	Once every 4 hours	Grab
> 20 hours ≤ 24 hours	*E. coli*	31648	# / 100 mL	287	Once every 4 hours	Grab
> 24 hours ≤ 36 hours	*E. coli*	31648	# / 100 mL	242	Once every 4 hours	Grab
> 36 hours ≤ 48 hours	*E. coli*	31648	# / 100 mL	219	Once every 4 hours	Grab
> 48 hours ≤ 60 hours	*E. coli*	31648	# / 100 mL	205	Once every 4 hours	Grab
> 60 hours ≤ 72 hours	*E. coli*	31648	# / 100 mL	194	Once every 4 hours	Grab
> 72 hours ≤ 168 hours	*E. coli*	31648	# / 100 mL	162	Once every 4 hours	Grab
> 168 hours ≤ 360 hours	*E. coli*	31648	# / 100 mL	145	Once every 4 hours	Grab
> 360 hours	*E. coli*	31648	# / 100 mL	126	Once every 4 hours	Grab

Parameters	Storet #	Units	Value	Monitoring Frequency	Sample Type
E. coli	31648	# / 100 mL	Report monthly geomean	Calendar month	Grab
Are you in compliance with monthly *E. coli* limits? [(c)]	51487	NA	Yes (DMR Report = 0) No (DMR Report = 1)	Calendar month	NA
Duration of Discharge in Calendar Month	81381	Hours	Report	Calendar month	Calculated
Sampling Events in Calendar Month	51484	Number	Report	Calendar month	Calculated

(a) *E. coli* monitoring and limits apply annually only during the recreational season (May 1 through Sept. 30).
(b) Limit for geometric mean of all *E. coli* samples analyzed during the calendar month
(c) Determined from duration of discharge during the calendar month and monthly geomean limit from list above.
Abbreviations: # / 100 mL – number of colony-forming units per 100 milliliters

Part III. Saddle Creek Retention Treatment Basin (RTB) Requirements – Outfall CSO 205R

The discharge of final effluent from the Saddle Creek RTB at 64th and Dupont, is authorized and shall be monitored and limited as specified in Tables 6, 7, and 8 below. The combined wastewater discharged through the Saddle Creek RTB shall receive treatment to include solids and floatables removal and disposal, primary treatment, and disinfection when required. The Outfall from the RTB to Papillion Creek is designated as Outfall CSO 205R. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge to the Little Papillion Creek, unless an alternative or more specific monitoring point is specified by the NDEE.

A. Interim Requirements for CSO Outfall 205R – Upon Commencement of Discharge or Effective on January 1, 2024

The Interim Requirements for the Outfall CSO 205R discharge listed below in Table 6 shall be in effect beginning on January 1, 2024. On and after January 1, 2026, the Final Requirements for Outfall CSO 205R in Tables 7 and Table 8 of this permit shall be in effect.

Table 6: Interim Requirements for Outfall CSO 205R

Parameters	Storet#	Units	Limit		Monitoring Frequency	Sample Type
			Value			
Flow Rate	50050	MGD	Report		Hourly	Metered
Total Flow	82220	MG	Report		Hourly	Metered
Duration of Discharge	81381	Hours	Report		Hourly	Metered
Total Suspended Solids	00530	mg/L	Report		Once per discharge	Composite[a]
Biochemical Oxygen Demand	00310	mg/L	Report		Once per discharge	Composite[a]
Total Residual Chlorine[b]	50060	mg/L	Report		Once every 4 hours	Grab
Parameters	**Storet #**	**Units**	**Limit**		**Monitoring Frequency**	**Sample Type**
			Geometric mean			
E. coli[c]	31648	# 100 mL	Report		Once every 4 hours	Grab
Parameters	**Storet #**	**Units**	**Limit**		**Monitoring Frequency**	**Sample Type**
			Minimum	**Maximum**		
pH	00400	S.U.	Report	Report	Once every 4 hours	Grab

[a] Samples should be taken as individual grab samples as a flow weighted composite. One sample shall be reported per event, but as a composite of the whole discharge event. Sampling will be conducted according to standards set forth in 40 CFR Part 136.
[b] Monitoring for TRC is required only when chlorine producing chemical is added to the treatment system.
[c] *E. coli* monitoring applies only during the recreation season (May 1 through Sept. 30).
Abbreviations: MGD – million gallons per day mg/L – milligrams per liter S.U. – standard units MG – million gallons

B. Final requirements for CSO Outfall 205R – Effective on January 1, 2026

Table 7: Final Requirements for Outfall CSO 205R

Parameters	Storet#	Units	Limit Value		Monitoring Frequency	Sample Type
Flow Rate	50050	MGD	Report		Hourly	Metered
Total Flow	82220	MG	Report		Hourly	Metered
Duration of Discharge	81381	Hours	Report		Hourly	Metered
Total Suspended Solids	00530	mg/L	Report		Once per discharge	Composite[a]
Biochemical Oxygen Demand	00310	mg/L	Report		Once per discharge	Composite[a]
Parameters	**Storet#**	**Units**	**Monthly Average**	**Daily Maximum**	**Monitoring Frequency**	**Sample Type**
Total Residual Chlorine [b]	50060	mg/L	0.011	0.019	Once every 4 hours	Grab
Parameters	**Storet #**	**Units**	**Limit**		**Monitoring Frequency**	**Sample Type**
			Minimum	**Maximum**		
pH	00400	S.U.	6.5	9.0	Once every 4 hours	Grab

[a] Samples should be taken as individual grab samples as a flow weighted composite. One sample shall be reported per event, but as a composite of the whole discharge event. Sampling will be conducted according to standards set forth in 40 CFR Part 136.

[b] Monitoring for TRC is required only when chlorine producing chemical is added to the treatment system.

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

C. Final *E. coli* Requirements for CSO Outfall 205R – Effective on January 1, 2026

The interim report requirement for *E. coli* for the Saddle Creek RTB discharge (Outfall CSO 205R) shall be applicable on January 1, 2024. Compliance with final *E. coli* limits for Outfall CSO 205R shall be effective on January 1, 2026. *E. coli* limits are dependent upon the duration of discharge from CSO Outfall 205R during a calendar month as set forth in Table 8 below.

One and only one *E. coli* sample shall be collected and analyzed once every 4 hours during discharge through Outfall CSO 205R until discharge through the outfall ceases. *E. coli* samples shall be representative of the monitored activity during the entire discharge event. Each discharge event is defined as the time period from when precipitation begins to when all CSO or bypasses have stopped and flow into the RTB has ceased.

Table 8: Final *E. coli* Requirements for Outfall CSO 205R [(a)]

Total duration of discharge during the calendar month	Parameter	Storet #	Units	Monthly Geomean Limit[(b)]	Monitoring Frequency	Sample Type
≤ 4 hours	*E. coli*	31648	# / 100 mL	1096	Once every 4 hours	Grab
> 4 hours ≤ 8 hours	*E. coli*	31648	# / 100 mL	565	Once every 4 hours	Grab
> 8 hours ≤ 12 hours	*E. coli*	31648	# / 100 mL	421	Once every 4 hours	Grab
> 12 hours ≤ 16 hours	*E. coli*	31648	# / 100 mL	354	Once every 4 hours	Grab
> 16 hours ≤ 20 hours	*E. coli*	31648	# / 100 mL	314	Once every 4 hours	Grab
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> 24 hours ≤ 36 hours	*E. coli*	31648	# / 100 mL	242	Once every 4 hours	Grab
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> 48 hours ≤ 60 hours	*E. coli*	31648	# / 100 mL	205	Once every 4 hours	Grab
> 60 hours ≤ 72 hours	*E. coli*	31648	# / 100 mL	194	Once every 4 hours	Grab
> 72 hours ≤ 168 hours	*E. coli*	31648	# / 100 mL	162	Once every 4 hours	Grab
> 168 hours ≤ 360 hours	*E. coli*	31648	# / 100 mL	145	Once every 4 hours	Grab
> 360 hours	*E. coli*	31648	# / 100 mL	126	Once every 4 hours	Grab
Parameters		**Storet #**	**Units**	**Value**	**Monitoring Frequency**	**Sample Type**
E. coli		31648	# / 100 mL	Report monthly geomean	Calendar month	Grab
Are you in compliance with monthly *E. coli* limits? [(c)]		51487	NA	Yes (DMR Report = 0) No (DMR Report = 1)	Calendar month	NA
Duration of Discharge in Calendar Month		81381	Hours	Report	Calendar month	Calculated
Sampling Events in Calendar Month		51484	Number	Report	Calendar month	Calculated

(a) *E. coli* monitoring and limits apply only during the recreation season (May 1 through Sept. 30).
(b) Limit for geometric mean of all *E. coli* samples analyzed during the calendar month
(c) Determined from duration of discharge during the calendar month and monthly geomean limit from list above.
Abbreviations: # / 100 mL – number of colony-forming units per 100 milliliters

Part IV. Nine Minimum Controls (NMC)

The City of Omaha shall submit documentation in the Annual Report (Part VIII) according to the conditions and requirements specified below. The NMCs are operations and procedures that will reduce combined sewer overflows and their effects on receiving water quality that do not require significant engineering studies or major construction and are consistent with the Long Term Control Plan.

A. Proper Operation and Maintenance

Proper operation and maintenance (O&M) of the CSS and CSO outfalls consists of a program to ensure that O&M procedures are periodically reviewed, updated, and documented. A major emphasis of O&M activities shall be on the elimination of dry weather overflows. Ongoing actions taken by the City of Omaha to address operation and maintenance procedures shall be documented in the Annual Report.

B. Maximize Use of the Collection System for Storage

The City shall continue to implement their program to maximize the use of the collection system for storage.

The City of Omaha shall, as appropriate, review the CSS to identify any locations where minor modifications can be made to increase in-system storage. These modifications shall be implemented as soon as practicably possible and documented in the Annual Report submitted to NDEE.

C. Review and Modification of Pretreatment Programs

Minimize the impacts of discharges into the CSS from nondomestic sources.

As new significant industrial users are added to the CSS system, the City of Omaha shall determine what impact their discharges would have on the quality and quantity of CSO discharges during wet weather events. A summary of new significant industrial users and measures taken by the City to address any discharges during wet weather shall be documented in the Annual Report.

D. Maximization of Flow to the POTWs for Treatment

Maximization of flow to the POTWs involves simple modifications to the CSS and treatment plant to enable as much wet weather flow as possible to reach the treatment plant.

The City of Omaha shall, as appropriate, evaluate and implement simple modifications to the CSS and procedures at the treatment plants to maximize flow to the POTWs. Any modifications shall be documented in the Annual Report.

E. Prohibition of CSOs during Dry Weather

Dry weather overflows from the City of Omaha combined sewer system are prohibited.

The City of Omaha shall document all dry weather overflows and the measures taken to correct the cause of the overflow in the Annual Report. Substantial dry weather overflows shall be reported to the NDEE as soon as possible. (See Part IX of this permit).

F. Control of Solid and Floatable Materials in CSOs

The control of solid and floatable materials in CSOs is intended to reduce visible floatables and solids using relatively simple measures.

The City of Omaha shall, as appropriate, reassess and implement site-specific processes to control solids and floatables in CSOs using relatively simple measures. If reassessment is appropriate, the conclusions and implementation of control measures shall be documented in the Annual Report.

G. Pollution Prevention

Pollution prevention is intended to keep contaminants from entering the CSS and accordingly the receiving waters by way of the CSOs.

The City of Omaha shall document any new pollution prevention measures enacted by the City in the Annual Report.

H. Public Notification

Public notification is intended to inform the public of location of CSO outfalls and health and environmental effects of CSOs.

The City of Omaha shall document any revision or updates to public notification procedures in the Annual Report plus any public announcements related to CSO discharges.

I. Monitoring to Characterize CSO Impacts and the Efficacy of CSO Controls

Monitoring to characterize CSO impacts involves inspections and other simple methods to determine the occurrence and apparent impact of CSOs.

The City of Omaha shall document any additional CSOs discovered by the City during routine inspections in the Annual Report. Characterization of the CSS system and the impact of the CSO discharges shall be reported as needed, according to the requirements in the Permit.

Part V. Long Term Control Plan (LTCP)

The City of Omaha submitted the complete LTCP to the NDEE on Sept. 25, 2009, in fulfillment of NPDES Permit requirements and the *CSO Control Policy*. The LTCP was subsequently approved by the NDEE on February 10, 2010. An Update to the Long Term Control Plan was submitted to the NDEE on Sept. 29, 2014, which was approved by the NDEE on Jan. 23, 2015. Minor modification to the Update to the Long Term Control Plan was approved by the NDEE on April 3, 2015. The City submitted the 2021 Update to the LTCP was received on March 31, 2021. It was reviewed by NDEE and approved on August 11, 2021.

The City of Omaha shall submit documentation and reports applicable to the LTCP and subsequent Updates in the Annual Report (Part VIII) according to the conditions and requirements specified below. Any future changes or updates to the LTCP must be submitted to NDEE for review and approval.

A. Characterization, Monitoring, and Modeling of the CSS

Protocols for characterization, monitoring, and modeling of the CSS are included in the LTCP. The LTCP addresses the response of the CSS to various precipitation events, identified the number, location, frequency, and characteristics of CSOs, and identified water quality impacts that resulted from CSOs.

The City of Omaha shall continue to characterize, monitor, and model the CSS as set forth in the LTCP. A narrative summary of changes to the characterization, monitoring, and modeling of the CSS as construction projects are implemented shall be included in the Annual Report.

B. Public Participation Plan

A public participation strategy that was used throughout the LTCP development and implementation is included in Section 7 of the 2021 LTCP Update.

The City of Omaha shall continue to employ a public participation process throughout implementation of the LTCP and document public participation activities in the Annual Report.

C. Consideration of Sensitive Areas

The identification of sensitive areas to which the CSOs discharge is included in Section 2 of the LTCP (See the 2021 Update to LTCP). Sensitive areas include water with threatened or endangered species and their designated critical habitat, waters with primary contact recreation, public drinking water intakes, and any other areas identified by the City of Omaha or NDEE in coordination with other State or Federal Agencies.

The City of Omaha shall include any changes to the status of previously identified sensitive areas in the Annual Report.

D. Evaluation of Alternatives

The process that the City of Omaha undertook to identify, screen, evaluate, and select CSO control technologies and alternatives for the Missouri River and the Papillion Creek watersheds is included in Section 3 of the LTCP (See the 2021 Update to LTCP). This process resulted in a group of selected CSO controls that includes two retention treatment basins, upgrades to the MRWRRF, replacement force mains, green solutions, and sewer separation projects which are anticipated to satisfy presumption approach of the *CSO Control Policy* and will not preclude meeting water quality standards.

Any significant changes or revisions to the controls set forth in the LTCP and a final projects list in the LTCP shall be submitted by March 31, 2028, to the NDEE for review and approval according to the Part IX.F of this permit.

E. Cost/Performance Considerations

An evaluation of the benefit cost ratios for CSO control levels and financial capability analysis is included in Section 3 and Section 4 of the 2021 LTCP Update.

The City of Omaha shall submit a financial report to the NDEE by March 31, 2028, that sets forth a strategy to obtain sufficient revenue to fund the CSO program through at least the year 2033 that includes funding for the specific projects in Sections 5 and 6 of the LTCP (See the 2021 Update to LTCP).

F. Operational Plan

The City of Omaha submitted a preliminary wet weather operational strategy plan that provides an overview of the collective operation of the combined sewer overflow controls to be implemented by the City in Section 9 of the LTCP. The City shall continue to meet the plan requirements and schedule.

The City of Omaha shall update the wet weather operational strategy plan as CSO projects are constructed and are operationally complete. Significant updates to the wet weather operational strategy plan shall be included in the Annual Report.

G. Maximizing Treatment at the Existing POTW Treatment Facilities

An evaluation of the feasibility of expanding wet weather treatment at both the MRWRRF and the PCWRRF is included in Section 3 of the LTCP (See the 2021 Update to LTCP). Permit NE0036358 and the LTCP includes requirements to maximize treatment of combined wastewater at the MRWRRF. Expansion of the treatment capacity of the PCWRRF is included in a compliance schedule in permit NE0112810**.**

The City of Omaha shall continue to evaluate opportunities to maximize treatment at the WRRFs as part of the adaptive management strategy for implementation of the LTCP. A summary of any new approaches identified to maximize treatment of combined wastewater at the WRRFs shall be included in the Annual Report.

H. Implementation Schedule

An implementation schedule that complies with the October 1, 2037, deadline for completing the CSO project is included in Section 6.0 of the LTCP Schedule (See the 2021 Update to LTCP).

The projects that will be designed, constructed, and operationally completed during the current permit term are included in Part VI of this permit which is the enforceable mechanism for implementation of these controls. The City of Omaha shall include progress reports on implementation of the CSO projects set forth in the compliance schedule in the Annual Report.

I. Post-Construction Monitoring Plan

A post-construction monitoring plan is described in Section 8 and included in Appendix A of the 2021 LTCP. The City shall follow the requirements of the approved Post-Construction Monitoring Plan in the LTCP. The goal of the plan is to monitor water quality to determine CSO program effectiveness and to monitor the effectiveness of control projects.

J. Infiltration and Inflow

The City has implemented an Infiltration and Inflow (I/I) Reduction Program in the Update to the LTCP. The goal of the program is to reduce storm water inflow into the sanitary sewer system. The City shall follow the steps of the program as defined in the approved version of the LTCP and report progress in the annual report. The City shall follow its Green Infrastructure Program to reduce storm water I/I and reduce pollutants discharged to waters of the State to the maximum extent practicable.

Part VI. Compliance Schedule for Implementation of CSO Control Projects

Upon issuance of this permit, the City of Omaha shall implement the compliance schedule below for construction projects set forth in the Long Term Control Plan (LTCP). This schedule may be modified in accordance with NDEE Title 119 and written notice from the NDEE. The City of Omaha shall include a yearly summary of construction activities, actions, and other measures applicable to this compliance schedule in the Annual Report.

There are twelve other planned and in progress LTCP projects with milestone dates that extend beyond the effective date of this permit. The City shall meet the most current NDEE-approved compliance schedule date, whether it is in the LTCP, permit, or updated Consent Order.

Construction of the following projects must be complete by the dates shown below. Complete construction is defined as substantially complete for sewer separation projects and operationally complete for all other projects.

June 30, 2025

CSO 212 – 64th Avenue and William Street

Nicholas Street Sewer Extension – Phase 3B

June 30, 2027

East Cole Creek Interceptor Rehabilitation

CSO 202 Phase 2 – 70th Avenue and Spencer Street

December 31, 2026

Forest Lawn Creek Inflow Removal and Outfall Storm Sewer

December 31, 2028

61st & Radial Storm Sewer

Grace Street and North Interceptor DWF Diversion Rehabilitation

Minne Lusa Relief Sewer Diversion Modifications

CSO 119 South Barrel Conversion and Sewer Separation

Part VII. Statement of LTCP Compliance Objective

The compliance objective of the LTCP is that the City of Omaha shall eliminate or capture for treatment no less than 85% by volume of the combined sewage collected in the Omaha combined sewer system, during precipitation events on a system wide annual average basis. The capture for treatment or elimination of 85% of the combined sewage will be determined after completion of all LTCP projects and is not required during this permit term.

Part VIII. Annual Report

The City of Omaha shall submit an Annual Report to the NDEE that provides a summary of the actions, activities, and measures taken by the City of Omaha to fulfill the requirements of this permit. This report is due within 90 days following each year agreed upon in the Consent Decree (Oct 1 – Sept. 30); or following a schedule agreed upon between the City and NDEE. The Annual Report shall contain at a minimum the following sections.

A. Nine Minimum Controls

Reports, documentation, dry weather overflow events, and evaluations as required for each of the *Nine Minimum Controls* in Part IV of this permit.

B. Reports and Documentation Applicable to the Long Term Control Plan

Reports and documentation required in the *Long Term Control Plan* as set forth in Part V of this permit.

C. Compliance Schedule for Implementation of CSO Control Projects

A summary of construction activities, actions, and other measures completed according to the *Compliance Schedule for Implementation of CSO Control Projects* set forth in Part VI of this permit and in compliance with the Consent Order.

D. CSO Outfall 102 and CSO Outfall 205R Monitoring Data

A summary of monitoring data from Outfall CSO 102 and the Saddle Creek RTB discharge (Outfall CSO 205R).

E. Performance Report

Report the number of times each CSO outfall has an overflow and an evaluation as to whether the controls are achieving their design intent.

Provide documentation in the Annual Report that demonstrates that each CSO overflow occurrence was the result of a wet weather event.

Once in the term of the permit, provide the percent by volume of the combined sewage collected in the CSS during precipitation events on a system-wide annual average basis that is eliminated or captured for treatment.

F. In-stream Monitoring Data

A summary of in-stream monitoring data consistent with the objectives of the *Post Construction Monitoring Plan* dated March 2021 and subsequent modification including monitoring station identification, stream identification, the list of parameters along with the monitoring results.

G. Infiltration and Inflow Reduction Program

The City must provide a summary of the yearly progress to meet the goals of the I/I Reduction Program. This shall be a summary of the five steps of the program along with a summary of green infrastructure progress.

H. Other Information

Other information that may be included in the Annual Report to include “measures of success” such as reduction in the number of overflow events, reduction in the number of CSO outfalls, or other indicators or improvements of receiving water quality.

Part IX. Other Conditions and Requirements

A. Narrative Requirements Applicable to the Long Term Control Plan

The selected CSO controls shall be implemented, operated, and maintained as set forth in the Long Term Control Plan submitted to the NDEE on September 25, 2009, updated on September 29, 2014, and updated on March 31, 2021, as well as any other Department-approved changes to the LTCP.

B. Narrative Requirements Applicable to CSO Discharges

The following narrative requirements are applicable to CSO discharges from the City of Omaha combined sewer system to the receiving water during wet weather events.

1. The CSO discharges shall not be toxic to aquatic life in surface waters of the State outside the mixing zones allowed in NDEE Title 117, *Nebraska Surface Water Quality Standard*.
2. The CSO discharges shall not contain floating, suspended, colloidal, or settleable materials that produce objectionable films, colors, turbidity, deposits, or noxious odors in the receiving stream or waterway.
3. The CSO discharges shall not contain pollutants at concentrations or levels that cause the occurrence of undesirable or nuisance aquatic life in the receiving stream.

C. Reopener Clause

This permit may be modified or revoked and reissued for cause.

D. Notification and Approval

Approval from the NDEE shall be obtained in advance by the City of Omaha for any of the following actions.

1. The addition of any new combined sewer outfalls to the CSS.
2. Any modifications, improvements, or additions to the CSS that expands the CSO service area.
3. The addition of storm water or surface inlets to the combined sewer system that would result in expansion of the existing CSS service area.

E. Immediate Reporting Requirements

The City of Omaha shall report within 24 hours to the NDEE verbally upon becoming aware of any of the following events. A follow-up written report on any of these events shall be submitted by the City to the NDEE within five days after the verbal report.

1. A substantial dry weather overflow event and the actions taken by the City to mitigate the impact of the overflow and correct the problem.
2. Indication that the discharge from any CSO outfall may be causing distress to fish, aquatic life, plant life, wildlife, or livestock.
3. Any sizeable spill, leak, or contamination in the CSS that could adversely impact CSO discharges.

F. Revision of the Long Term Control Plan (LTCP)

The LTCP may require revision to reflect new information, new technology, or other changes that become evident during the LTCP implementation process. Proposed significant revisions to the LTCP shall be submitted by March 31, 2028, for review and approval by the NDEE. Significant revision to the LTCP generally means modification of the major CSO projects and milestone dates in Chapter 7, *Implementation Schedule,* of the LTCP.

G. Biosolids Disposal

The City of Omaha shall dispose of biosolids obtained from the combined sewer system and/or CSO outfalls in accordance with NDEE Title 119, Chapter 12 and 40 CFR Part 503.

H. Flow Variable Protocol for TRC at CSO 102 and MRWRRF 001

The City of Omaha shall maintain the flow variable protocol previously submitted to and approved by NDEE for determining TRC limits at Outfalls CSO 102 and MRWRRF 001. The protocol submitted to NDEE dated September 27, 2018, shall be followed.

I. 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 previously 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.

The permittee shall enter required DMRs quarterly. Data for which only a "value" is to be reported shall report the monthly maximum value on the NetDMR tool. A summary of the discharge data shall be reported in the CSO Annual Report.

Phase II requirements for the electronic submission of Annual Reports should begin no later than December 31, 2025.

Appendix A

Standard Conditions Applicable to all NPDES and NPP Permits

The following conditions apply to all NDEE 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 NDEE, Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*.

Table of Contents for Appendix A

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 NDEE 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 NDEE Title 119, Chapter 24.

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 NDEE 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 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 NDEE Title 119, Chapter 4 and 8.

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 NDEE Title 119, Chapter 15.

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 NDEE Title 119, Chapter 24 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 NDEE 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.

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 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, Subpart D to Part 3), §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 Part 127.2(b), in compliance with this section and 40 CFR Part 3 (including, in all cases, subpart D to Part 3), §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 NDEE 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 NDEE 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 CWA. The permittee shall conform to the provisions set forth in NDEE 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 NDEE at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEE cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEE 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 NDEE 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 NDEE Title 119, Chapter 21 006 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 NDEE Title 119, Chapter 26, 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 at NDEE Title 119, Chapter 1.

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 Environment and Energy, or NDEE.

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

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 Chapter 1, Section 105 of NDEE 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.

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

NDEE: Nebraska Department of Environment and Energy

NDEE Title 115: Rules of Practice and Procedure

NDEE Title 117: Nebraska Surface Water Quality Standards

NDEE Title 118: Ground Water Quality Standards and Use Classification

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

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

NDEE 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