

# **Nebraska Department of Environmental Quality**

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## **Wastewater Section**

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### **Fact Sheet General NPDES Authorizing Hydrostatic Testing Discharges NPDES NEG672000 2017**

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## **A. Applicability**

This general permit authorizes hydrostatic discharges to land application or discharge into surface waters. This is a reissue with change.

## **B. Authority and Purpose**

1. This permit general permit was developed according to the Nebraska Department Environmental Quality Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*. This regulation was promulgated pursuant to the Nebraska Environmental Protection Act (Neb. Rev. Stat. §§ 81-1501 et seq.) and the Federal Clean Water Act (33 U.S.C. §§ 1251 et seq.). The National Pollutant Discharge Elimination System (NPDES) is authorized in Section 402 of the Federal Clean Water Act.
2. NPDES permits can contain effluent limitations and require “best management practices” (BMPs) in order to regulate the pollutant discharge. The permit limitations can be based upon water quality and/or technology-based standards. These standards are established in NDEQ Title 117 – *Nebraska Surface Water Quality Standards* and Title 118 – *Ground Water Standards and Use Classification*. NDEQ Title 119, Chapter 27 does not establish technological standards for these eligible sources covered the General NPDES Permit NEG672000.

## **C. Description of the Discharges**

The primary focus of this permit is to control the pollutant discharges from hydrostatic testing activities. These discharges originate from the testing of existing and new tanks and pipelines for leakage. The primary pollutant is suspended solids. Water from a variety of sources (municipal, stream, or ground water) is used in hydrostatic testing and will be discharged to land application sites or to waters of state and excluding tribal lands within the State of Nebraska. Other pollutants that may be present in hydrostatic testing flows may be dissolved iron, total residual chlorine and total recoverable hydrocarbons.

## **D. Area of Application**

This permit is applicable for discharges to streams and wetlands throughout the State of Nebraska. Statewide application is appropriate because the potential sources are found throughout the state, excluding tribal lands within the State of Nebraska. This provision provides the Department an opportunity to evaluate the discharge based on receiving water criteria. These water quality evaluations can be made on any given hydrostatic discharge with the state. No discharges to lakes and reservoirs, State Resource Waters or tribal lands within the State of Nebraska are permitted. This permit provides specific written evaluation procedures for discharges to the following waters of the state:

1. Stream segments that are protected as Public Drinking Water Supplies.

## **E. Permit Term**

This permit is to be issued for a five-year term. This is the maximum time period allowed pursuant to NDEQ Title 119, Chapter 16. Within the permit in Appendix A, Paragraph A.7 set forth a reopener clause that allows modification, suspension, revocation, or reissuance according to NDEQ Title 119, Chapter 24.

## **F. Proposed Changes to the Existing Permit**

On the basis of a preliminary staff review, the Nebraska Department of Environmental Quality has made a tentative determination to reissue the permit with change. The change made from the existing permit to this permit is the dissolved iron criteria was raised from 0.3 mg/L to 1 mg/L. This was done due to an error in the previous permit when a drinking water standard was used instead of the water quality standard.

## **G. Permit Requirements and Conditions**

The content of each section is summarized in the following paragraphs. An explanation of the basis is provided when appropriate. The draft permit consists of authorization page, five main parts, two appendices, and six attachments. The six attachments are the HST-NOI (Notice of Intent), threatened and endangered species checklist, HST-DMR (Discharge Monitoring Report), NCR (Noncompliance Report), PCE (Physical Characteristics Examination) report, and HST-RLN (Hydrostatic Testing Relocation). These attached forms are subject to modification by the Department.

### **1. Permit Authorization Page**

This is the first permit page. It identifies the permit name, Federal and State laws that authorize this NPDES permit, the permit number, issuance and expiration dates. The Director or a delegated representative shall sign this page prior to permit issuance.

### **2. Table of Contents**

This is a summary of the Parts, Sections, Appendices, and Attachments of this permit. This is intended as an aid for using and reviewing the permit.

### **3. Part I Eligibility**

The area of the state to which the permit applies is identified (i.e. this permit has statewide application). This part describes the discharges that are eligible to apply for authorization to discharge under the terms and conditions of this permit. Several limitations on coverage are also set forth in this part of permit.

### **4. Part II Authorization to Discharge Procedures**

- a. This part sets forth the following procedures:
  1. How to obtain authorization;
  2. Contents of the Notice of Intent;
  3. Additional Information Requirements;
  4. Requiring an alternative permit application;
  5. Revocation of the authorization to discharge;
  6. Notification of changes to facility name, ownership, operations, or pertinent personnel;
  7. Notification of any activities that may alter the water quality of the discharge; and
  8. Notification of Relocation or Completion.
- b. Any facility wishing authorization to discharge under the terms and conditions of this general permit must submit a HST-NOI (Notice of Intent). The permit specifies minimum and additional information requirements for potential applicants. This permit section specifically spells out what is required in an HST-NOI. It also contains information that may aid applicants in completing and submitting the HST-NOI.
- c. When the Department has received the complete HST-NOI, the discharge authorization shall be granted after 10 days. However, there are the following exceptions:
  - 1) If additional information is requested, the review period is extended;
  - 2) If the discharge is to certain public drinking water sources.
- d. Department review of the completed Notice of Intent may result in:
  - 1) Additional information request and an extension of the review period;
  - 2) An individual NPDES permit application may be requested.
- e. The permittee must notify the Department of activities that may alter the water quality of discharge. This was included in the permit to help identify changes in operations that can negatively impact discharge water quality. It is important to identify the existence of current or past spills or leaks because these can impact the water quality of the discharge.

## 5. Part III Monitoring Requirements and Effluent Limitations

### a. Monitoring Frequency

- 1) Flow must be monitored daily; and
- 2) Discharge quality must be monitored weekly.

### b. Flow

The flow can either be calculated or measured. NPDES permits do not regulate discharge flows per se, but flow may be inherently related to the mass of pollutants discharged.

### c. Total Residual Chlorine

The 30-day average is a reporting requirement. The daily maximum limitation is 0.011 mg/L. These requirements are proposed to ensure protection of the water quality. These total residual chlorine limitations are based on the NDEQ Title 117, Chapter 4 - *Nebraska Surface Water Quality Standards*. These limitations apply if chlorinated water is used for hydrostatic testing.

### d. Total Petroleum Hydrocarbons

The total petroleum hydrocarbon daily maximum limitation is 10 mg/L. This limitation was adopted from NDEQ Title 117, Chapter 4. If petroleum hydrocarbons are detected during the physical examination, this limitation allows the permittee to determine if there is permit violation.

### e. Total Suspended Solids

The maximum limitation of 90 mg/L for total suspended solids limitation was originally a “best professional judgment” limitation. The compliance history from the existing permit NEG672000 indicates this limitation is an achievable limitation for hydrostatic testing sites.

### f. Dissolved Iron

The daily maximum was set at 1 mg/L. This is the water quality criteria standard found in NDEQ Title 117, Chapter 4. This was added since iron can be found in pipelines and tanks.

### g. pH Effluent Limitations and Monitoring Requirements

The pH range of 6.5 to 9.0 limitation was adopted from NDEQ Title 117, Chapter 4. The compliance history of the existing permit indicates this is achievable limitation

### h. Additional Protective Provisions

The permit contains provisions for used pipelines, tanks and other vessels. The Department will review the previous use of the vessels and determine if additional parameters need to be added for permit limitations and monitoring in the certification

### i. Land Application/Beneficial Reuse

The permit establishes narrative requirements for permittees wishing to either reuse the water for a beneficial purpose, or for land application in situations where the permittee may have no option for a direct discharge, wishes to use the discharge water in a beneficial manner, or where water quality standards would not be met with a direct discharge. These narrative requirements were taken from Nebraska Title 119, Chapter 12.

## 6. Part III. C – Physical Characteristics Examination Procedures

All dischargers are required to perform physical examinations of the discharge(s). It requires the permittee to report any evidence of unusual characteristics or significant changes in the discharge. Significant changes include turbidity, color, odor, and the presence of any petroleum or hydrocarbon residues, any visible sheens or films, foaming, or floating solids.

## **7. Part IV. - Other Conditions and Requirements**

This part of the permit contains the following provisions:

- a. A disclaimer stating that compliance with the permit does not provide a liability shield from any environmental damage that might result from discharges authorized under this permit;
- b. A narrative water quality based limitation on toxicity developed pursuant to NDEQ Title 117;
- c. A narrative water quality based limitations on films, color, turbidity, deposition, and noxious odor pursuant to NDEQ Title 117;
- d. A requirement to immediately report conditions or events that may be indicative or related to the introduction of pollution in the discharge;
- e. A requirement to control erosion and channel scouring that could potentially occur as a result of the discharge; and
- f. An allowance is made for modification of the following forms: HST-NOI, HST -DMR, NCR, PCE report, and HST-RLN. These forms are attachments to the permit. This provides the permittee with notification and reporting forms to meet the requirements of the permit. This provision allows the Department the flexibility to improve these forms.

## **8. Appendix A – Standard Conditions**

This appendix contains the conditions and requirements that are common to all NPDES permits issued by the Department. These conditions and requirements are based on State and Federal regulatory requirements that pertain to NPDES permits.

## **9. Appendix B – State Resource Waters and Public Drinking Water Supply Streams**

This appendix identifies stream segments which are considered State Resource Waters or Public Drinking Supply Streams. It is intended as a reference to the applicants and permittees for use in filling out NOI and Relocation Notices. Information in this appendix is arranged by county to make it easier for permittees to use.

## **10. Attachments**

- a. HST-NOI - Notice of Intent;
- b. Threatened and Endangered Species Checklist
- c. HST-DMR – Discharge Monitoring Report;
- d. PCE - Physical Characteristics Examination Report;
- e. NCR - Noncompliance Report; and.
- f. HST-RLN – Hydrostatic Testing Relocation.

These forms may be modified according to the “Other Conditions and Requirements” part of this permit.

## **H. Supporting Documentation**

1. NDEQ Title 117 - *Nebraska Surface Water Quality Standards* (Revised December 13, 2014);
2. NDEQ Title 118 - *Ground Water Quality Standards and Use Classifications* (Revised March 27, 2006);
3. NDEQ Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System* (May 16, 2005);
4. USEPA *Technical Support Document for Water Quality-based Toxic Control* (EPA 505/2-90-001 PB91-127415, March, 1991);
5. NDEQ *NPDES Permitting Procedure* document;
6. 40 CFR, Part 122, 124, and 125, NPDES Regulations; and
7. *Nebraska Non-game and Endangered Species Conservation Act* (Neb. Rev. Stat. §§ 37-430 through 317 – 438);

## **I. Information Requests**

Inquiries concerning the draft permit, its basis or the public comment process may be directed to:

NPDES Permits Unit      Tel. 402/471-8830 or 402/471-4220      Fax: 402/471-2909

Individuals requiring special accommodations or alternate formats of materials should notify the Department by calling (402) 471-2186. TDD users should call (800) 833-7352 and ask the relay operator to call the Department at (402) 471-2186.

Copies of the application and other supporting material used in the development of the permit are available for review and copying at the Department's office between 8:00 a.m. and 5:00 p.m. on weekdays.

Office Location:

Nebraska Department of Environmental Quality  
The Atrium, Suite 400  
1200 N Street  
Lincoln, NE

Mailing Address:

NPDES Permits Unit  
Nebraska Department of Environmental Quality  
PO Box 98922  
Lincoln, Nebraska 68509-8922

## **J. Submission of Formal Comments or Requests for Hearing**

The date on which the public notice period ends is specified in the public notice. During the public notice period, the public may submit formal comments or objections, and/or petition the Department to hold a public hearing concerning the issuance of the draft permit. All such requests need to: be submitted in written form, state the nature of the issues to be raised, and present arguments and factual grounds to support them. The Department shall consider all written comments, objections and/or hearing petitions, received during public comment period, in making a final decision regarding permit issuance.

Formal comments, objections and/or hearing requests need to be submitted to:

NPDES Permits Unit

Location Address

Nebraska Department of Environmental Quality  
The Atrium, Suite 400  
1200 N Street  
Lincoln, Nebraska

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Nebraska Department of Environmental Quality  
P.O. Box 98922  
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