



## Permitting for Environmental Results (PER)

# NPDES Profile: Nebraska and Indian Country

### PROGRAM RESPONSIBILITY

**State of Nebraska:** NPDES authority for base program, general permitting, federal facilities, and pretreatment

**EPA Region 7:** NPDES authority for biosolids

**EPA Region 7:** NPDES authority for all facilities in Indian Country

### Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information contact: Steve Goans, Nebraska Department of Environmental Quality, Water Quality Division, at (402) 471-2580 or John Dunn, EPA Region 7 at (913) 551-7594.

## Section I. Program Administration

### 1. Resources and Overall Program Management

#### The State of Nebraska:

The State of Nebraska is authorized for all NPDES programs except in Indian Country and for biosolids. The approval dates are as follows:

Base NPDES Program - June 12, 1974

Federal Facilities - November 2, 1979

Pretreatment Program - September 7, 1984

General Permits Program - July 20, 1989

The State of Nebraska has issued permits to 55 major facilities and 685 minor facilities.<sup>1</sup>

The pretreatment program covers 106 significant industrial users (SIU). The State of Nebraska has issued permits to over 200 concentrated animal feeding operation (CAFO) facilities. The Nebraska Department of Environmental Quality (NDEQ) also administers permits for federal facilities located in

---

<sup>1</sup> The National Data Sources column of the Management Report, measures 1 and 2, show 54 major facilities and 681 minor facilities, respectively. The Management Report values are based on PCS data as of June 30, 2004, while the values above are based on PCS data as of September 31, 2004.

the State. (Source: Permit Compliance System (PCS), 9/31/04 and 3rd Quarter 2004 CAFO Rule Implementation Report.)

The State of Nebraska's NPDES program is part of the Wastewater Section of the Water Quality Division of the Department of Environmental Quality. The Wastewater Section was formed March 4, 2003, and is comprised of the NPDES Unit, the Compliance Unit, and the Technical Assistance Unit. The livestock NPDES permitting is managed in the Agriculture Section. These sections report to the assistant director, who supervises the Water Programs in the Water Division. The water programs director reports to the deputy director in charge of all NDEQ programs who, in turn, reports to the Director of NDEQ.

The NPDES Unit has a unit supervisor and six program specialists who write NPDES permits. Changes since March 4, 2003, include filling the unit supervisor position (which was vacant) and hiring two program specialists, one of which had been vacant. A compliance specialist supports the Permit Compliance System (PCS). At present, the NPDES program unit is filling one recently vacated staff position. The Compliance Unit, in conjunction with the field offices, performs inspections of wastewater facilities. The Compliance Unit Supervisor directs enforcement and inspection efforts of the Compliance Unit staff and the Field Unit staff for NPDES issues. Two program specialists are in the Compliance Unit. Five of the six field offices have an individual who does NPDES compliance activities.

The Technical Assistance Unit provides engineering support for water programs. The unit consists of one unit supervisor, four engineers, and one program specialist. In addition to providing technical assistance, the unit issues construction permits.

The State of Nebraska provides training to their staff through several avenues. Staff members are sent to EPA's permit writers' classes and other applicable courses. Staff spend considerable time interacting with each other and give peer advice to encourage consistency.

The State is currently funded through State appropriations and Clean Water Act (CWA) Section 106 State grant funding from EPA. In FY2003, NDEQ received \$2.8 million from the State for the water programs. Of this, \$1.3 million is used for the NPDES and compliance programs which support the activities of 17 full time equivalents (FTEs).

#### EPA Region 7:

Two Region 7 staff members are assigned as the leads for the Region 7's oversight of Nebraska's NPDES program, one for permit issuance and one for compliance/enforcement. EPA also has staff members that work on issues related to pretreatment, water quality standards, total maximum daily loads (TMDLs), enforcement, and legal matters.

Region 7 administers the biosolids program in Nebraska. The NDEQ incorporates federal biosolids requirements into State issued permits, and requires annual reporting by large facilities.

Currently, the EPA Region 7 retains authority under the CWA for implementation of the NPDES programs in Indian Country. (Region 7 covers Iowa, Kansas, Missouri, and Nebraska.) The NPDES Program is housed in the Water, Wetlands and Pesticides Division (WWPD) of Region 7. The permitting for facilities in Indian Country and the oversight of authorized State programs are conducted

by the Water Infrastructure Management Branch (WIMB). The Regional NPDES enforcement activities are conducted by the Water Enforcement Branch (WENF).

The Region's Indian Country NPDES program in Nebraska is primarily devoted to direct implementation of 15 NPDES permits (all at minor facilities) including seven domestic wastewater treatment facilities and eight CAFOs.<sup>2</sup> Region 7 is currently drafting permits for these facilities, located in Indian Country on the Santee Sioux, Winnebago, and Omaha Reservations.

In addition, EPA has assumed responsibility for issuance and oversight of a NPDES permit for one industrial facility not in Indian Country Tyson Fresh Meats, Inc., in Dakota City, Nebraska.<sup>3</sup> Authority to reissue this permit will revert back to the State at the end of the current permit cycle for this facility.

## **2. State Program Assistance**

Region 7 provides NDEQ technical assistance and support. This includes providing NDEQ with current information on new regulations, guidance, policy, and answering technical questions.

A Senior Environmental Employee has been assigned full-time to write Nebraska permits to reduce the permit backlog and to work on priority permits.

## **3. EPA Activities in Indian Country**

Permit writers are responsible for drafting permits, and coordination and resolution of issues. Each permit drafted for facilities in Indian Country is reviewed by the Tribes and discussed with the applicant to identify any significant issues during the drafting process.

The NPDES permit writers work closely with other EPA programs, Tribes, States, and other agencies before the permit is placed on public notice. Consultation occurs with the Water Quality Management Branch, Water Enforcement Branch, and attorneys in the Office of Regional Counsel to discuss and exchange the necessary information on all Indian Country permits and enforcement-related matters. Inspections, assessments of receiving streams, technical assistance, and wastewater operator training are scheduled with the Environmental Services Division. Permit writers participate in the quarterly Regional meeting of Tribal environmental staff (Regional Operations Committee) as appropriate.

The Region has developed an NPDES Tribal Implementation Strategy which ensures that all permits in Indian Country will be current by the end of FY2005. No tribe in Nebraska is currently seeking authorization of the NPDES program.

---

<sup>2</sup> The National Data Sources column of the Management Report, measure 2, shows 4 minor facilities covered by EPA-issued permits, and measure 7 shows 5 POTWs covered by EPA-issued permits. The undercounting on these measures is because many facilities are still awaiting initial permit issuance and records have not yet been entered into PCS. Also, one of the POTWs was counted as an industrial facility, see below and measure 6.

<sup>3</sup> The National Data Sources column of the Management Report, measure 6, shows 2 industrial facilities with EPA-issued permits. This is because one of the POTWs has the ownership code blank in PCS, which, due to the definition used for this measure and measure 7, caused it to be counted as an industrial facility.

#### **4. Legal Authorities**

*EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.*

#### **5. Public Participation**

*An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.*

##### The State of Nebraska:

The State of Nebraska's public participation requirements for NPDES permits are specified in Nebraska Title 119 - Chapters 47 through 58 and 60 through 61 of the Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System.

All draft NPDES permits are put on public notice prior to issuance. Procedures include the preparation of fact sheets describing the key content of the permit. Public notices are placed in daily or weekly newspapers circulated in the geographic area of the proposed discharge and mailing lists are used to send notices to interested parties. Public notices and copies of draft permits are also on the NDEQ Web site at: <http://www.deq.state.ne.us>. However, copies of final permits are not available on the State Web site.

All draft permits receive a public comment period of at least 30 days following legal public notice. If comments raise substantial issues concerning a permit, the NDEQ may create a new draft permit, and republish a new public notice. The NDEQ prepares a response to each submitted comment, which is issued with the permit.

The NDEQ Records Management Unit and the NPDES Unit assure that all responses to requests for information are processed quickly. NPDES applications, permits, effluent data, fact sheets, discharge monitoring reports (DMRs), and any public comments concerning such items are made available to the public for inspection and copying.

NDEQ does not have a definition of "public" in its regulations. However, the Public Records Law (Nebraska Revised Statute sections 84-712 et seq.) is construed broadly in favor of public access to agency records.

The public can get access to enforcement and compliance actions through the Envirofacts and Enforcement and Compliance History Online (ECHO) web-based databases.

##### EPA Region 7:

The public participation activities of the NPDES program in Region 7 are consistent with NPDES program regulatory requirements under the CWA. In addition, the Region publishes public notices of all proposed permits in a local newspaper circulated in the geographic area of the facility. A mailing list of interested parties is developed for each permit and detailed information is provided on where to send comments and public hearing requests. Region 7 also makes the administrative record available in a local library and in the EPA Regional Office. Region 7 also has a hotline with a toll-free number where

the citizens can call and report any environmental concerns. Copies of permits and fact sheets for major permits issued by both EPA and States since the beginning of 2001 are available on the EPA Web site: <http://www.epa.gov/npdes/permitdocuments>.

## 6. Permit Issuance Management Strategy

### The State of Nebraska:

Nebraska's current permit rate for major facilities is 92%. The State's current permit rate for minor facilities is 52.6%.<sup>4</sup> Two major permits and 75 minor permits have been expired for ten years or more. The State is working diligently to reduce the permit backlog. They are focusing on the major permits and the current backlog at the end of FY2004 is less than 8%. The State's strategy is to reduce the backlog of major permits first and then concentrate on issuing minor permits. They are also developing several general permits to reduce backlog of minor permits. The State is making attempts to eliminate permit extensions by issuing permit renewals promptly, which will help reduce the backlog. In addition, the Region and the State are implementing the Priority Permit Issuance Strategy with the goal of issuing 95% of the targeted permits within the next two years.

NDEQ is evaluating some software options for the actual drafting of permits. The software uses check boxes to load specified language into the permit and provide the appropriate documentation and references in the fact sheets. The software can even calculate wasteload allocations (WLA) once information is entered into a database. This program can also import data from other systems to ensure accuracy. This will help eliminate copy-and-paste errors and unnecessary freelance changes in permits that are occasionally made by permit writers. This new software should eliminate considerable time drafting a permit and speed up issuance of permits. NDEQ estimates that this new software will save approximately 24 work hours in issuing each permit.

**Table 1: Percentage of Facilities Covered by Current Permits in Nebraska**

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	39%	74%	46%	76%	49%	83%	76%	84%
Minor Facilities Covered by Individual Permits	46%	69%	49%	73%	46%	79%	51%	81%
Minor Facilities Covered by Individual or Non-Stormwater General Permits	N/A	N/A	N/A	N/A	46%	85%	51%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03 (Values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

<sup>4</sup> The National Data Sources column of the Management Report, measures 19 and 20, show 79.6% of major facilities and 49.2% of minor facilities, respectively, covered by current permits. These values are based on PCS data as of June 30, 2004. The values mentioned above are based on data from Nebraska's Integrated Information System (IIS) as of November 30, 2004. Differences are due to the timing of the pull and slight data discrepancies between IIS and PCS. PCS values for November 30, 2004 show 90.9% of major facilities and 46.8% of minor facilities covered by current permits.

### EPA Region 7:

The Regional NPDES program is implementing a Tribal Permit Strategy in order to improve the effectiveness and efficiency for permit issuance in Indian Country. The strategy includes ongoing consultation with Tribes during the permit writing process. A key piece in the strategy is that the Region conducts stream assessments to determine stream use categories in the receiving streams for each discharger. The Region is including appropriate water quality-based permit limits in all draft permits in Indian Country. The goal is to ensure that all Indian Country permits will be updated and current by the end of FY2005. The Region is not considering permitting priority on a watershed basis because of the limited number of permits to be issued.

EPA Region 7 is currently drafting permits for eight domestic wastewater treatment facilities located on the Santee Sioux, Winnebago, and Omaha Reservations. Upon establishment of Technical Standards for Nutrient Management, Region 7 will proceed with the issuance of the 8 CAFO permits.

Region 7 issued one major permit for the Tyson Fresh Foods facility (formerly owned by IBP, Inc.) located in Dakota City and is drafting four minor permits to be issued by NDEQ.

## **7. Data Management**

### The State of Nebraska:

PCS is the primary data system that Nebraska uses to manage their NPDES program. The State finds PCS difficult to use, and many of NDEQ's compliance personnel use a database developed by the State, Integrated Information System (IIS), to track DMR results for their facilities. NDEQ believes that this allows them to easily examine the information and make comparisons that are meaningful to them early in the process. NDEQ, therefore, focuses its resources on IIS and not PCS. The result is that not all of the required PCS data fields are filled. In addition, the State does not enter metadata into PCS. The Region and NDEQ will continue discussions on the need for the State to continue to enter the required PCS data elements until IIS can be uploaded into PCS.

The permit, enforcement and inspection data for all majors are entered into PCS. NDEQ enters most, but not all WENDB data elements. NDEQ has not entered any of its outfall latitude/longitude data, but has entered 100% of the facility latitude and longitude data for all of its majors and for most of its minors. NDEQ is not using global positioning system (GPS) in the field at this point so this data has not been field verified. NDEQ does not enter all enforcement data into PCS. Region 7 and NDEQ will follow up with further discussions to address these deficiencies.

The State does an excellent job of entering its inspection and DMR data into PCS. However, Nebraska does not always have complete facility information. This is largely due to the fact Nebraska is a rural State and many facilities are located in a rural setting and don't have street addresses. Facility information needs to be addressed so PCS reflects correct location, city, county and zip code information. Field inspectors review DMR's and lab reports, but this is not an extensive and detailed review. The State's rate for entering DMRs into PCS is 96%, which is 2% above the national average.

The State uses PCS to track and manage basic permit and compliance information for majors and minors, but not for sanitary sewer overflows (SSOs), combined sewer overflows (CSOs), or stormwater. Nebraska tracks CAFOs, pretreatment, and biosolids in PCS.

Nebraska has an individual who is dedicated to loading the DMR data into PCS. The State's compliance staff creates their own working spreadsheets for compliance assessment. The State has considered downloading PCS data and converting it into a useable format for compliance staff, but has not been able to commit the needed resources at the present time.

The State of Nebraska anticipates using integrated compliance information system, ICIS-NPDES (modernized PCS), when it becomes available in June of 2006.

#### EPA Region 7:

Region 7 uses PCS to manage the NPDES program and to track basic permit and compliance information for major and minor facilities, including SSOs and CSOs, stormwater, CAFOs, pretreatment, and biosolids. Region 7 uses ICIS to track Inspection and Case Conclusion Data Sheet information, verify enforcement data and record tips and complaints received by the Region. The online tracking information system (OTIS) and Envirofacts pull data from PCS to update each database.

Quarterly noncompliance reports (QNCRs) are retrieved from PCS looking for major facilities in significant noncompliance (SNC), as well as the enforcement actions being issued to address the facilities in SNC. Region 7 also checks how long facilities have been in SNC.

The Region enters all Water Enforcement National Database (WENDB) data elements for EPA issued permits. The Region collects and enters into PCS the latitude and longitude data for facilities, but not outfalls. Region 7 always checks the PCS audit reports to ensure that the data are accurately captured in PCS and that the data are entered into PCS as soon as they are received so further processing can be completed.

## **Section II. Program Implementation**

### **1. Permit Quality**

#### The State of Nebraska:

Permits are reviewed internally by Compliance, Technical, and Water Planning units for quality control and consistency. NDEQ supervisory review is the last step in quality control prior to public notice. The State uses its own permit quality checklist for permit review. Water Planning and NPDES Permitting Units develop WLAs for all facilities with a reasonable potential to pollute. The water quality-based effluent limitations (WQBEL) are based on the technical support document (TSD) and the 1996 permitting procedures that were approved by EPA. The water quality-based and technology-based limits are compared and the more stringent limit is applied. This is all part of the review process to ensure quality and consistency, and will be part of the new software that ensures standardization. EPA's reviews for permit quality have identified minor deficiencies, mostly in fact sheets. The State has worked diligently to correct these minor deficiencies. The fact sheets include all data that is required including discussion of anti-backsliding provisions. In addition, the Regional permit coordinator routinely checks all major permits that are being issued by the State for permit quality.

All permittees have been evaluated for the need of whole effluent toxicity (WET) limits based on reasonable potential and numeric WET limits have been included in the permits when needed. The State includes both acute and chronic WET limits as appropriate. The State has a WET training program and is working to improve by seeking other sources of training to supplement their WET training program.

#### EPA Region 7:

The Region 7 permit quality assurance efforts are based on an extensive review process. All permits undergo an internal peer review using the experts in the Regional Office that have extensive experience in writing NPDES permits. All staff members involved in writing and/or reviewing permits have attended EPA's Permit Writers' Training Course. The permits are also reviewed by the Regional water quality staff, Regional Public Affairs Office and the Office of Regional Counsel to ensure that all required program elements under the CWA are met. This includes the use of Region 7's permit writing checklist by each permit writer. In addition, each receiving stream is evaluated by the Regional Environmental Services Division to determine the appropriate use categories and provide a basis for WQBEL limitations.

EPA issued the permit for the Tyson Fresh Foods, Inc., facility in Dakota City (formerly IBP). The permit included WET limits. As a result of start-up problems of a treatment plant upgrade at the facility, the Tyson plant exceeded the permitted WET limits and was required to perform a toxic identification evaluation/toxicity reduction evaluation (TIE/TRE). The Region continues to monitor the facility's compliance with the WET limits. EPA has also done WET testing, as part of permit development on several Indian Country facilities.

Region 7 EPA reviews a number of major permits each year, selected randomly, as they are made available for public comment. Most reviews are an evaluation of calculations of permit limits for key pollutants of concern. In annual program reviews, a number of permits may be reviewed in a more complete way for procedural and technical content.

## 2. Pretreatment

### The State of Nebraska:

Nebraska received authorization from EPA to implement the pretreatment program on September 7, 1984. Nebraska is one of five States that issue permits directly to the significant industrial users (SIUs), instead of delegating that activity to the publicly owned treatment works (POTW) level. Consequently, identifying and regulating all industries within the State is the responsibility of NDEQ; EPA Region 7 has the responsibility to oversee and “audit” NDEQ’s implementation of the program.

The Nebraska Pretreatment Program (NPP) has issued permits to 100% of the 106 SIUs that have applied for NPP/NPDES permits.<sup>5</sup> The State has experienced permit backlogs at times; however, expired permits are administratively extended and documented via letter. NDEQ inspects SIUs annually and collects grab samples of waste streams to assure compliance with permit limits.

To assist in oversight of SIUs, NDEQ maintains signed Memoranda of Agreement (MOA) with 10 cities within the State. These 10 cities are required to submit annual reports detailing any sampling that has been done at the POTW or at the industries. The two largest cities, Lincoln and Omaha, perform routine sampling of each of their industries and provide the analysis to NDEQ for their use in determining the semiannual compliance of each industry.

There are two areas for improvement that would help the State in its implementation as control authority and approval authority: sampling and local limits. The State may consider using composite samples for compliance monitoring oversight; however, lack of resources has not allowed improvement in this area. The other area of concern is the lack of local limits in its 10 MOA cities. The State has committed to work with Region 7 to develop local limits for these cities; however, initial data collection has not yet been implemented.

### EPA Region 7:

Since permit issuance is the responsibility of the State, the Region does not directly interface with SIUs on a routine basis, but may inspect and sample a number of industrial users during the year.

Because Nebraska does not authorize the program to the POTW level, there are no pretreatment compliance inspections or audits conducted within the State.

There is one industrial user discharging to a POTW in Indian Country within Nebraska for which Region 7 has direct implementation authority. The industry is subject to categorical pretreatment standards and is being regulated by the Region.

## 3. Concentrated Animal Feeding Operations

### The State of Nebraska:

Nebraska has approximately 1000 animal feeding operations that are defined as CAFOs under the newly revised EPA CAFO regulations. Over 200 NPDES permits have been issued since 1974 for open lot

---

<sup>5</sup> The National Data Sources column on the Management Report, measures 9 and 24, do not present data on SIUs in Nebraska. This is because these measures, by definition, capture only SIUs discharging to approved pretreatment programs, while Nebraska, as a CWA section 403.10(e) State, issues permits directly to SIUs and there are no approved pretreatment programs.

operations. A general NPDES permit for open lot CAFOs was issued in April 2003. However, only 80 CAFOs have applied for coverage. Work needs to be done to encourage more CAFOs to apply for coverage.

Many CAFOs remain covered by expired individual NPDES permits. In addition to NPDES permits, Nebraska had required a State operating permit for livestock operations, and had issued more than 1,500 of them. Operating permits for total confinement operations (most of which are considered to be newly defined CAFOs under the revised EPA CAFO rule) required no discharge from the production area.

Legislation was passed by the Nebraska unicameral in April 2004, which allowed NDEQ to combine the State operating permit and NPDES permit programs into one. Changes to State regulations in order to meet the EPA revised CAFO Rule requirements were adopted on October 19, 2004 and signed by the governor on Feb. 10, 2005. NDEQ included technical standards for nutrient management within their revised regulations.

Nutrient management plans (NMPs) have been required by NDEQ since 1997 as part of the State operating permit (approximately 35% of the operations with State operating permits now have a nutrient management plan). These plans were based on nitrogen with a threshold reporting requirement for phosphorus.

NDEQ's Water Quality Assessment section has an ambient monitoring system that will help the planning unit access the effectiveness of CAFO nutrient management plans. NMPs are not yet required to be developed by certified planners.

To put in place the revised EPA CAFO requirements, NDEQ will reopen and revise the open lot CAFO general permit, and also issue another general permit which will cover total confinement CAFOs (newly defined CAFOs) in 2005. As of October 1, 2004, NDEQ has NPDES permit coverage for twenty-eight percent (28%) of the CAFOs within Nebraska.

Shortly after the EPA CAFO rule was published, NDEQ held producers meetings at several locations in the State to explain what would be occurring in Nebraska. Public outreach about the new requirements and the need to apply for a NPDES permit has been done while going through the process for changing State regulations.

Note: The above CAFO permit numbers and dates for program changes are taken from the 3<sup>rd</sup> Quarter 2004 CAFO Rule Implementation Report.

#### EPA Region 7:

Region 7 is responsible for 8 CAFOs located in Indian Country within Nebraska. Applications have been received. However, in accordance with the revised CAFO rule, The Region must establish technical standards for nutrient management before it can proceed with permit issuance.<sup>6</sup> Region 7 will coordinate with the State and Tribes on the development of these standards. Because it could not immediately issue permits, the Region issued administrative orders to four of the operations that

---

<sup>6</sup> The National Data Sources column of the Management Report, measures 11 and 26, does not contain data for EPA activity. The quarterly CAFO implementation survey used as the national data source for these measures does not separate data into State and EPA activity. Data in the EPA activity Additional Data column was provided by Region 7.

required construction. Upon establishment of technical standards for nutrient management, Region 7 will proceed with the issuance of the CAFO permits.

#### **4. Stormwater**

##### The State of Nebraska:

Nebraska has a general construction permit for sites greater than 5 acres that was issued under Phase I. Due to low stormwater permitting resources, turn-over in stormwater staff, and major revisions to the NDEQ regulations, the permit expired in 2002 but has been administratively extended under Chapter 59 of Title 119 of the Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System. Construction sites between one and five acres are instructed on the NDEQ Web site to submit Notices of Intent (NOIs) and comply with the Phase I permit. NDEQ recognizes the need to issue a general construction permit that clearly applies to all construction sites over one acre and hopes to have the permit reissued in 2005.

A general permit has been issued to the Omaha area municipal separate sanitary sewer systems (MS4s) because they expressed an interest in working together on watershed issues, including the Phase II requirements. The State plans to issue a general permit covering most of the other MS4s by the end of the calendar year. Some MS4s will be permitted individually during 2005 due to particular issues involved with those communities. Both Phase I MS4s have current permits in effect.

Industrial facilities are covered by an expired general permit that covers all industrial sectors. The State hopes to reissue the general industrial permit by June of 2005.

##### EPA Region 7:

The Region has a general construction permit in place to cover construction over one acre in Indian Country. If any industrial facilities in Indian Country require a stormwater permit, they would be permitted individually. There are no MS4s in Indian Country.

#### **5. Combined Sewer Overflows/Sanitary Sewer Overflows**

##### The State of Nebraska:

There are two CSO permits in Nebraska. The Omaha-Missouri River permit was issued in October 2002 with nine minimum controls (NMCs) and long term control plan (LTCP) requirements. Omaha is working on the NMCs and is in the planning stages of LTCP development. Plattsmouth will have NMCs and LTCP requirements when the new permit is issued in FY2005. NPDES permits and other enforceable mechanisms containing CSO requirements conform to the 1994 CSO Control Policy.

Consistent with the CSO Guidance of 1996, CSO communities must report CSO overflows to the State's regional offices. Also, consistent with the guidance, public notification is required via electronic and written media when a CSO event is not routine and considered to present a public health threat, or where there may be public sensitivity. In these cases, the facility owner is advised to publish a public notice in the local media. Permittees also have to report SSO overflows to the State's Regional Offices. Personnel from the State's regional offices investigate the SSO/CSO overflow event and report to the Compliance Unit for further action. Capacity, management, operation and maintenance (CMOM) programs are not required; however, large cities are trying to get CMOM training and EPA is working to identify training

and outreach opportunities. In FY2005, the State and the Region will work together to identify the SSO universe.

#### EPA Region 7:

There are no CSO communities within Indian Country for which EPA is the NPDES permitting agency. The Region does not currently track SSO events in Indian Country, but will begin doing so in FY2005. The Region is also trying to get more information on SSOs reporting.

In FY2005, the Region will complete an inventory of large and medium wastewater systems, and determine which are located in priority watersheds. The Region will utilize the State's reporting mechanism for CSO/SSO reporting as needed, as well as its own information regarding SSOs within Indian Country. As part of this process, the Region will perform an analysis of reporting trends concerning the number/percentage of facilities and total overflows reported to the State.

## **6. Biosolids**

#### The State of Nebraska:

NDEQ does not have authorization for the biosolids program and, due to lack of resources, the State is not seeking authorization of the program. NPDES permits issued by NDEQ reference 40 Code of Federal Regulations (CFR), part 503 for biosolids use and disposal and include basic requirements such as monitoring for metals content, management plans, and record keeping. The State has site-approval authority for land application sites. Almost all of the biosolids produced in Nebraska are land applied as agricultural fertilizer.

Compliance assessment and enforcement is done by EPA. NDEQ considers biosolids issues when inspecting municipal treatment plants and reports concerns to EPA for follow up.

#### EPA Region 7:

Nebraska has not been authorized to administer the 40 CFR, part 503 biosolids program, so the Region retains primacy. The State runs a parallel program based on State law and includes language in NPDES permits that requires compliance with part 503.

The Regional biosolids program is administered by one coordinator who devotes about 3 FTEs to the program. Biosolids requirements are included in Regionally-issued permits for facilities on Indian Country. Compliance with the biosolids requirements is ensured by thorough review of the annual reports required to be submitted by major facilities, and by the issuance of enforcement actions against those that fail to submit a report. Many minor facilities also send a copy of their annual report to the Region; these are all reviewed for compliance with program requirements. Appropriate enforcement action is pursued if the annual report (or a citizen complaint) reveals that program requirements are not being met. Tracking is done manually. In Nebraska, nearly all biosolids are land-applied or distributed for reuse.

## **Section III. NPDES Compliance Monitoring and Enforcement Response**

*In a separate initiative, EPA's Office of Enforcement and Compliance Assurance, EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.*

### **1. Enforcement Program**

#### The State of Nebraska:

NDEQ uses its voluntary compliance process as its main enforcement tool, and only uses administrative enforcement actions and referrals to the Attorney General's Office as a last resort. The compliance assistance approach is not always effective as violations may continue for years. Region 7 and NDEQ should discuss how the State can continue to provide compliance assistance as its priority and still be able to escalate enforcement actions against facilities to ensure noncompliant facilities are addressed in a timely and appropriate manner.

The State developed the NDEQ Enforcement Manual in January 2002 which is consistent with EPA policy. The manual addresses enforcement and compliance assistance. It specifies how NDEQ intends to address low-and high-priority violations, review compliance of direct and indirect dischargers on a quarterly basis, and take appropriate action for violations. Administrative orders are mainly used for establishing schedules to achieve compliance. The State does not have the statutory authority to seek administrative penalties, therefore, it refers all such actions to the Attorney General's Office. The NDEQ legal department calculates a penalty using a prescribed form and input from the investigators and program staff. The Nebraska Environmental Protection Act, 81-1508.01(4)[criminal] and 81-1508.2(2)[civil], refers to economic benefit as a consideration for a court in assessing a penalty. Penalties are used for facilities that fail to voluntarily comply or do not make a good faith effort to comply. A State enforcement action may also include a supplemental environmental project.

The NPDES Management Report reflects that no enforcement actions have been taken by the State of Nebraska during fiscal years 2001-2003, however during a recent Regional NPDES program review on September 21, 2004, the State submitted its case summary of enforcement actions taken in 2001, 2002, and 2003. These reports reflect all administrative orders, Attorney General referrals, variances issued and penalties collected for all programs at NDEQ.

Table 2 is a summation of NDEQ's NPDES administrative and judicial actions taken over the last three years and the total amount of penalties assessed.<sup>7</sup>

---

<sup>7</sup> The National Data Sources column of the Management Report, measures 37 and 38, show no FEAs conducted by NDEQ in fiscal year 2003 because Nebraska's entry of enforcement data into PCS is incomplete, particularly for minor facilities. (See section I.7 Data Management.)

**Table 2: Total Number of Enforcement Action and Penalties Collected in the State of Nebraska**

Year	Total Enforcement Actions	Total Penalties Collected
2001	12	\$40,900
2002	12	\$1,878,750
2003	21	\$150,664

In 2002 a joint consent decree with EPA, Department of Justice (DOJ), and NDEQ was lodged against IBP Inc. This civil penalty accounts for \$1,850,000 of the total penalties collected for the year.

The EPA Office of Enforcement and Compliance Assistance (OECA) trend data shows that during the past three years the percentage of major facilities in SNC has decreased and there has been a slight increase in SNCs addressed by formal enforcement actions (FEAs) as shown in Table 3.

**Table 3: SNC status in State of Nebraska**

Year	Percent of Major Facilities in SNC (10/1-9/30)	Percent of FEAs Issued to Major Facilities in SNC
2001	42%	0%
2002	49%	0%
2003	25%	8%

Because the State does not enter enforcement actions into the PCS system, other national data collected and the PCS data system do not reflect an accurate number of enforcement actions taken in the State of Nebraska.

#### EPA Region 7:

Region 7's NPDES enforcement program has approximately seven staff positions devoted to NPDES enforcement and one staff position devoted to data entry into PCS. This includes staff involved with inspection targeting; review and evaluation of inspection reports; oversight of enforcement orders, State program assistance; responding to citizen complaints; oversight of State enforcement programs; enforcement case development; negotiation of enforcement cases; and tracking and evaluation of supplemental environmental projects, schedules, and other deliverables required by orders. The scope of Region 7's enforcement program includes both oversight for authorized State NPDES programs and direct implementation for the Regional NPDES program, primarily in Indian Country.

The Region formally targets inspections to investigate facilities that have the greatest potential for noncompliance. The Region also identifies noncompliant facilities according to national and Regional priorities. Inspection reports are reviewed to determine if an enforcement action is required. The Region has worked diligently and will continue to aggressively pursue appropriate enforcement actions against noncompliant facilities.

Region 7 uses the Interim Clean Water Act Settlement Penalty Policy to determine the penalty for violations in each enforcement action. Economic benefit is also a factor of consideration that is used in determining how the violator benefitted from its noncompliance. EPA considers economic benefit and the ability to pay in determining penalties on a case-by-case basis.

From OECA Trend Data: The OECA trend data shows a decrease in the number of new SNC facilities in the Region; an increase in the number of those facilities addressed by FEAs; and an increase in the number of those facilities that returned to compliance on their own. (See Table 4)

**Table 4: SNC Status in Region 7**

Year	No. of New SNC Facilities at the Beginning of the Year (7/1-6/30)	Percentage of SNC Facilities Addressed with FEAs (10/1-9/30)	Percent of SNC Facilities Returned to Compliance on Their Own (10/1-9/30)
2001	109	8%	78%
2002	108	10%	80%
2003	67	14%	82%

Based on the OECA trend data, NPDES major facilities in SNC in Region 7 have generally decreased from 123 in 2001 to 95 in 2002 to 67 in 2003. The Region will include reporting of noncompliant major facilities on the QNCR in its quarterly review with the State, and discuss any concerns to ensure the continued reduction of the number of major facilities in SNC.

## 2. Record Keeping and Reporting

### The State of Nebraska:

NDEQ uses PCS, but does not rely solely on it. Many of NDEQ's compliance personnel use a database developed by the State, Integrated Information System (IIS), to track the DMR results for their facilities.

The system for keeping hardcopy files has been greatly improved. NDEQ has a central location for all files with good organization. Each facility has several files, such as: base permitting, enforcement, correspondence. All files are bar coded and there is a careful checkout policy.

### EPA Region 7:

Region 7 keeps up-to-date and accurate information on the permittees for which they are responsible. Data are stored in PCS and hardcopy files for each permittee. The Region uses PCS to store basic facility information, address, outfall data, parameters and permit limits, discharge monitoring report data, bypass and CSO reports, a summary of the schedule of compliance items, and completion dates. Hardcopy files are divided into permit-related topics, inspections, DMR and bypasses/CSO reports, and other miscellaneous topics such as those related to requests and approvals for collection system extensions.

Enforcement files contain necessary information to defend against subsequent appeals or court actions.

Region 7 uses PCS as one of its tools to manage its NPDES program. Region 7 inputs directly into PCS all of its enforcement actions, inspections, facility information, limits, outfall data, and permit issuance and expiration dates.

Region 7 is confident that data quality will improve with the release of the new ICIS-NPDES database, because the new system is much more functional than the current form of PCS. ICIS-NPDES will be more user-friendly and have a much more modernized approach for entering NPDES data.

### **3. Inspections**

#### The State of Nebraska:

The NPDES Management Report shows that NDEQ inspected 40% of major facilities during the inspection year ending June 30, 2003. Of total inspections done by NDEQ, 89% were conducted at minor facilities.

Prior to 2004, NDEQ used a watershed approach in scheduling inspections for individual permittees. The priority has shifted to prioritizing inspections for gathering information on facilities needing permits. This shift in inspection targeting is designed to help reduce the permit issuance backlog. The State targets mandatory annual inspections of major and pretreatment facilities. Noncompliant facilities are identified as a high priority. Stormwater permittees are targeted for inspection when the State receives a complaint about a facility.

High risk facilities are targeted for inspections, especially those facilities for which the State has received a complaint and for noncompliant facilities. Monitoring data is reviewed and evaluated for all facilities, and priorities for inspection are established. Facilities with enforcement and/or environmental concerns are the highest priority, followed by regular field presence. Those identified as a priority are inspected.

NDEQ uses a high percentage of its CAFO inspection resources for CAFOs less than 1000 Animal Units. According to the Region's federal fiscal year (FFY) 2004 and 2005 performance program grant (PPG) commitments, NDEQ has agreed to inspect the following CAFO facilities: 1) 100% of the Class IV CAFO facilities; 2) 50% of the Class III facilities; 3) 25% of the Class II CAFO facilities; and 4) Class I CAFO facilities as resources allow.

NDEQ has restructured their agency and established field offices around the State. NDEQ believes the level of inspection commitments have remained constant. In the area of stormwater inspections they believe there has been an increase.

#### EPA Region 7:

Region 7 uses numerous criteria when selecting targets for inspections, such as: history of noncompliance; citizen complaints; State requests; impaired water bodies; environmental justice concerns; watershed impacts; and Regional and national initiatives. Inspection targets are selected to address and prevent environmental harm as well as in the priority wet-weather areas and core program areas. Wet-weather has been a national priority for EPA the past few years and Region 7 has focused inspection resources on meeting this priority.

The Region 7 targeting team shares the inspection list each year with the State and requests comments on it from the State.

Inspection of major facilities does not occur once every year because of the combined resource limitations faced by both Region 7 and its four States. Minor facilities may not get inspected every five years because of similar resource constraints.

#### **4. Compliance Assistance**

##### The State of Nebraska:

NDEQ staff spend a great deal of time assisting permittees with information to help maintain the compliance of their facilities. Two program specialists from the Compliance Unit work with five specialists from field offices to provide compliance assistance. NDEQ staff remain available for assistance, and help individuals to understand their permit requirements and the operation of their facilities. A Pollution Prevention Program is implemented through their Environmental Assistance Division. In addition, on-site operator training and technical assistance are provided to many communities through the use of training grant funds provided under section 104(g)(1) of the CWA. The efficacy of compliance assistance is measured through water quality assessments by monitoring ambient water quality through a network. NDEQ's goal is compliance with permit conditions and the protection of the environment by meeting those requirements.

The State reviews the DMRs to determine compliance with their NPDES permit.

##### EPA Region 7:

Region 7's compliance assistance activities are directed toward minor wastewater treatment facilities in Indian Country. Regional Office staff attend the quarterly meeting of the Regional Operations Committee Council, which is an environmental forum of all Tribes in Region 7. Information on EPA programs is often presented at this meeting. SSOs, wastewater permits, water quality criteria, sludge, and CAFOs are just a few of the many subjects on which presentations are given by the Regional staff.

The Region provides on-site compliance assistance/inspections for all discharging wastewater treatment facilities in Indian Country. On-site compliance assistance involves an evaluation of the system's performance toward meeting NPDES permit requirements. It also involves making suggestions and providing hands-on training, if requested, on how to meet and maintain compliance with permit requirements.

## **Section IV. Related Water Programs and Environmental Outcomes**

### **1. Monitoring**

#### The State of Nebraska:

Nebraska is making progress in developing a monitoring program that satisfies all 10 elements of EPA's 2003 guidance, "Elements of a State Water Quality Monitoring Program". The PPG with the State includes the monitoring program. The State's monitoring program uses a statistical approach and includes monitoring on a rotating-basin basis, with each basin being monitored every fifth year. The monitoring program provides background calculations for all NPDES permits in the State.

The State's comprehensive monitoring strategy will address the manner in which it will improve the number of State waters assessed in order to enhance the understanding and characterization of surface water quality throughout the State. The strategy will be completed by the end of FY2005.

#### EPA Region 7:

Region 7 assists the monitoring program in Nebraska by providing technical assistance to help implement the statistical approach and assessment referenced in the document. In addition, the Region provides some field sampling and all the analytical services for the Regional ambient fish tissue monitoring program (called RAFTMP) which collects fish tissue data (for pesticides and metals). The data from RAFTMP is primarily used to assess the condition of fish tissue relative to human health and to post fishing advisories on those waters exceeding health criteria.

The Region also provides assistance to the State to analyze, organize, write and implement a State monitoring strategy to address water program monitoring needs.

### **2. Environmental Outcomes**

#### The State of Nebraska:

Nebraska assessed 28.5% of its rivers and stream miles for aquatic life support, with 71% of those assessed supporting aquatic life; assessed 12.5% for fish consumption with none impaired; and assessed 100% of the designated recreation streams (which comprise 4.2% of the total water bodies) for swimming with 90% supporting the use. For lakes, Nebraska assessed 82.7% of its lake acres for both recreation and aquatic life with 65% of those assessed supporting their uses. Nebraska monitors primarily under a rotating basin plan.

#### EPA Region 7:

To conduct assessments of surface waters, Tribes must develop data and information to compare against its water quality standards. Two enhancements needed to facilitate a Tribe's assessments are the collection of data and information describing the resource and the development of Water quality standards. Currently no Tribes in Region 7 have federally approved water quality standards. Additional technical support and funding to aid in the development of monitoring plans, quality assurance/quality control (QA/QC) development, and the collection of data used to support assessments are needed. Also, federal regulations currently exempt Tribes from assessment reporting requirements in CWA section

305(b). Assessment of Indian Country waters is not currently a planned activity, although some site specific review of water quality considerations is performed in conjunction with EPA's development of NPDES permits for dischargers (Indian Country and non-Indian Country entities) which are located within the external boundaries of a Tribe's reservation.

### 3. Water Quality Standards

#### The State of Nebraska:

NDEQ reviews its water quality standards on a triennial basis, meeting its scheduled commitments. The State does an exceptional job in coordination and public outreach efforts. The State's most recent water quality standard revisions were submitted in December 2002. EPA issued an approval letter on these revisions in August 2003, disapproving a high flow exclusion. Nebraska standards include a reference to its continuing planning process (CPP) for guidance on implementation of the State's antidegradation policy and other aspects of Nebraska Title 117, Chapter 4. The State has adopted E. coli criteria consistent with EPA's 1986 recommendations and has submitted a plan for development of nutrient standards which outlines objectives, describes a development approach, and proposes an implementation schedule. The schedule called for development of nutrient criteria for lakes and reservoirs by the end of 2004, with proposal of these criteria during the 2005 triennial review. Nutrient criteria for streams and rivers will first require further study (research is ongoing with the University of Nebraska to determine if nutrient criteria are appropriate for these types of water bodies), which is scheduled to be completed by 2007; if nutrients and stream biology can be related, criteria will be developed during 2008 and proposed during the 2011 triennial review. Although many water bodies currently lack recreational use designations, the State has begun to systematically complete use attainability analyses (UAAs) to assess recreational use and will thereafter adopt the appropriate use designations. The State has entered into a memorandum of understanding (MOU) with Region 7 to complete this process by December 2008.

State standards do not address compliance schedules or implementation of water quality standards in permits. Rather, these matters are addressed in the NPDES permitting procedures. The Region is encouraging the State to also develop biocriteria. The State is actively collecting data which could be used for further development.

#### EPA Region 7:

A Regional team has been developed to address/identify applicable water-quality based effluent limits for NPDES permit development purposes in Indian Country for Tribes that do not have an authorized water quality standards program. The team includes the Region's water quality standards program, NPDES program, Indian Programs Office, Environmental Services Division (lab), and the Office of Regional Counsel.

A protocol to identify roles and responsibilities in the NPDES process (e.g., water quality standards, UAAs, CWA section 401 certification, wasteload allocations, NPDES development, etc.) has been developed. For water supply designated uses, the water quality standards program identifies the national recommended water quality criteria protecting "human health for consumption of water and organism" to the NPDES program for developing permits to protect this use. The drinking water program is consulted to provide information and to review permits where there are concerns related to drinking water sources and wellhead protection areas. Where it is appropriate to protect drinking water sources and certain recreational uses, the Regional NPDES permits require disinfection.

Currently, only one of the five Tribes in Nebraska has applied to administer a water quality standards program; its application is under review at EPA

#### 4. Total Maximum Daily Loads

##### The State of Nebraska:

As of July 9, 2004, Nebraska had developed and EPA had approved 27 of the 138 total maximum daily loads (TMDLs) required by the 2002 list of impaired water bodies prepared under CWA section 303(d).<sup>8</sup> Nebraska continues to make adequate progress in developing TMDLs.

TMDLs have been developed by Nebraska and approved by EPA for nutrients, sediment, and pathogens (fecal coliform). Lakes and reservoirs that have been deemed impaired by nutrients and sediment, and where TMDLs have been approved, have no point sources discharging to the water body or the watershed. In these cases, the WLAs in the TMDLs are zero. The remainder of the water bodies have approved TMDLs for pathogens. At this time, Title 117 of the Nebraska Surface Water Quality Standards does not allow for mixing zones to meet the applicable pathogen criteria, therefore the WLA equals the end-of-pipe limits in all cases.

Nebraska has developed nutrient TMDLs for lakes only at this time. The State uses a watershed-based community involvement approach and encourages stakeholders to identify the target criteria (e.g., secchi depth or water clarity) to use in the TMDL, which, in the absence of nutrient criteria, has resulted in protective targets. The process usually coincides with nonpoint source projects as discussed under CWA section 319.

Access to the approved TMDLs and CWA Section 303(d) listed (Integrated Report - Category 5) waters is provided by the NPDES staff. In Nebraska, the nature and origin of pollutants is often source specific, with the exception of pathogens. That is, pollutants are either point source-generated or nonpoint source-generated. Because of this, NDEQ has been utilizing water quality-based effluent limits for several years to address pollutants (mainly ammonia), based on the reasonable potential to exceed water quality standards. This approach is based on the document titled "Standard Operating Procedure for Development of Water Quality-Based Wasteload Allocations When a TMDL is Not Required."

The Water Quality Planning Unit is responsible for the development and maintenance of the CWA section 303(d) list, TMDLs, and water quality standards. Along with this, the Water Quality Planning Unit staff conducts a pre-public notice review of the draft permit.

Permit limits are based upon the more stringent of either technology-based standards or water quality-based standards. Reasonable potential is based on EPA's TSD and the 1996 permitting procedures which were approved by EPA. Nebraska calculates a WLA for these facilities based upon the stream data which the NDEQ's Water Planning Unit provides. They evaluate the upstream segment and ensure that the receiving segment can assimilate the pollutants without negative environmental impact. Water

---

<sup>8</sup> The National Data Sources column of the Management Report, measures 41 and 54, show 216 TMDLs in the docket at the end of FY2003 and 20 TMDLs completed through FY2003. The 216 in measure 41 reflects TMDLs shown in NTTs from the 1998 303(d) list. Region 7 is in the process of entering the 2002 303(d) list and reconciling it with the 138 included in the Final EPA Approval Letter. For measure 54 the definition includes only TMDLs approved prior to Sept. 30, 2003. Seven TMDLs were approved between that date and July 9, 2004.

quality limits are incorporated as mass and concentration limits based on WLAs. The basis for these limits is explained in the permit fact sheet. The WLA serves the same purpose as the TMDL for “point source only” impaired waters. Currently, the only point/non-point dual problems appear to be pathogens. In these cases, water quality-based limits are the water quality criterion (therefore, no WLA is needed). The more stringent limit applies in the permit for WLA or technology based limits. If the facility does not have the technology to meet this limit, it is placed on compliance schedule in the permit and expected to meet limits in a specified time. A TMDL is not necessary to calculate the WLA except for a few facilities that have overlapping mixing zones. For the rest of the facilities, the WLA is protective of water quality.

When reissuing permits, NDEQ is writing water quality-based permits that implement State standards and criteria for facilities discharging to CWA section 303(d) listed waterways without an approved TMDL.

All permits undergo a review with the CWA section 303(d) list to ensure that potential causes of impairment are addressed with WLAs (with or without a TMDL). WLAs are translated to limits following EPA’s TSD and NDEQ written procedures. Once a permit is issued, NDEQ checks compliance through DMRs and inspections.

EPA Region 7:

There are no specific federal TMDL activities planned on Indian Country at this time.

## **5. Safe Drinking Water Act**

The State of Nebraska:

NPDES and Drinking Water programs are linked through the State’s water quality standards. For some Nebraska waters, “Drinking Water Supply” is a designated beneficial use. Standards, WLAs, and WQBELs are developed to protect this use.

The NDEQ is responsible for the well-head protection program, source water program, and the financial side of the State Revolving Fund drinking water program. The NDEQ and the Nebraska Health and Human Services System coordinate on issues related to the above programs and health related issues.

EPA Region 7:

The drinking water program is consulted to provide information and to review permits where there are concerns related to drinking water sources and wellhead protection areas. Where it is appropriate the Regional NPDES permits require disinfection to protect drinking water sources and certain recreational uses.

## **Section V. Other Program Highlights**

### The State of Nebraska:

NDEQ has implemented some changes/innovations and are implementing more improvements. They have teamed permit writers and compliance inspectors together by the field office regions. This allows them to coordinate inspections and permits so that the inspection of a facility is completed before a permit is written. This helps to ensure that accurate information is provided in the permits. Also, the permit writer and the compliance inspector communicate earlier about facilities, resulting in better prioritizations. NDEQ is evaluating new software options for the actual drafting of permits. This new software should eliminate considerable time in drafting permits, and will also improve their quality and consistency.



001. Linder-Director  
002. Snook-Secy. Admin

ADMINISTRATION 12  
112. Lamberson-Dep Dir

PROGRAMS 12  
184. Ringenberg-Dep Dir  
191. Hibbard-Secy Admin

Management Services Div.

Grant Coordinator  
219. Vap-Morrow-Env Asst Coord  
Public Information Office  
004. McManus-Pub Info Ofcr  
120. Webster-Pub Info Ofcr II

Fiscal Services Sec.

005. Moore-Budget Ofcr  
260. Upton-Acct III  
187. Hiller-Actg Clerk II  
007. Stewart, L.-Actg Clerk II  
161. Herman-Fed Aid Admin II  
126. Young-Fed Aid Admin II

Human Resources/Records Mgt Sec

125. Jenson-Human Resource Mgr  
005. Chelowski-Actg Clerk II  
025. Wood-Human Resource Ofcr  
214. Principato-Research Analyst II  
Records Mgt Unit  
158. McBride-Rcds Mgr  
163. Felix T.-Staff Asst II  
182. Dulas-Staff Asst I  
171. Mertens-Staff Asst I  
195. Pearson-Staff Asst I

Information Technology Sec.

082. Buring-IT Mgr  
197. Hammond-App. Dev. Lead  
190. Wisey-App Developer  
081. Kaderly, M.-App Developer  
146. Bubb, K.-IT Tech Asst  
196. Morrison-Infra Spt Anal Sr  
166. Yamamoto-Infra Spt Anal Sr  
189. Mason-Infra Spt Tech  
246. Vossler-Infra Spt Analyst  
084. Whelan-Infra Spt Tech

Legal Services Div.

074. Kovar-Legal Counsel  
124. Akin-Staff Asst II  
015. Buechler-Attorney II  
059. Greenwood-Attorney I  
003. Doyle-Attorney II  
188. Moeller-Attorney II

Environmental Assistance Div.

245. Francis-Assec Prog Dir  
251. Stevenson-Staff Asst I  
178. Franklin-Env Asst Coord  
149. Stumpf-Env Asst Coord  
207. Miesbach, C-Prog Spec  
250. VACANT-Prog Spec  
068. Morrow-EQ Eng Reap Coord

Field Office Sec.

012. Powers-Sec Supvr  
East Field Office (Omaha)  
037. Anderson-Prog Spec  
102. Davis-Prog Spec  
055. Mallory-Prog Spec  
Northeast Field Office (Norfolk)  
231. Grudzinski-Prog Spec  
221. Hemming-Prog Spec  
Central Field Office (Holdrege)  
095. Helms-Prog Spec  
258. Wambald-Prog Spec  
258. Newth-Prog Spec  
Northwest Field Office (Chadron/Scottsbluff)  
094. Carlson-Prog Spec  
029. Filnt-Geo/Gmdwtr  
West Central Field Office (North Platte)  
210. Dobscha-Unit Supvr  
145. Hines-Prog Spec  
045. Reimen-Prog Spec  
027. Sexson-Prog Spec

Waste Management Div.

162. Haldeman-Administrator  
203. Bazala, G.-Admin Asst I

Waste Management Sec.

190. Gidley-Sec Supvr  
150. Blevins-Staff Asst I  
Permits Unit  
178. Kennedy-Unit Supvr  
180. Behrens-Env Eng III  
220. Franz-Env Eng III  
052. Lusbe-Env Eng II  
096. Kour-Env Eng III  
181. Powell-Fin Assur Coord  
014. Johnson, D.-Prog Spec  
276. Gibson-Env Eng IV  
Compliance Unit  
202. Leibbrandt-Unit Supvr  
153. Swartz-Comp Spec  
237. Edwards-Prog Spec  
238. Gorman-Prog Spec  
239. Harford-Env Asst Coord  
060. Harris-Prog Spec  
169. Podany-Prog Spec  
034. Stoner-Prog Spec

Remediation Section

200. Felix, M.-Sec Supvr  
186. Williams-Secy II  
041. Kemp-Unit Supvr  
132. Gregson-Prog Spec  
115. Zurbuchen-Prog Spec  
164. Myers-Prog Spec  
133. Southwick-Prog Spec  
144. Korus-Geo/Gmdwtr  
217. Huscher-Prog Spec  
008. Silvestov, A.-Prog Spec  
068. Tobin-Prog Spec  
091. Zimmerman-Prog Spec

Planning & Aid Unit

201. Denshy-Fed Aid Admin III/Supvr  
021. Johnston-Prog Spec  
152. Schorer-Prog Spec  
031. Tatum-Prog Spec

Air Quality Div.

159. Kaderly, S.-Administrator  
236. Berlowitz - Secy, Admin

Permitting Sec.

114. Smith, C.-Sec Supvr  
119. Jacobs-Admin Asst I  
Construction Permit Team  
063. Le-Env Eng III  
087. Reid-Env Eng III  
183. Dingman-Env Eng II  
235. Plander-Prog Spec  
233. Moyer-Prog Spec  
Operating Permit Team  
232. Lund, W.-Env Eng III  
226. Steinke-Env Eng II  
228. Lorenz-Env Eng II  
227. Devonshire-Env Eng II  
218. Clerc-Fill-Prog Spec  
206. Kemling-Prog Spec

Compliance Section

028. Ellis-Section Supvr  
208. Bohac-Card-Secy II  
223. Austin-Prog Spec  
230. Brown-Prog Spec  
225. Duncan-Prog Spec  
130. Zach-Prog Spec  
026. Prachell-Prog Spec  
067. Yeggy-Prog Spec  
224. Phillips-Prog Spec  
253. Hancock-Prog Spec  
215. Hetzler - Prog Spec

Program Planning & Development Team

209. Kellison-Prog Spec  
222. Bohn-Prog Spec  
064. Woolf-Env Asst Coord

Water Quality Div.

185. Rice-Asst Dir  
108. VACANT-Assec Prog Dir  
154. Otto - Secy, Admin

Agriculture Sec.

023. Heltmann-Sec Supvr  
254. Dinslage-Admin Asst II  
Engineering Services Unit  
155. Buttmore-Env Eng IV  
259. Rosenboom-Env Eng III  
247. Schultz-Env Eng III  
248. Trewitt-Env Eng III  
Permits & Compliance Unit  
042. Lamb-Prog Spec  
249. Glissman-Prog Spec  
065. Schretler-Prog Spec  
043. Stoeger-Prog Spec

Petroleum Remediation Sec.

083. Chambers-Sec Supvr  
131. Holley-Admin Asst I  
213. Wiggins-Comp Spec  
121. Kramer-Fed Aid Admin I  
090. Hargis-Geo/Gmdwtr  
129. Mann-Geo/Gmdwtr  
151. McIntyre-Geo/Gmdwtr  
148. Wunder-Prog Spec  
Petroleum Assessment & Remediation Unit (PAR)  
093. Busch-Unit Supvr  
128. Borovick-Geo/Gmdwtr  
175. Fogarty-Geo/Gmdwtr  
137. Hell-Geo/Gmdwtr  
138. Kirkac-Geo/Gmdwtr  
147. Lohnes-Geo/Gmdwtr  
174. Ponte-Geo/Gmdwtr

Planning Unit

111. Ihrie-Prog Spec  
079. Bender-Prog Spec  
019. Hickman-Prog Spec  
243. O'Brien-Prog Spec  
107. Traylor-Prog Spec  
244. Berger-Prog Spec

Low Level Radioactive Waste Program

142. Felix, C.-Program Mgr  
165. Wilson-Staff Asst II  
139. Merrill-Admin Asst I  
141. Allen-Prog Spec

Admin Support Team

123. Bertram-Secy II  
011. VACANT - Secy II  
051. Petersen-Staff Asst I  
255. Brunke-Staff Asst I  
010. VACANT-Staff Asst I  
Financial Assistance Sec.  
017. Bay-Sec Supvr  
Community Aid Unit  
097. Bhadhbhade-Env Eng IV  
100. Hoppel-Env Eng III  
018. Smaus-Env Eng III  
092. Worster-Fed Aid Admin II  
105. Fuening-Env Eng IV  
163. VACANT-Prog Spec

Water Quality Assessment Sec.

013. Walker-Sec Supvr  
Groundwater Unit  
076. Link-Unit Supvr  
077. Gottula-Prog Spec  
073. Hanson-Prog Spec  
036. Inman-Prog Spec  
058. Miesbach-Prog Spec  
127. Routt-Prog Spec  
048. Smith, S.-Prog Spec  
Surface Water Unit  
058. Lund, J.-Unit Supvr  
039. Bubb, D.-Fld Data Spec  
069. Bazats, K.-Prog Spec  
116. Braikage-Env Asst Coord  
044. Callam-Prog Spec  
040. Michl-Prog Spec  
104. Schumacher-Prog Spec

Wastewater Sec.

046. Goans-Sec Supvr  
078. Clendenin-Staff Asst II  
Technical Assistance Unit  
016. Duerchner-Env Eng IV  
099. Arab-Env Eng IV  
020. VACANT-Env Eng III  
071. Christensen-Env Eng III  
103. Hoopes-Env Eng III  
062. Irwin-Prog Spec

NPDES Permits Unit

157. Luckner-Unit Supvr  
108. Asch-Prog Spec  
257. Bigbee-Prog Spec  
240. Horn-Prog Spec  
072. Mal-Prog Spec  
241. Kerner-Prog Spec  
242. Olsco-Prog Spec

Compliance Unit

118. Fiedler-Unit Supvr  
086. Schauer-Comp Spec  
109. Wilkenson-Prog Spec

# NPDES Management Report, Winter 2005

## Nebraska

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
<b>NPDES Progress</b>									
Universe	1	# major facilities (6,690 total)	L14		n/a	54	1	55	
	2	# minor facilities covered by individual permits (42,057 total)	L14		n/a	681	4	685	15
	3	# minor facilities covered by non-storm water general permits (39,183 total)	L14		n/a	0	0		
	4	# priority permits (TBD)	L19			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	L1:		n/a	3,709	--		
	6	# industrial facilities covered by individual permits (32,505 total)	L14		n/a	437	2		1
	7	# POTWs covered by individual permits (15,197 total)	L14		n/a	293	5		7
	8	# pretreatment programs (1,482 total)	LL15		n/a	n/a	--		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	LL15		n/a	--	--	106	
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	LL18		n/a	2	--		
	11	# CAFOs (current and est. future) (17,672 total)	LL16		n/a	1,000	--		8
	12	# biosolids facilities (TBD '05)	LL19			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	L14	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	L1:		46.3%	3.5%	--		
	15	State CAFO legal authority expected (mo/yr)	LL16	2005	n/a	2/05	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	L17		n/a	0	n/a		
	17	DMR data entry rate	L1:		95%	96%	--		
	18	# permit applications pending (1,011 total)	L19		n/a	7	--		
NPDES Program Implementation	19	% major facilities covered by current permits	L19	90%	83.7%	79.6%	100.0%	92.0%	
	20	% minor facilities covered by current individual or non-storm water general permits	L19	90% 12/04	87.0%	49.2%	0.0%	52.6%	
	21	# major facilities w/permits expired >10 yrs. (56 total)	L19		n/a	2	0		
	22	% priority permits issued as scheduled (TBD '05)	L19	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	LL15		85.3%	n/a	--		
	24	% SIUs w/control mechanisms	LL15		99.2%	--	--	100.0%	
	25	% of CSO permittees with long-term control plans developed or required	LL18	75% 2008	82.2%	50.0%	--		
	26	% CAFOs covered by NPDES permits	LL16		35%	25%	--		0%
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	LL19			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	LL17		n/a	2	0		
	29	# Phase I storm water permits not yet issued (5 total)	LL17		n/a	0	0		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States)	LL17	100% states 2008	n/a	0/0/17	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	LL17	100% states 2008	n/a	N	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	LLL16		71%	40%	9%		
	33	(inspections at minors) / (total inspections at majors and minors)	LLL16		76%	89%	71%		
	34	% major facilities in significant non-compliance (SNC)	LLL14		20%	25%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	LLL14		14%	14%	--		
	36	% SNCs returned to compliance w/o FEA	LLL14		70%	86%	--		
	37	# FEAs at major facilities (666 total)	LLL14		n/a	0	4	1	
	38	# FEAs at minor facilities (1,660 total)	LLL14		n/a	0	19	20	

### Explanation of Column Headers:

**Profile Section:** For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

**National Data Sources:** The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NNTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

**Additional Data:** These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

**State Activities:** Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

**EPA Activities:** Information in these columns reflects activities conducted by the EPA Region within the State.

# NPDES Management Report, Winter 2005

## Nebraska

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
					State Activities	EPA Activities	State Activities	EPA Activities
<b>Water Quality Progress</b>								
Universe	39	River/stream miles (3,419,857 total)	LY15		n/a	76,648	n/a	
	40	Lake acres (27,775,301 total)	LY15		n/a	210,651	n/a	
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	LY17		n/a	216	--	138
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	LY17		n/a	10	0	
	43	# Watersheds (2,341 total)	LY15		n/a	--	--	
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	LY16		n/a	Y	n/a	
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	LY16	<25% submis-sions	n/a	n/a	1	
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	LY14	all states 2005	--	--	--	
	47	% river/stream miles assessed for recreation	LY15		13.8%	4.2%	n/a	
	48	% river/stream miles assessed for aquatic life	LY15		22.0%	28.5%	n/a	
	49	% lake acres assessed for recreation	LY15		49.4%	82.7%	n/a	
	50	% lake acres assessed for aquatic life	LY15		48.5%	82.7%	n/a	
	51	# outstanding WQS disapprovals (23 total)	LY16		n/a	0	n/a	
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	LY16	35 states 2008	n/a	n/a	n/a	
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	LY16	25 states 2008	n/a	N	n/a	
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	LY17		n/a	20	--	
	55	# TMDLs completed in FY 2003 (2,929 total)	LY17		n/a	16	0	
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	LY17		n/a	7	--	
	57	% Assessed river/stream miles impaired for swimming in 2000	LY15		--	88.8%	n/a	
	58	% Assessed lake acres impaired for swimming in 2000	LY15		--	9.4%	n/a	
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	LY15	600 2008	n/a	--	--	

### Explanation of Column Headers:

**Profile Section:** For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

**National Data Sources:** The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

**Additional Data:** These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

**State Activities:** Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

**EPA Activities:** Information in these columns reflects activities conducted by the EPA Region within the State.