

AGC Nebraska Environmental Committee

Fact Sheet on NPDES Industrial Storm Water (ISW) Discharge Permit (NER920000)

- I. AGC Member affected sectors:
 - a. Sector D – Asphalt Paving and Roofing Materials and Manufacturers and Lubricant Manufacturers
 - b. Sector E – Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing
 - c. Sector J – Mineral Mining and Dressing
 - d. Sector L – Landfills and Land Application Sites
 - e. Sector N – Scrap Recycling Facilities
- II. Permit Related Challenges to ISW
 - a. EPA’s Multi-Sector General Permit (MSGP) is only for States that have not elected to implement their own National Pollutant Discharge Elimination System Permit (NPDES). Nebraska Department of Environment and Energy (NDEE) is not required to follow federal regulations as prescribed in the MSGP.
 - i. The MSGP can be used as general guidance from the EPA for implementing the Clean Water Act (CWA).
 - ii. The MSGP is not regulation for States holding their own permitting authority.
 - b. States are not required to follow MSGP, rather States are required to meet the CWA Standards as written in Section 402 of the CWA – National Pollution Discharge Elimination System for Storm Water Discharges and 40 CFR Part 122.
- III. Summary of Member Concerns:
 - a. Section 3.2 of ISW – Additional Implementation Measures (AIM)
 - i. Confusing and onerous tiered system
 - ii. Creates unnecessary additional costs associated with implementation labor and materials
 1. Costly consultant fees for implementation and documentation
 - iii. Significant documentation associated with AIM levels
 - iv. Not based on scientific evidence showing additional BMPs will reduce storm water discharge contaminant levels.
 - v. Currently the only State in Region 7 attempting to adopt AIM
 - vi. Subjective enforcement of AIM
- IV. Construction Storm Water (CSW) Permit Changes affecting ISW
 - a. Concrete and Asphalt Batch Plants no longer to be permitted by CSW
 - b. All construction project batch plants will be permitted under the ISW and subject to terms of the NER920000.
 - i. Including but not limited to:
 1. NOI and NOT timeframe requirements for batch sites
 2. Discharge testing requirements
 3. AIM requirements
 4. SWPPP Implementation