

### NDEQ Construction Stormwater Permitting and Compliance

Ryan Joe, NDEQ, Program Specialist

Sediment & Erosion Control Seminar February 7, 2019





### Construction Stormwater **General Permit** (CSW-GP) NER 160000

- 768 construction projects approved in 2018
- Currently ~1,330 active construction projects covered under permit



Pete Ricketts

#### STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Sale 400, The Aircon P.O. But 98922 Liecolis, Nubracka 68509-8922 Phone:(402):471-2186 FAX (402) 471-2909

website: http://deg.ne.gov

Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES) General NPDES Permit Number NER160000 for Storm Water Discharges from Construction Sites to Waters of the State of Nebraska

This NPDES general permit is issued in compliance with the provisions of the Federal Water Pollution Control Act (33-U.S.C. Secs, 1251 et. seg. as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 et. seg. as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. Application may be made under this general permit are authorized to discharge storm water from construction sites. Owners or operators issued a discharge authorization under this general permit are required to comply with the limits, requirements, prohibitions, and conditions set forth herein. The issuance of a discharge authorized under this general permit does not relieve permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit No.:

NER160000

NDEO ID No .:

995907

Effective Date:

Expiration Date:

November 1, 2016 October 31, 2021

Pursuant to a Delegation Memorandum dated August 22, 2016, and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Permits Division Administrator

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### **CSW-GP Requirements**

- Construction activity causing land disturbance of ≥ 1 acre, or part of a larger common plan of development
- Stormwater Pollution Prevention Plan (SWPPP) development and implementation
- Online application (https://ecmp.nebraska.gov/DEQ-CSW)





- Prepare SWPPP
- Submit CSW-NOI (online application)
- Implement SWPPP
- Final stabilization
- Submit CSW-NOT





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#### **SWPPP**

### Stormwater Pollution Prevention Plan

- Guidebook of practices (Best Management Practices or BMPs) to keep stormwater discharges as clean and unpolluted as possible
  - Identifies potential sources of stormwater pollution
  - Describes practices to reduce pollutants in stormwater discharges
    - Erosion and sediment control
    - · Good housekeeping
  - Identifies procedures implemented to comply with the CSW-GP
- Site-specific and updated as needed
- Prepared by qualified personnel prior to submitting an application

Qualified Personnel: A person knowledgeable in the principles and practice of erosion and sediment controls that possesses the skills to implement and assess the effectiveness of any erosion and sediment control measures. The qualified personnel must possess the skills to assess conditions at the construction site that could impact storm water quality, and possess the skills to assess the effectiveness of any storm water controls selected and installed to meet the requirements of this permit.

Requirements of the SWPPP are detailed in Part III of the CSW-GP





### **Basic SWPPP Content**

- Cover/title page
- Project and SWPPP contact information
- Site and activity description (site map)
- Potential pollutant sources
- Description of controls to reduce pollutants
- Maintenance/inspection procedures and records
- SWPPP amendments
- Threatened & Endangered Species information
- SWPPP certification (included in NOI)
- CSW Permit





### Erosion Control vs. Sediment Control

• Erosion control BMPs protect the soil surface and prevent soil particles from being dislodged and carried away by wind or water (e.g. mulch, blankets, mats, vegetative cover).



- Sediment control BMPs remove soil particles after they have been dislodged (e.g. silt checks, traps and basins, barriers, inlet protection).
- You should try to use erosion controls as the primary BMPs and sediment controls as secondary BMPs.





### Good Housekeeping

- Construction access
- Waste management
- Material storage
- Concrete washout
- Dust control
- Educate employees and subcontractors
- Signage





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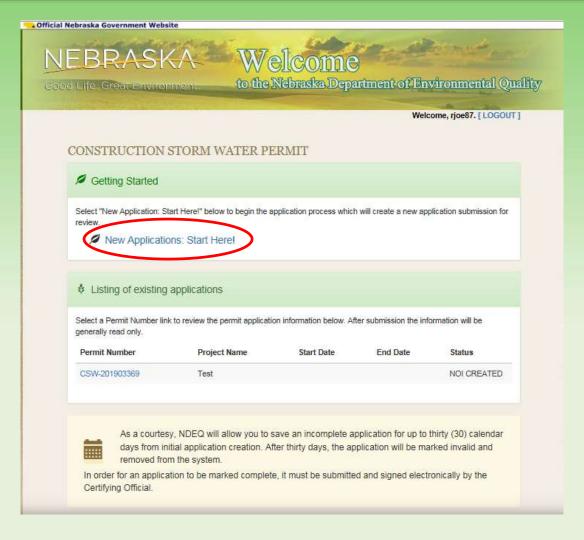


### **CSW-NOI** Application









https://ecmp.nebraska.gov/DEQ-CSW





#### CONSTRUCTION STORM WATER PERMITTING PROCESS OVERVIEW

- · Scroll down and read the entire overview of the process.
- · Click on each PART to expand and read content.
- · At the bottom of the page, you must Agree to the condition below before you can continue.

Authorization to Discharge Under the
National Pollutant Discharge Elimination System (NPDES)
General NPDES Permit Number NER160000 for Storm Water Discharges from Construction Sites to Waters
of the State of Nebraska

- Part I. Coverage Under this Permit
- > Part II. Authorization for Discharges of Storm Water from Construction Activity
- ▶ Part III. Storm Water Pollution Prevention Plans (SWPPP)
- Part IV. Special Conditions, Management Practices, Other Non-Numeric Limitations
- > Part V. Termination, Transfer, or Reassignment of Permit Coverage
- Part VI. Standard Conditions and Requirements
- Part VII. Definitions
- ▶ Reference List A: Abbreviations
- Appendix A Conditions Applicable to all NPDES Permits
- Appendix B List of MS4s in the State of Nebraska

#### Permit PDF download:

You can download this permit as a PDF file to review and keep for your records.



Agree to the condition below before you can continue

Do you agree to the above conditions in which to complete this project application?

YES

NO





#### CONSTRUCTION WATER PERMITTING PROCESS OVERVIEW Certifying Official Statement "I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations." Project Name Certification Official Information Complete all the personnel information in the tabs below that apply to the project. Certifying Official Certifying Official (Optional) Authorized Representative Project Proponent Certifying Official Title Company First Name Last Name Work Phone Cell Phone Email Confirm Email Address Line



State

Zip Code

City



Storm Water Pollution Prevention Plan Framework [Part III, A.]		
Has a Storm Water Pollution Prevention Plan been developed for this project?	YES	NO
Has a qualified individual [Part III A] prepared the SWPPP?	YES	NO
Pollution Prevention Plan Contents: Site and Activity Description [Part III, B.]		
Has the site and activity descriptions, as per Part III.B, been incorporated into the SWPPP?	YES	NO
Storm Water Pollution Prevention Plan to Eliminate or Minimize Pollution [Pa	rt III, C.]	
	YES	NO
per Part III.C, been incorporated into the SWPPP?  Has the Erosion prevention measures and record keeping, as per Part III.C,	YES	NO
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per Part III.C, been incorporated into the SWPPP?  Has the Erosion prevention measures and record keeping, as per Part III.C, been incorporated into the SWPPP?  Maintenance of Control BMPs [Part III, F.]		
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per Part III.C, been incorporated into the SWPPP?  Has the Erosion prevention measures and record keeping, as per Part III.C, been incorporated into the SWPPP?  Maintenance of Control BMPs [Part III, F.]  Inspections [Part III, J]  Maintaining an Updated Plan [Part III. K]  Has Inspections, maintenance of BMPs and associated record keeping, as per Part III.F, J-K, been incorporated into the SWPPP?	YES	NO
per Part III.C, been incorporated into the SWPPP?  Has the Erosion prevention measures and record keeping, as per Part III.C, been incorporated into the SWPPP?  Maintenance of Control BMPs [Part III, F.]  Inspections [Part III, J]  Maintaining an Updated Plan [Part III. K]  Has Inspections, maintenance of BMPs and associated record keeping, as	YES	NO





CONSTRUCTION SWPPP DESIGNER INFORMATION  SWPPP Designer Company Name				
First Name				
Last Name				
Phone	Email			
Address				
City	State Zip Code			
SWPPP Loc	eation			



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CONSTRUCTION SITE DESCRIPTION
County
Address Indicate general location description if no address is available.
Project Type
(residential, industrial, commercial, livestock, linear, other etc.)
Project Size acres Area to be disturbed acres
Nearby Surface Waters
Identify surface waters within ½ mile of project boundary that will received storm water or discharge from permanent storm water management system.
Name of Receiving Waters Bodies of waters and/or Outfalls
Waterbody Type
(ditch, pond, stream, river etc.)
Legal Description
Describe the quarter, section, township, range, and/or any other legal descriptions.
Project Start Date mm/dd/yyyy
Project End Date mm/dd/yyyy
For sites previously authorized under a Construction Storm Water (CSW) permit and undergoing a transfer of owner and/or certifying official. List the previous NPDES CSW Permit Number (CSW 1 )
Previous NPDES CSW Permit Number CSW-



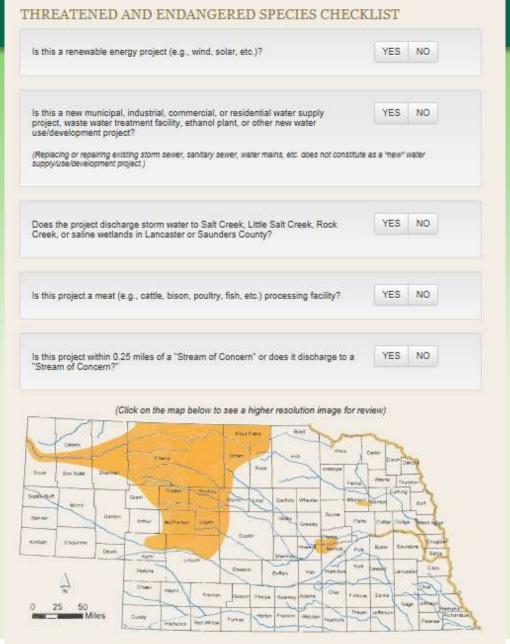


# Nebraska Game & Parks CERT Review By selecting 'Yes' you will be navigated to an upload page that will require upload of CERT documentation prior to submitting this notice of intent application. Have you submitted this project's proposal for environmental review through the Nebraska Game and Parks Conservation and Environmental Review Tool (CERT)?

cert.outdoornebraska.gov

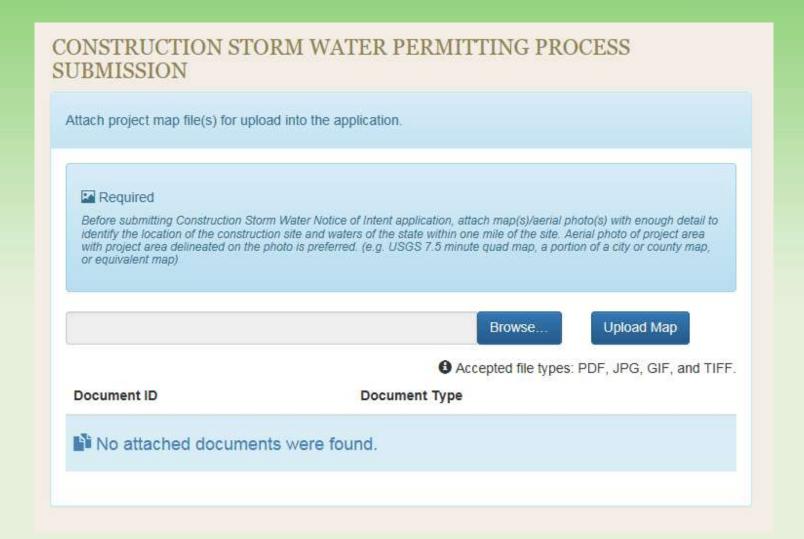






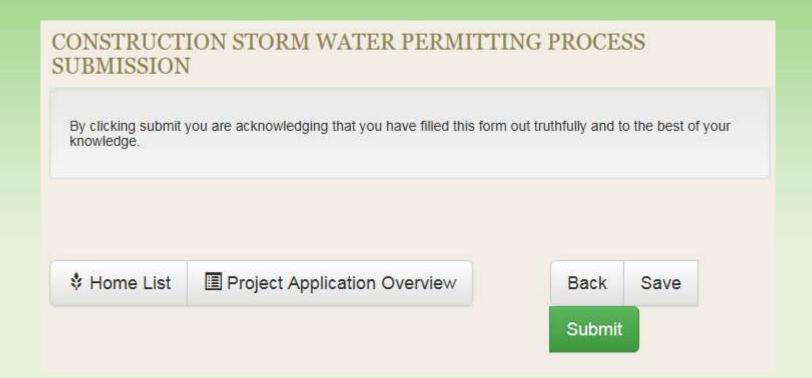






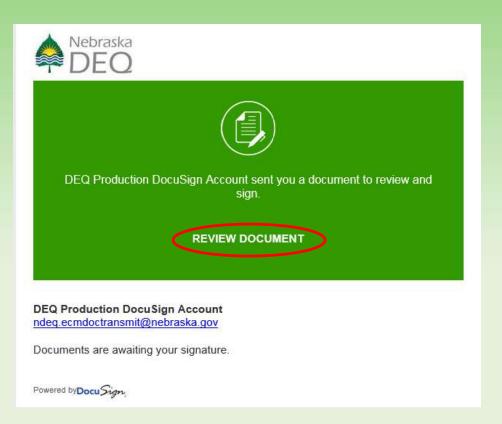
















#### 1/31/2019

John Doe Address Lincoln, NE

RE: PERMIT TRACKING NUMBER: CSW-201903369

Issuance of storm water discharge authorization for the Test construction project located at Test in Colfax County, NE.

#### Dear John Doe:

This is to acknowledge receipt of the CSW-NOI form on 1/31/2019, for the project referenced above. This project has authorization to discharge storm water under the terms and conditions of NPDES General Permit NER160000. Please review the entire permit to ensure compliance.

When final stabilization (Part III.M of the permit) has been completed, login and access the storm water portal to submit Notice of Termination form.

Local jurisdiction requirements may apply.

For Lincoln, contact Ben Higgins with the City of Lincoln Watershed Management Division at (402) 441-7589 or go to lincoln.ne.gov and reference keyword "mud".

For Omaha, contact James Kee at (402) 444-3915 for grading permit requirements.

#### Portal can be located at: NDEQ Website

If you have any questions concerning this NPDES storm water discharge authorization, please contact our office at (402) 471-8330.

Sincerely,

Ryan Joe

Water Quality Division

Copartment of Environmental Quality dequire.gov Stockers, Disease
60. No. 100.1

Section 1. Section





- Prepare SWPPP
- Submit CSW-NOI (online application)
- Implement SWPPP
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- Submit CSW-NOT





### Install AND Maintain Your BMPs









































### Inspections

- At least once every 14 calendar days, and within 24 hours of the end of a storm event of 0.5 inches or greater
  - May reduce inspection frequency to once a month if runoff is unlikely due to winter conditions
- Conducted by qualified personnel
- Inspection requirements in Part III.J of the CSW-GP





- 6. For each inspection required above, the permittee must complete an inspection report. At a minimum, the inspection report must include:
  - The inspection time and date;
  - Names and titles of personnel making the inspection;
  - c. Weather information for the period since the last inspection (or since commencement of construction activity if this is the first inspection) including a best estimate using publically accessible data of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
  - d. Weather information and a description of any discharges occurring at the time of the inspection;
  - Location(s) of discharges of sediment or other pollutants from the site;
  - Location(s) of BMPs that need to be maintained;
  - g. Location(s) of BMPs that failed to operate as designed or proved inadequate;
  - Monitoring results if requested;
  - Records of grading activity since last inspection;
  - j. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
  - Corrective action that required changes to the SWPPP and the date the plan changes were implemented.





### Maintaining an Updated SWPPP

- Amend SWPPP and site map whenever:
  - Changes in design, construction, operation, or maintenance could significantly affect the discharge of pollutants
  - Inspections/investigations determine measures ineffective
- Correct deficiencies/modify SWPPP within 7 calendar days following inspection
- Once construction activity in an area is completed and area is stabilized, you can discontinue inspections in that area (cross out on SWPPP)







### Making Plans Available

- Documentation must be retained at construction site or locations easily accessible during normal business hours
  - SWPPP
  - CSW-NOI
  - NDEQ Approval Letter
- Post sign/notice at entrance
  - CSW-NOI
  - SWPPP information





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### Final Stabilization

**Final Stabilization**: Condition where all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a minimum density of 70 percent of the native background vegetative cover has been established on all non-impervious surfaces and areas not covered by permanent structures unless equivalent permanent stabilization measures have been employed (e.g., riprap, gabions, or geotextiles).









- Soil disturbing construction complete
- Permanent drainages stabilized
- Temporary erosion/sediment control BMPs removed
- Sediment build-up removed from conveyances and basins used as permanent BMPs
- Permanent BMP maintenance responsibility assigned
- NPDES Industrial Stormwater permit for applicable facilities

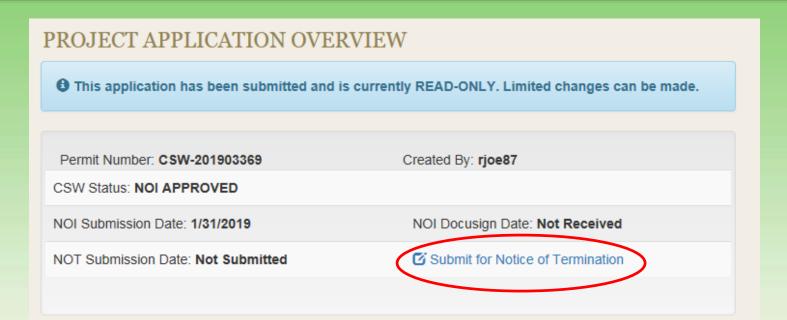




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#### CSW NOTICE OF TERMINATION (CSW-NOT)

#### **Termination Prerequisites**

Final Stabilization Requirements

Have the final stabilization requirements been met on the entire site?

YES NO





### Common Compliance Problems

- No permit coverage
- No SWPPP signs
- SWPPP not readily available
- Ineffective or missing BMPs
- SWPPP not updated
- Missing inspection documentation





## What happens if permit requirements are not met?

- Complaints
- NDEQ Inspection
- Severity of Violation
  - No Actions required
  - Compliance assistance
  - LOW/NOV
  - Enforcement Referral to NDEQ Legal Division
- Municipal Separate Storm Sewer Systems (MS4)





### Why do we care?

- Sediment runoff from construction sites
  - 1,000 to 2,000 times more than from forested lands
  - 10 to 20 times more than agricultural lands
- Lakes, streams, rivers, wetlands, etc.
- Biological communities
- Clog sewer systems
- Public safety





### Questions?



Ryan Joe, NDEQ, Program Specialist 402-471-8330 ryan.joe@nebraska.gov

