

NDEQ Construction Stormwater Permitting and Compliance

Ryan Joe, NDEQ, Program Specialist

Sediment & Erosion Control Seminar

February 7, 2019



Construction Stormwater General Permit (CSW-GP) NER160000

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

 **STATE OF NEBRASKA**
Pete Ricketts
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY
Jim Macy
Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 99922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2900
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. seq.* as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 *et. seq.* as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. 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
NDEQ ID No.: 995907
Effective Date: November 1, 2016
Expiration Date: 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.

Signed this 30th day of September, 2016

Shelley Schneider
Water Permits Division Administrator

Page 1 of 24

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>)

CSW Permitting Framework

- 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

CSW Permitting Framework

- Prepare SWPPP
- **Submit CSW-NOI (online application)**
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- Final stabilization
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CSW-NOI Application

Official Nebraska Government Website

NEBRASKA
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NPDES Permit for Storm Water Discharges from Construction Sites (Construction Storm Water)

This information is provided by the Nebraska Department of Environmental Quality
to assist the public and regulated community .

Form #: WAT012

Applications and Forms

Revised: 12/28/16

Size	File Name	
305 KB	2016 CSW General Permit-Correction.pdf	
196 KB	CSW InstructionsForRegistration.pdf	

**** The Construction Storm Water application process is now an online process ****

Account Registration Instructions in the above PDF

Online Application Process

This link takes you to the online application page. You may register for an account to use the online permit application process. Or, once you have an account, you can login to the application. Prior to completing your account registration, please note or record your userID, security questions and answers. The direct URL to the application page is: <https://ecmp.nebraska.gov/DEQ-CSW/> *

Construction Storm Water Projects and Records:

The following links provide options to search for Construction Storm Water Projects in Nebraska. Two links are available:

DEQ CSW NOI Permit Number * can be used to find the Construction Storm Water Permit Number, Project Name, County, Project Start and End Dates, and the Permit Status. The search can be limited by entering a County and/or Date Range. The Dates field searches the date the NOI document was received by the agency, rather than project dates.

DEQ CSW NOI Public Access * can be used to retrieve and view documents for a specific Construction Storm Water Project. Enter the Permit Number (i.e.: CSW-201600001) and press Search.

*This link will open in New tab or window.

Official Nebraska Government Website

NEBRASKA

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Welcome

to the Nebraska Department of Environmental Quality

Welcome, rjoe87. [LOGOUT]

CONSTRUCTION STORM WATER PERMIT

Getting Started

Select "New Application: Start Here!" below to begin the application process which will create a new application submission for review.

[New Applications: Start Here!](#)

Listing of existing applications

Select a Permit Number link to review the permit application information below. After submission the information will be generally read only.

Permit Number	Project Name	Start Date	End Date	Status
CSW-201903369	Test			NOI CREATED

 As a courtesy, NDEQ will allow you to save an incomplete application for up to thirty (30) calendar days from initial application creation. After thirty days, the application will be marked invalid and removed from the system.

In order for an application to be marked complete, it must be submitted and signed electronically by the Certifying Official.

<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.

⊕ Download PDF

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

i 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

City

State

Zip Code

CONSTRUCTION STORM WATER NOTICE OF INTENT APPLICATION - SWPPP

Storm Water Pollution Prevention Plan (SWPPP) Part III

► 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 [Part III, C.]

Has the sediment and pollution control measures and record keeping, as per Part III.C, been incorporated into the SWPPP?

YES NO

Has the Erosion prevention measures and record keeping, as per Part III.C, been incorporated into the SWPPP?

YES NO

► 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

► Final Stabilization

Has the Final Stabilization addressed, as per Part I.5.d, been incorporated into the SWPPP?

YES NO

Does the SWPPP include documentation supporting a determination of permit eligibility with regards to Threatened and Endangered species and critical habitat?

YES NO

(Guidance is available on the NDEQ website: <http://deq.ne.gov/>)

CONSTRUCTION SWPPP DESIGNER INFORMATION

SWPPP Designer Company Name

First Name

Last Name

Phone

Email

Address

City

State

Zip Code

SWPPP Location

CONSTRUCTION SITE DESCRIPTION

County

Physical 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

i 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)?

YES

NO

cert.outdoornebraska.gov

THREATENED AND ENDANGERED SPECIES CHECKLIST

Is this a renewable energy project (e.g., wind, solar, etc.)?

YES NO

Is this a new municipal, industrial, commercial, or residential water supply project, waste water treatment facility, ethanol plant, or other new water use/development project?

YES NO

(Replacing or repairing existing storm sewer, sanitary sewer, water mains, etc. does not constitute as a "new" water supply/use/development project.)

Does the project discharge storm water to Salt Creek, Little Salt Creek, Rock Creek, or saline wetlands in Lancaster or Saunders County?

YES NO

Is this project a meat (e.g., cattle, bison, poultry, fish, etc.) processing facility?

YES NO

Is this project within 0.25 miles of a "Stream of Concern" or does it discharge to a "Stream of Concern?"

YES NO

(Click on the map below to see a higher resolution image for review)



CONSTRUCTION STORM WATER PERMITTING PROCESS SUBMISSION

Attach project map file(s) for upload into the application.

Required

Before submitting Construction Storm Water Notice of Intent application, attach map(s)/aerial photo(s) with enough detail to identify the location of the construction site and waters of the state within one mile of the site. Aerial photo of project area with project area delineated on the photo is preferred. (e.g. USGS 7.5 minute quad map, a portion of a city or county map, or equivalent map)

Browse...

Upload Map

 Accepted file types: PDF, JPG, GIF, and TIFF.

Document ID

Document Type

 No attached documents were found.

CONSTRUCTION STORM WATER PERMITTING PROCESS SUBMISSION

By clicking submit you are acknowledging that you have filled this form out truthfully and to the best of your knowledge.

 Home List

 Project Application Overview

Back

Save

Submit



DEQ Production DocuSign Account sent you a document to review and sign.

REVIEW DOCUMENT

DEQ Production DocuSign Account
ndeq.ecmdoctransmit@nebraska.gov

Documents are awaiting your signature.

Powered by **DocuSign**



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](http://ndeq.ne.gov)

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

Department of Environmental Quality
P.O. Box 998011
1500 N Street, Suite 400
Lincoln, Nebraska 68509-8011

deq.ne.gov

Ben Mery, Director

phone: (402) 471-7190 fax: (402) 471-0189
ben.mery@nebraska.gov

CSW Permitting Framework

- Prepare SWPPP
- Submit CSW-NOI (online application)
- **Implement SWPPP**
- Final stabilization
- 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:
 - a. The inspection time and date;
 - b. 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;
 - e. Location(s) of discharges of sediment or other pollutants from the site;
 - f. Location(s) of BMPs that need to be maintained;
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate;
 - h. Monitoring results if requested;
 - i. 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
 - k. 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



CSW Permitting Framework

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

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

CSW Permitting Framework

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

PROJECT APPLICATION OVERVIEW

i This application has been submitted and is currently **READ-ONLY**. Limited changes can be made.

Permit Number: **CSW-201903369**

Created By: **rjoe87**

CSW Status: **NOI APPROVED**

NOI Submission Date: **1/31/2019**

NOI Docusign Date: **Not Received**

NOT Submission Date: **Not Submitted**

 [Submit for Notice of Termination](#)

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