Overview

• Construction Stormwater General Permit (CSW-GP)
  – NPDES Permit Number: NER160000
  – Construction activity causing land disturbance ≥ 1 acre
  – Common plan of development
  – Stormwater Pollution Prevention Plan (SWPPP)
  – Online CSW-NOI Application

* KNOW YOUR PERMIT!
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
CSW Permitting Framework

• Prepare SWPPP
• Submit CSW-NOI application
• Implement SWPPP
• Final Stabilization
• Submit CSW-NOT
NPDES Permit for Storm Water Discharges from Construction Sites
(Construction Storm Water)

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

Form #: WAT012

Applications and Forms

Revised: 12/20/10

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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://peapp.nebraska.gov/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-20160001) and press Search.
CONSTRUCTION STORM WATER PERMITTING LOGIN

Construction Storm Water Permitting

User Name

Password

Login

NEW USERS

If you are a first-time user and have not yet registered for an account, click the following link and follow the instructions

Register Here (Non-State Employees)

Reset Password (Non-State Employees)

Update User Account Information (Non-State Employees)

THIS IS A GOVERNMENT COMPUTER SYSTEM. UNAUTHORIZED ACCESS IS PROHIBITED. ANYONE USING THIS SYSTEM IS SUBJECT TO MONITORING. UNAUTHORIZED ACCESS OR ATTEMPTS TO USE, ALTER, DESTROY OR DAMAGE DATA, PROGRAMS OR EQUIPMENT COULD RESULT IN CRIMINAL PROSECUTION....
Transferring Permit Coverage

• Complete new NOI application with new Certifying Official information
  – Reference previous CSW permit number

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 _____)
Transferring Permit Coverage

- After new NOI application is approved by NDEE, submit NOT for old application
  - Reference new CSW permit number
Notice of Termination (NOT)

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).

* Seeding alone is NOT stabilization!
Notice of Termination (NOT)

- Soil disturbing construction complete
- Uniform perennial vegetative cover (70%)
- 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
Wetlands

B. Pollution Prevention Plan Contents: Site and Activity Description

1. The SWPPP must describe the nature of the construction activity including:
   a. The function of the project (e.g., low-density residential, shopping mall, highway, etc.);
   b. The intended sequence and timing of activities that disturb land on the site;
   c. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including permittee-controlled offsite borrow and fill areas; and
   d. A general location map (e.g., USGS quadrangle map, a portion of the city or county map, or other map) with enough detail to identify the location of the construction site and water(s) of the state within one mile of the site.

2. The SWPPP must contain a legible site map(s) showing the entire site during grading, construction, and post-construction phases, identifying:
   a. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities;
   b. Areas of land disturbance and areas of land that will not be disturbed;
   c. Locations of major structural and nonstructural Best Management Practices (BMPs);
   d. Locations where stabilization practices are expected to occur;
   e. Locations of onsite or offsite material, waste, borrow or equipment storage areas;
   f. Locations of all Waters of the State, including wetlands;
   g. Locations where storm water discharges to a surface water; and
   h. Location of the perimeter controls, if used, installed to retain sediment from storm water runoff from earth disturbing activities.
   i. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

3. The SWPPP must contain documentation of the following site and activity records:
   a. Dates when major grading activities occur;
   b. Dates when construction activities temporarily or permanently cease on a portion of the site; and
   c. Dates when stabilization measures are initiated.
Wetlands

E. Construction Storm Water Effluent Limitation Guidelines

1. Any new source must achieve, at a minimum, the control BMPs in this permit.
2. All construction point sources must achieve the following erosion and sediment controls:
   a. Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
   b. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
   c. Minimize the amount of soil exposed during construction activity;
   d. Minimize the disturbance of steep slopes;
   e. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
   f. Provide and maintain natural buffers around Waters of the United States unless the construction activity is dependent, direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges;
   g. Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it is to be compacted; and
   h. Preserve topsoil, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.
Wetlands

Buffer: A 50 ft. buffer is required between construction activity and Waters of the United States. If the 50 ft. buffer is infeasible, then BMPs must achieve equivalent storm water treatment to the 50 ft. buffer.

Dependent: Construction activity with direct relation to the stream such as bank stabilization, bridge construction activity, culvert construction, if the permittee is required to have a US Army Corps of Engineers 404 permit, etc.

Navigable Waters Protection Rule: Definition of “Waters of the United States” (released on January 23, 2020)

(1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;
(2) Tributaries;
(3) Lakes and ponds, and impoundments of jurisdictional waters; and
(4) Adjacent wetlands.
Saline Wetlands

Conservation and Environmental Review Tool (CERT)
cert.outdoornebraska.gov

NGPC Contacts:
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Shannon Sjolie
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Saline Wetlands

Saline Wetlands BUL (Nebraska Natural Legacy Project)

Saltwort

Salt Creek Tiger Beetle
What happens after CSW application is submitted?

• NGPC review (usually up to 30 days)
• Certifying official electronically signs NOI (DocuSign)
• NDEE review (usually 1 to 2 days)
• City of Lincoln review (projects within COL jurisdiction)
  – UNL campus and state/federally owned facilities excluded
• Approval letter
Limitations on Coverage

- CSW permit does NOT authorize:
  - Post-construction discharges from site after final stabilization
  - Prohibited non-storm water discharges
  - Discharges that the Director determines may cause excursions above water quality or groundwater quality standards
  - Discharges from construction activity on tribal lands
  - Non-point agricultural and silvicultural discharges
  - Discharges for which storm water effluent guideline limitations apply
  - Discharges from an operating landfill
  - Storm water runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities as dictated by NDEE Title 119, Ch. 10
  - Storm water runoff that may adversely impact critical habitat and/or threatened or endangered species
  - Storm water runoff that may adversely affect properties listed or eligible for listing in National Register of Historic Places
  - Storm water runoff that the Director determines would be more effectively regulated with a site specific, area specific, or a basin specific permit
Extending Permit Coverage Timelines

Ryan Joe,
Your Construction Storm Water Notice of Intent application for Test Project has an estimated Project End Date of 1/31/2020. Application for CSW-201802977 requires you to either update estimated Project End Date or submit Construction Storm Water Notice of Termination application.

Please access the Nebraska Department of Environmental Quality’s Construction Storm Water application, select CSW-201802977 and either update Project End Date or select button to submit Notice of Termination application.

Construction Storm Water portal can be located at: https://ecmp.nebraska.gov/DEQ-CSW

If you have questions, please contact:
Nebraska Department of Environmental Quality Water Quality Division – Storm Water PO Box 98922
Lincoln, NE 68509
(402) 471-8330

* Update SWPPP to reflect changes
Extending Limits of Construction

- Submit a new CSW-NOI application
- Reference the old CSW permit number
Planning Document Number

AUTHORITY TO PROCEED WITH IMPROVEMENTS

Provide the Planning Document Number

Planning Document Number

Required

You must provide the planning document number (e.g. preliminary plat, special permit, administrative amendment, etc.) that, upon approval, authorizes the subdivider to proceed with construction activity.
Common Compliance Problems

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

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