

# Sediment & Erosion Control Permitting, Inspection, and Closeout Process

## **IT IS OUR MISSION**

*to responsibly deliver, enhance and maintain vital infrastructure and services for the good of our community.*

The following is a description of the City of Lincoln Watershed Management processes for permitting and inspection for land disturbance activities and floodplain management.

## **CSW-NOI Permit Submittal, Review, and Issuance**

Prior to land disturbance greater than one acre associated with any construction activity, approval must be obtained by both the Nebraska Department of Environment and Energy (NDEE) and City of Lincoln. The City of Lincoln implemented a joint permit approval process in 2017. Applications for the NOI-CSW permit through the NDEE CSW Stormwater Portal are automatically routed to the City of Lincoln for review if they are within Lancaster County. The following is a summary of this process:

- Submit permit application Notice of Intent (NOI) through [NDEE CSW Stormwater Portal](#).
- Upload required Construction Activity SWPPP information.
- NDEE conducts their review, if all information required is submitted, the application is routed to the city if within Lancaster County.
- Reviewed and approved by Watershed staff, routed back to NDEE and letter of authorization from both NDEE and the City are emailed to applicant.

The City of Lincoln may deny the approval of the permit if not all required information is included with the submittal and/or if proposed erosion and sediment control measures are inadequate. The applicant will then need to resubmit, and the review cycle begins again. Note: Under no circumstances may soil disturbing activity begin without an approved NOI-CSW permit.

## **FOR MORE INFORMATION**

Visit [lincoln.ne.gov](http://lincoln.ne.gov), keyword: "watershed" or contact [NPDES@lincoln.ne.gov](mailto:NPDES@lincoln.ne.gov) for additional questions.





## SWPPP Adherence and Compliance

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The applicant must comply with the requirements laid out in the SWPPP, including:

- Installing and maintaining all necessary BMPs required in the plan.
- Conducting the required SWPPP inspections and uploading the reports onto the [NDEE CSW Stormwater Portal](#).
- Correcting any Federal, State, or local violations (if applicable) within the stated deadlines
- Adhering to the Lincoln Municipal Code 28.01 Guidelines

Watershed staff conduct periodic site inspections for each permitted site. The inspection is based upon the SWPPP requirements detailed in L.M.C. 28.01 and the project's specific SWPPP submittal. Failure to adhere to these requirements will result in enforcement action by the city which may include reinspection fees, stop work orders, Building & Safety inspection holds, withholding of grading and surety releases, and possible referral to City's Law department for additional enforcement.

Additional information can be found on the City's website entering the keyword "NOI".

<https://www.lincoln.ne.gov/City/Departments/LTU/Utilities/Watershed-Management/Requirements-and-Procedures/Erosion-and-Sediment-Control/NOI-and-SWPPP/Development-Sites> and under [Municipal Code - Document Viewer \(encodeplus.com\)](#)



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## Grading Certificate Process

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A grading certificate is required before the City can authorize the construction plans for the required public improvements. Once all grading has been completed and all necessary BMPs have been installed, the applicant can submit a grading certificate for review and approval. Note: If requesting a *Utilities only release* due to grading not being completed, an explanation must be included in the grading submittal.

The engineer must upload and complete the following in ProjectDox:

1. Grading certification letter (template available in Reference folder in ProjectDox)
2. Grading plan
3. Grading checklist (checklist found in the Reference folder in ProjectDox)

Watershed staff complete a site inspection to verify the grading is as certified and the SWPPP is in compliance including all necessary BMPs are installed/maintained.

The following checklist is used by Watershed Inspectors before approval of the grading certificate to verify SWPPP compliance. Note: The checklist is used as a guide only. Other compliance violations may be noted if warranted.

- Is the SWPPP up to date? (LMC 28.01.080)
- Are accurate and up to date inspection reports being conducted and uploaded (LMC 28.01.080)
- Is the public right-of-way (streets, sidewalk, etc.) free of sediment deposits? (LMC 28.01.100)
- Is the SWPPP Board properly installed and up to date? (LMC 28.01.050)
- Is the construction entrance installed and maintained? (LMC 28.01.110)
- Are washout facilities properly installed and maintained? (LMC 28.01.110)
- Are hazardous materials properly stored and maintained (LMC 28.01.060)
- Are sediment controls properly installed and maintained? (LMC 28.01.110)
- Are storm drain inlets properly protected? (LMC 28.01.110)
- Are erosion prevention controls (seeding, ECBs, etc.) properly installed and maintained? (LMC 28.01.110)
- Are discharge pointes and/or receiving waters free of sediment deposits? (LMC 28.01.110)
- Is construction debris and/or trash from site properly collected and contained? (LMC 8.22.040)
- Are equipment fueling areas properly contained and free of spills and/or leaks (LMC 28.01.060)
- Is dust associated with construction activity adequately controlled? (LMC 28.01.060)
- Are required sediment traps/basins installed per permit specifications, properly functioning, and being maintained? (LMC 28.01.110)



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## CSW-NOI Permit Termination Process (NOT)

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Upon completion of construction and final site stabilization requirements (Shown below - as detailed in the State NPDES permit and [L.M.C. 28.01](#)), **OR** if all of the land covered under the NOI-CSW permit has been sold to another permittee, the applicant may submit for a Notice of Termination (NOT) through the [NDEE CSW Stormwater Portal](#). Note: Only the user who applied for the CSW-NOI permit application on the NDEE portal may submit the NOT.

NDEE confirms the NOT submittal and the termination is routed to the city for review. Watershed staff conduct a site inspection and compare the submitted site plan, SWPPP documents, and proposed Post Construction BMP(s) to what has been constructed. If construction is complete, there are no outstanding violations/issues with the project, and the site meets the final stabilization requirements (including completion of any Post Construction BMPs if applicable), the NOT is approved. The applicant will then receive a Notice of Termination approval letter from the city.

**Final stabilization** shall mean the 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 has been established on all pervious areas unless equivalent permanent stabilization (such as riprap, geotextiles, or permanent and/or post construction BMPs) have been established. and all temporary erosion and sediment control BMPs have been removed from the site.

The following checklist is used by Watershed Inspectors before approval of the NOT. Note: The checklist is used as a guide only. Other compliance violations may be noted if warranted.

- Has final stabilization been achieved on all portions of the site for which the permittee is responsible?
- Has another permittee assumed control over all areas of the site that have not been finally stabilized by submitting either a Transfer Notice or obtaining a new permit?
- Have all previous SWPPP issues been addressed?
- Have all soil disturbing activities on the permitted site been completed?
- Have all temporary sediment and erosion control Best Management Practices (BMPs) been removed?
- Are all Post Construction BMP(s) constructed per plan and completed?



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## Surety Release Process

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Through the subdivision agreement, the developer is required to post a storm water detention surety to guarantee construction of the required detention basin. When construction of these facilities has been completed, the developer may request the surety be released. Before Watershed staff conduct the final inspection, the engineering firm first must:

- Inspect the detention basins(s) for conformance with the plans, and have the contractor correct any deficiencies
- Survey the grading of the basin and pertinent structures to verify it is constructed per the plan
- Submit a letter of certification that the detention basin has been built and graded per the preliminary plat grading documents.
- Submit an as-built plan including elevations on the pertinent structures certifying the detention basin has been constructed per the plan

Watershed staff inspect the basin comparing the submitted as-built plan to what has been constructed. If the required facilities have been constructed per plan, all vegetation has been established, and there are no outstanding issues, the surety is released.

The following checklist is used by the Watershed Inspectors before approval of release of the Storm Water Detention surety. Note: The checklist is used as a guide only. Other compliance violations may be noted if warranted.

- Has debris or trash accumulated within the basin area?
- Has sediment accumulated such that the capacity is negatively affected?
- Are there volunteer trees within 10' of any structure or on top of dam embankments that need to be removed?
- Does the vegetation need to be cut back and/or maintained?
- Is erosion (rills, gully, channel, etc.) Present within the basin area?
- Are bare soil areas present which require seeding/stabilization?
- Are scour holes evident within the basin?
- Is a safety railing/outlet grate needed within the basin?
- Is standing/stagnant water present within the basin area?
- Is damaged infrastructure present within the basin?
- Are the inlet/outlet structures free of clogging/debris?
- Are noxious weeds present with the basin area?
- Other comments



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## Detention Basin Inspection

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Watershed staff inspect all detention basins within the City's Tier I limits on a 4-year cycle to verify they are maintained and functioning properly. The 4-year rotation is the standard; however the City reserves the right to increase the inspection frequency for specific basins as needed if circumstances warrant.

The following checklist is used by the Watershed Inspectors to verify the detention basin is in compliance. Note: The checklist is used as a guide only. Other compliance violations may be noted if warranted.

- Has debris or trash accumulated within the basin area?
- Has sediment accumulated such that the capacity is negatively affected?
- Are there volunteer trees within 10' of any structure or on top of dam embankments that need to be removed?
- Does the vegetation need to be cut back and/or maintained?
- Is erosion (rills, gully, channel, etc.) Present within the basin area?
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## Post Construction BMP

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Within the City's corporate and three-mile jurisdictional boundary, all land development/redevelopment projects with one acre or more of construction activity must include provisions for the management of post construction runoff in a Post Construction Stormwater Management Plan.

Structural BMPs must be designed and installed properly. To ensure the BMPs meet the intended function, Watershed engineers review the design of these BMPs to verify they meet the City's Design Standards, which can be found in the [Drainage Criteria Manual \(Chapter 8\)](#) and the [Post BMP Guidance Manual](#).

After the Post BMP is approved and the maintenance agreement is signed, the BMP is added to Watershed's Post BMP inventory for inspection as part of the following process:

### Construction Phase

Along with the SWPPP, the Post BMP is periodically inspected during construction. Any enforcement during this period will be under the CSW-NOI permit. Before the project's CSW-NOI permit can be terminated, the Post BMP will need to be completed per plan and certified by either the owner, engineer, contractor, or manufacturer's representative. The following must be included with the certification.

1. An as built plan of what was constructed onsite including showing any change in the function of the BMP (if applicable).
2. A BMP certification letter stating the Post BMP was built per specification.

The certification submittal can be sent to Watershed staff via email at [NPDES@lincoln.ne.gov](mailto:NPDES@lincoln.ne.gov).

### Post Construction Phase

Before the Post BMP is turned over to the new property owners, the developer and/or project engineer should provide education and guidance on how to maintain the BMP going forward. The Post BMP will be periodically inspected by Watershed staff on a 4-year rotation to ensure the BMP is working properly. Failure to maintain the Post BMP may result in enforcement action by the City which includes a \$150.00 BMP Inspection fee.



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