

# Administering the Construction Stormwater Permit in Nebraska

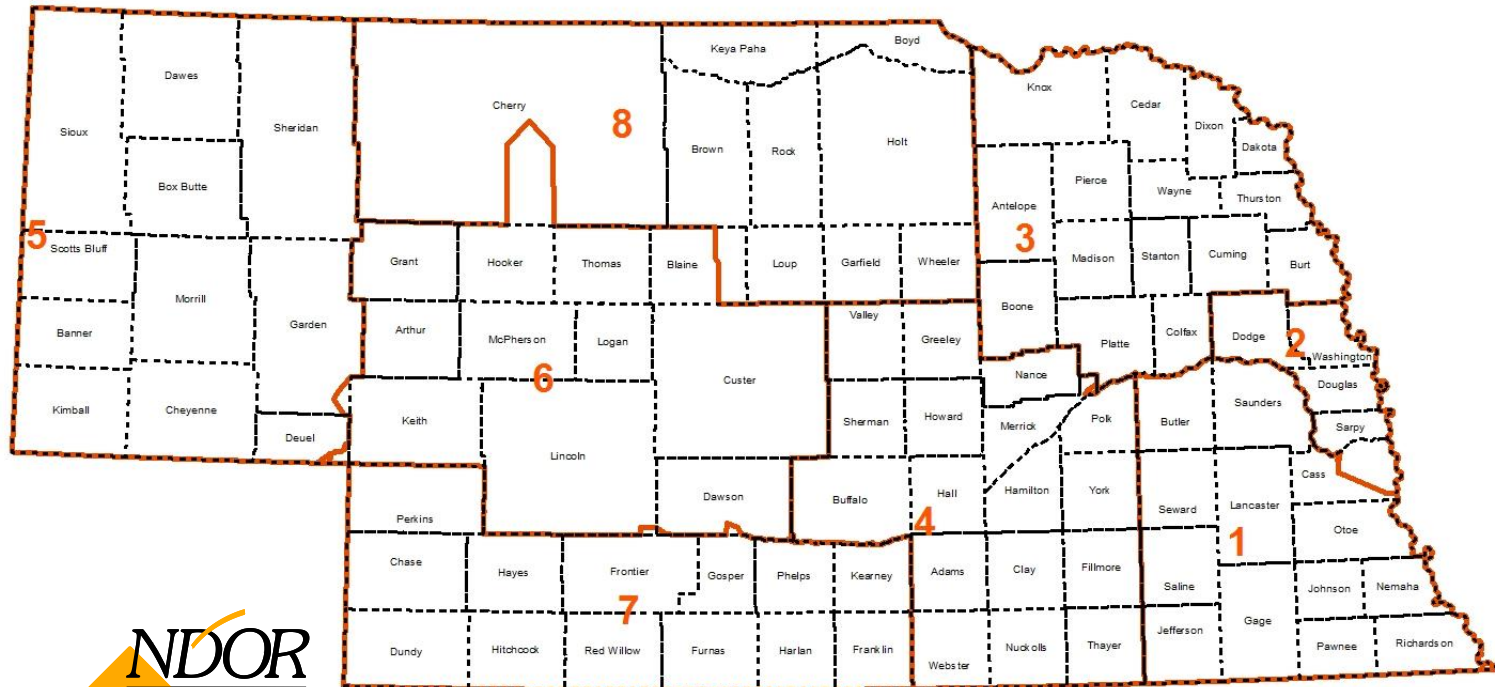
Ronald Poe, PLA, CPESC

Planning and Project Development Division



# NDOR's Districts

Nebraska Department of Roads  
Maintenance Districts



# Environmental Section

## ❖ Environmental Permits Unit

- Wetlands/404 Permitting
- Threatened & Endangered Species

## ❖ Environmental Documents Unit

- NEPA Document Delivery

## ❖ Technical Documents Unit

- NEPA Support Document Delivery

## ❖ Roadside Stabilization Unit

- Stormwater Permitting
- Erosion Control & Landscape Design
- Vegetation Management
- Environmental Compliance  
(Construction & Maintenance)





# Nebraska's Construction Stormwater General Permit

- ❖ Required when disturbing  $\geq 1$  acre of land
  - Common plan of development considerations
- ❖ Requires a Stormwater Pollution Prevention Plan
  - Temporary and Permanent Erosion Control Plans
  - Inspection Reports
  - Spill protocols, etc...
- ❖ Requires Inspections
- ❖ EPA's Permit used when working on Indian Reservation

# Permit Application Process

- ❖ Notice of Intent (NOI)
  - NDOR owns the project
  - Permitting is free in Nebraska
  - Allow 7 days for NDEQ to process
  - NDOR obtains the NOI & the Contractor is a Co-permittee
- ❖ Discharge Authorization Letter (NER#)
- ❖ Keep copies in the SWPPP
- ❖ Post NOI and SWPPP contact information near site.



# Implementing the SWPPP

## Site Inspections

- ❖ Originated with interest in reviewing erosion control BMPs
- ❖ Formalized with Construction Stormwater Permit requirements
- ❖ NEPA Process Review Action Plan
- ❖ Environmental Stewardship and assurance that commitments are being met



# Site Inspections

## ❖ Green Sheet Review Process

- Prior to letting
- Environmental staff review commitments
- Ensure commitments are communicated
- Generate questions in ECO-Database

## ❖ Prior to Construction

- Supply project staff with SWPPP
- Create a report detailing questions

## ❖ During Construction

- Inspectors complete ECO-Database reports
- Goal of resolving "Corrective Actions" within 7 days

Green Sheet #1  
Final Distribution

### Status of Environmental Commitments

Project No. L93E(1009)  
Control No. 40022  
Location: Charleston Link

**404 Permit Required**  Yes Received: 2/25/2009 Permit No. 2008-00243  
 No Acres Impacted: 0.100 (permanent) & 0.023 (temporary)  
Acres Mitigated: 0.123  
Location: Rainwater Basin Mitigation Bank  
Project Mitigation Ratio: 1:1

Comments:

---

**401 Water Quality Certification Required**  Yes  
 No

Comments: Assumed with Nationwide Permit

---

**State Title 117 Waters (COE Non-Jurisdictional)**  Yes  
 No

Comments:

---

**Floodplain Permit Required**  Yes Received: 1/9/2009 Permit No.: N/A  
 No

Comments:

---

**Historic Clearance**  Yes Received: 8/5/2008  
 No

Comments:

---

**Threatened & Endangered Species Clearance Required**  Yes Received: NGPC - 12/18/2008  
 No Received: USFWS - 12/12/2008

Comments:

---

**FHWA Environmental Clearance**  Yes  
 N/A

Comments: State funds only.

---

**NPDES/Stormwater Permit No.:** Stormwater Permit Required  
will obtain prior to letting

Special Provisions: See attached Environmental Commitment sheet

Special Notes on Plans:

Jason Jurgens *[Signature]* 2/14/09 Eric Zach *[Signature]* 2/14/09 Ian Sand *[Signature]* 2/14/09 Andy Voss *[Signature]* 2/14/09 Ryan Post *[Signature]* 2/14/09 EPU PM CW *[Signature]* 2/14/09



# Site Inspections

## ❖ Routine Inspections

- Occur every 2 weeks at a minimum
- Conducted by District Construction Staff and Contractor Rep jointly

## ❖ Environmental Oversight Inspections

- Occur monthly on projects with SWPPPs
- Conducted by District Environmental Coordinators

## ❖ Environmental Oversight Audits

- Occur at a predetermined frequency
- Conducted by RSU, Consultants & other Environmental Staff



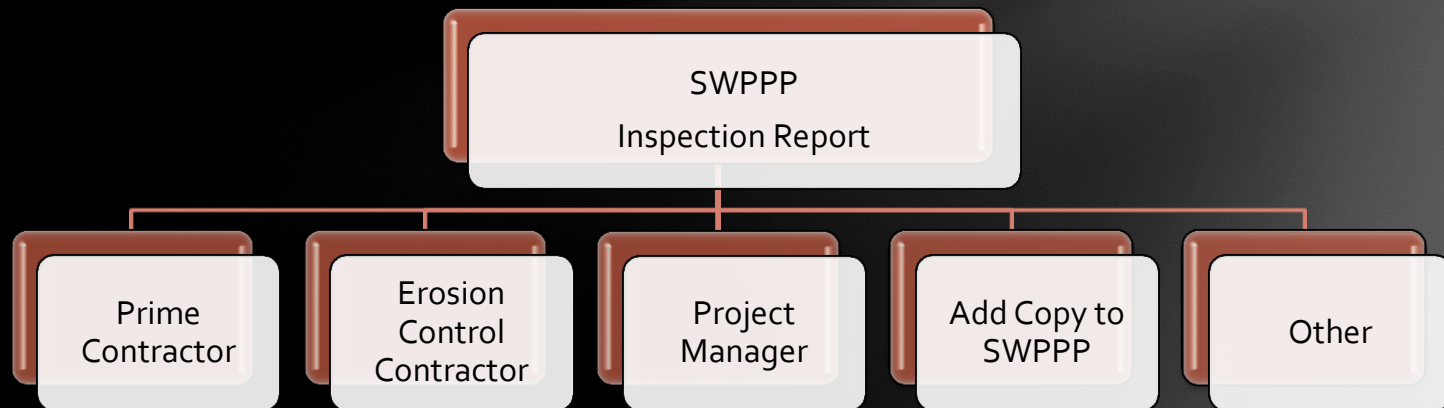
# Implementing the SWPPP

## Distributing the Inspection Report

### ❖ Distribute report ASAP

- 7 day maintenance requirement
- Account for travel time
- Is there approaching rain?
- Note reason for any delay in report

### ❖ ECO-Database Inspection Tool will auto-distribute the reports



# Implementing the SWPPP

## Corrective Actions

- ❖ Required within (7) calendar days and before the next storm event whenever practicable
- ❖ Provide accurate location and description of corrective action
- ❖ Follow-up is critical
  - Document action taken and date completed
  - Note the reason for any delay in maintenance
- ❖ ECO-Database Documentation





# Implementing the SWPPP

## Temporary Erosion and Sediment Control Plan

- Component of the SWPPP and must be updated within 7 days of an inspection.
- Modify plan to address changing site conditions
- Good housekeeping measures must be noted on TESCO
- Record the following dates:
  - When major grading activities occur
  - When construction temporarily or permanently ceases at a site location
  - When stabilization measures are initiated

**If it's not documented, it never happened!!**

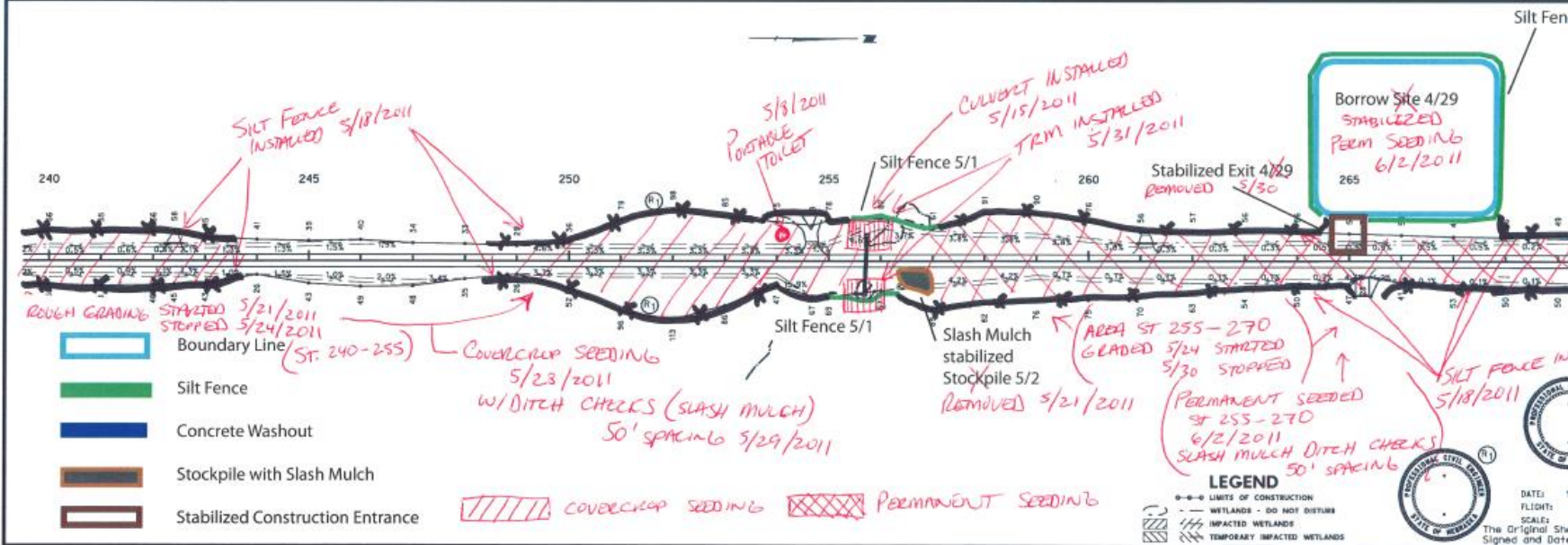
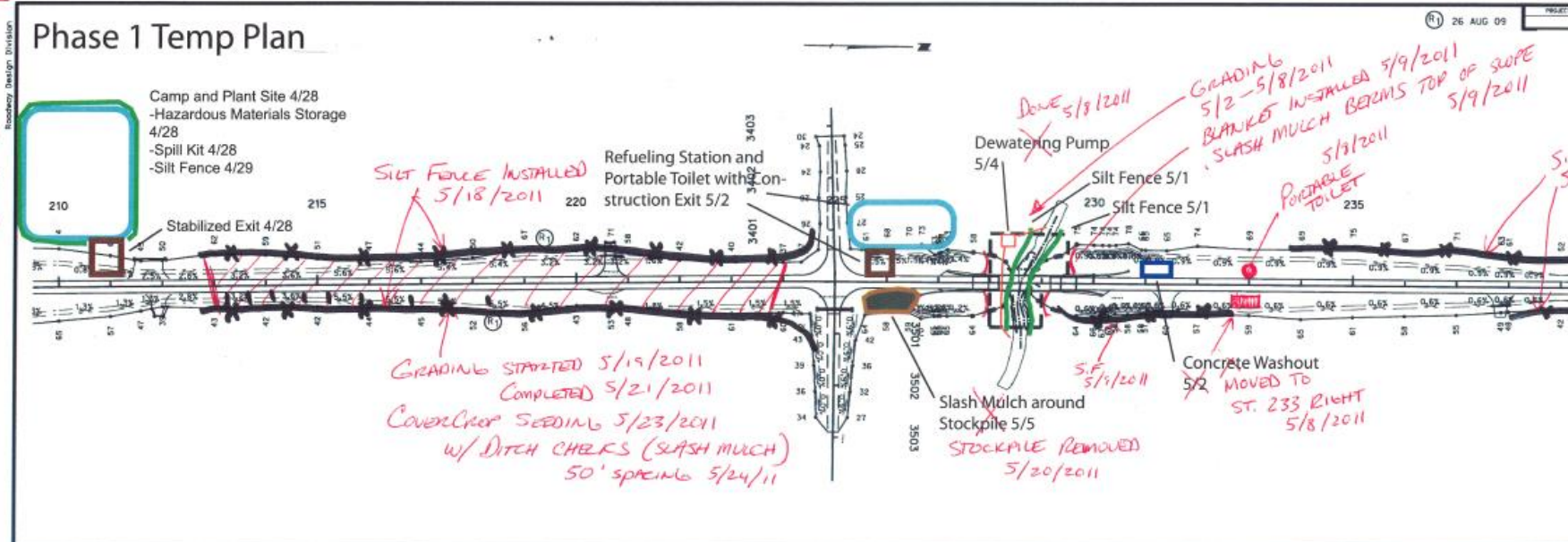




# Example Temp Erosion Control Plan

Revised:

- 5/1/2011
- 5/8/2011
- 5/19/2011
- 5/21/2011
- 5/29/2011
- 6/5/2011



# Site Inspections

- ❖ Findings are to be corrected within 7 days
  - Immediate Action issues are to be corrected within 24 hours
- ❖ Tools for Compliance
  - Incentives and Disincentives
    - NDOR's answer to "multiple mobilizations"
    - Associated with Rain Event Inspections
  - Withholding Estimates
  - Job Shutdowns





# Old Incentive/Disincentive Program

- ❖ Findings must as a result of a 0.5" or greater rain event
  - Immediate Action issues are to be corrected within 24 hours
- ❖ \$250 Incentive is paid when Contractor starts work within 48 hours
- ❖ \$250 Disincentive assessed per corrective action if not completed within 7 days
- ❖ All managed through change orders





# New Incentive/Disincentive Program

- ❖ Findings must as a result of a 0.5" or greater rain event
  - Immediate Action issues are to be corrected within 24 hours
- ❖ Incentive is paid if Contractor completes work within 7 days
  - Contractor bids price
- ❖ \$500 Disincentive assessed per corrective action if not completed within 7 days
  - Set price bid item



# Establishment Phase

## ❖ Routine Inspections

- Occur monthly
- Conducted by District Construction or Maintenance Staff

## ❖ BMP Restoration

- Completed by District Maintenance Staff
- Let Maintenance Contract if significant

## ❖ Process continues until we reach 70% perennial vegetation

# Permit Close-Out

## Notice of Termination (NOT)

- ❖ Submit form to DEQ after final stabilization requirements have been met
  - Perennial vegetation at 70% of pre-project conditions
  - All non-biodegradable BMPs removed
  - Maintenance assigned for post construction BMPs
- ❖ NDOR Biologists determine vegetation quality
- ❖ Coverage under permit terminates 180 days after the NOT is submitted





# Questions?



**Ronald Poe**

**Highway Environmental Program Manager**

**Nebraska Department of Roads**

**(402) 479-4499**

**[ronald.poe@nebraska.gov](mailto:ronald.poe@nebraska.gov)**