E & A CONSULTING GROUP, INC.
Engineering Answers

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November 15, 2022

Mr. Andy Szatko
City of Omaha, Environmental Services Quality Control Division
5600 South 10th Street
Omaha, NE 68107-3501

RE: City of Omaha Updated Grading Permit Terms and Condition

Dear Mr. Szatko,

On November 14, 2022, the City of Omaha approved their updated PCWP (Papillion Creek Watershed Partnership) Grading Permit Terms and Conditions. The PCWP Grading Permit Terms and Conditions were updated by the City of Omaha to be consistent with the Nebraska Department of Environment and Energy (NDEE) Construction Stormwater Permit NER210000 that became effective on December 1, 2021. With these recent permit changes, E & A Consulting Group, Inc. updated their Storm Water Pollution Prevention Plan Narrative (SWPPP-N) to reflect the new inspection schedule and frequency outlined in the Inspection Reporting section of the SWPPP Narrative. E & A Consulting Group, Inc. will begin implementing the Inspection Frequency changes to Stages 1 & 3 erosion control projects and for sites that qualify for Winter Conditions.

Respectfully Submitted,

E & A Consulting Group, Inc.

Patrick A. Sechser
Environmental Services Assistant Manager

Zachary A. Jilek, CPESC, CISEC
Environmental Services Dept. Manager

Attachment: Storm Water Pollution Prevention Plan Narrative (SWPPP-N)

Storm Water Pollution Prevention Plan

Gallery 23 East Development
Southeast Corner of Highway 270 and Highway 30
Fremont, Dodge, Nebraska

Residential Development

Prepared by:

Olsson Associates
601 P Street, Suite 200
P.O. Box 84608
402-474-6311
402-474-5160

Olsson Project No. 017-0103

November 1, 2017

OLSSON ASSOCIATES

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I. SUMMARY OF PERMIT AND PROGRAM REQUIREMENTS

The Storm Water Pollution Prevention Plan (SWPPP) includes, but is not limited to, Specification Section 312513 (which includes the SWPPP) with appendices, the Erosion and Sedimentation Control Plan (Phase I and Phase II Site Maps) included in the Construction Drawings with the Detail Sheet, the Notice of Intent, Transfer forms, Permit Authorization, General Permit, Notice of Termination, all records of inspections and activities which are created during the course of the project, and other documents as may be included by reference to this SWPPP. Changes, modifications, revisions, additions, or deletions shall become part of this SWPPP as they occur.

Note: The Contractor must complete the Contact List included in Appendix A and maintain the list in the SWPPP Binder until the storm water permit is terminated.

Note: The Contractor must certify this SWPPP by signing the Contractor SWPPP certification letter included in Appendix B. All signed certifications must be kept in the jobsite SWPPP Binder and be available for inspection on the construction site. Signed documents including permits, certifications and qualification forms cannot be modified or revised in the field.

The Contractor and all subcontractors involved with a construction activity that disturbs site soil or who implement a pollutant control measure identified in the SWPPP, or otherwise required, must comply with the following requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit ("General Permit"), Department of Environmental Quality (DEQ), and any local governing agency having jurisdiction concerning NPDES, storm water, erosion and sedimentation control:

A. General Permit Information

1. Permit Information:

   Unless otherwise notified by the NDEQ, discharge authorization will be granted 7 days after the NDEQ receives the complete NOI form.

   A project location/vicinity map is located in Appendix C.

   The Notice of Intent is located in Appendix D.

2. Permit transfer information:

   The permittee may transfer all or any part of the project property subject to the permit.

3. Waiting Period:

   Ground-disturbing activities cannot begin until after approval of a complete NOI Package from the local governing authority.

4. Permit Expiration:

   The applicable General Permit expires 5 years following the permit issued date. A copy of the General Permit is located in Appendix N.

5. Permit modification:

   A permit modification is required prior to land disturbing activity in non-permitted areas. The Contractor must contact the Owner's Engineer as soon as a need to work in non-permitted areas is identified. Work in non-permitted areas may not proceed until written approval is provided by the governing agency.

6. Off-Site Permits:

   Note: For purposes of this SWPPP and associated storm water permit, 'off-site' is defined as any and all areas beyond the project permitted limits of disturbance.

   Any areas outside the limits of disturbance acquired for use by the Contractor or a subcontractor of the Contractor must be managed in accordance with Section V. D. of this specification.

   Off-Site storm water permits are not part of this project.

7. Governing Agency:

   The following agency or agencies have governing authority for storm water-related regulations and permits and must receive a complete NOI Package.

Department of Environmental Quality
Water Quality Division
Suite 400 The Atrium
1200 N Street PO Box 98922
Lincoln NE 68509-8922
Phone: 402-471-2186

B. Agency Information for Storm Water Pre-Construction Meeting

The Contractor shall invite the agency(ies) listed below to the Storm Water Pre-Construction meeting as set forth in the Special Conditions (Section G.3). The Contractor must invite noted agency(ies) to the Pre-Construction meeting at least 7 days prior to conducting the meeting.

Department of Environmental Quality
Water Quality Division
Suite 400 The Atrium
1200 N Street PO Box 98922
Lincoln NE 68509-8922
Phone: 402-471-2186

C. Public Posting (Including SWPPP Information Sign)

Install the SWPPP Information Sign and have Site Maps and Details Sheets on the project site readily available upon request. The following information must be posted near the construction exit in a prominent place for public viewing until termination of permit coverage has been obtained by filing the Notice of Termination (NOT): 1) Notice of Intent; 2) Permit Authorization; 3) Construction Site Notice (found in Appendix E); and 4) The location of the SWPPP on site. Reference the Entrance Sign (SWPPP Information Sign) detail for proper posting of documents.

D. Retention of Records

A complete copy of the SWPPP, including copies of all inspection reports, plan revisions, etc., must be retained at the project site at all times during the duration of the project (until NOT is filed) and kept in the permanent project records of the Contractor for at least three years following submission of the Notice of Termination (NOT).

E. Contractor/Sub-Contractor List

The Contractor must provide names and addresses of all subcontractors working on this project who will be involved with the major construction activities that disturb site soil or otherwise affect BMP implementation. This information must be kept with the SWPPP.

F. Contractor/Sub-Contractor Certification Form

The Contractor and all contractors and/or subcontractors that will implement, maintain and/or impact the pollution control measures in the SWPPP and/or are involved in ground-disturbing activities on the site must sign a copy of the Contractor certification included in Appendix F. An authorized representative from each company on the construction project must sign this form certifying that company representatives understand the General Permit authorizing storm water discharges during construction. This information must be kept in the SWPPP Binder.

G. Inspections

Inspections must be conducted at least once every seven (7) calendar days regardless of what construction activity is going on. Once stabilization has been met, inspections can be reduced to monthly inspections, excluding non-business hours, with no more than thirty (30) days between inspections and within 24 hours after 0.25" of rainfall, depending on stabilization and the inspector's discretion. Any delay in the replacement or maintenance of nonfunctional BMPs beyond seven (7) calendar days shall be documented in the SWPPP with sufficient detail as to explain the reason for the delay.

The SWPPP, including the best management practices implemented on the jobsite, shall be modified as needed to reduce or prevent pollutants from discharging from the site. Modifications to BMPs that change a hydraulic design component (diversions, basins, etc.) must first be approved by the Owner’s Engineer.

The inspector must be a person familiar with the site, the nature of the major construction activities, and qualified to evaluate both overall system performance and individual component performance. The inspector must either be someone empowered to implement BMPs in order to increase effectiveness to an acceptable level or someone with the authority to cause such things to happen. Additionally, the inspector shall be properly authorized in accordance with the applicable General Permit to conduct the certified site storm water inspections.

Inspection Frequency Reduction

Inspection frequency may be reduced to at least once every month if:

1. The entire site is temporarily stabilized.
2. Ground is frozen and/or snow covered.

Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

H. Bi-Weekly Storm Water Meeting

A bi-weekly storm water meeting will be held by the Contractor with all contractors and subcontractors involved in ground-disturbing activities to review the requirements of the Permits, the SWPPP, and address any problems that have arisen in implementing the SWPPP or maintaining the BMPs. Contractor shall maintain a log of all bi-weekly meetings and document the issues addressed in the meetings. The bi-weekly meeting form is found in Appendix G and must be completely filled out every other week.

I. SWPPP Updates and Amendments

The Contractor must update the SWPPP and Site Maps bi-weekly to reflect the progress of construction activities and general changes to the project site. SWPPP contact and contractor information and the record of site stabilization activities log must be maintained by the Contractor throughout the project.

BMPs that do not impact the hydraulic design of the site may be modified or added by the Contractor, and site maps updated accordingly, as needs arise. Examples of BMPs that do not typically impact the hydraulic design of the site include silt fence, silt dike, wattles, construction exit and various forms of temporary and permanent erosion controls (blankets, nets, seed, sod, etc.). Examples of BMPs that commonly impact hydraulic design include storm water basins, diversions, check dams, inlet protection or any product, process or system that changes the storm water flow path or storm water storage capacity of the site or is located in an area of concentrated flow.

The Contractor must submit a request for information (RFI) to the Owner's Engineer and obtain written approval before modifying or adding sediment controls that may impact the hydraulic design of the site.

Substitution of any erosion or sediment control BMPs beyond those specified in the SWPPP must first be approved in writing by the Owner's Engineer. Substitutions are typically only approved if specified materials are not available or there is a valid reason the specified BMP will not work.

Amending the SWPPP does not mean that it has to be reprinted. It is acceptable to add addenda, sketches, new sections, details, and/or revised drawings that are initialed and dated.

J. Discharge of Petroleum Products or Hazardous Substances

Discharge of petroleum products or other hazardous substances into storm water or the storm water (storm sewer) system is subject to reporting and clean up requirements. See Section V.B.8. of this SWPPP for state and local information on reporting spills. Refer to the General

Permit for additional information. A copy of the spill form is located in Appendix H and the General Permit is located in Appendix N.

K. Notice of Termination

Once the site reaches final stabilization with all permanent erosion and sedimentation controls installed, all temporary erosion and sedimentation controls removed, and construction complete the Construction Manager will contact the Owner's Engineer to complete a site inspection and report.

Upon approval by the Construction Manager, the Owner's Engineer, and Contractor, as applicable, must complete and submit an NOT. A completed form ready for signature and site specific permit number is included in Appendix I.

NOTE: Stabilization requirements include all areas covered by applicable permits, including out lots and utility easements, unless the new Owner and/or Operator have submitted an NOI(s) to the applicable agency and a copy of the NOI(s) has been put in the SWPPP Binder.

L. Contractors Responsibility

This SWPPP intends to control water-borne and liquid pollutant discharges by some combination of interception, sedimentation, filtration, and containment. The Contractor and subcontractors implementing this SWPPP must remain alert to the need to periodically refine the update the SWPPP in order to accomplish the intended goals. The Contractor is ultimately responsible for all site conditions and permit compliance.

M. Log of Construction Activity

A record of dates must be maintained when:

1. major ground-disturbing activities including earthwork or grubbing occur;
2. construction activities temporarily or permanently cease on a portion of the site;
3. stabilization measures are initiated or completed; and
4. BMPs are installed or permanently removed.

This log must be maintained in the SWPPP until the NOT is filed.

A Record of Stabilization and Construction Activity Dates (Stabilization) log for documenting such activities is included in Appendix J. The Contractor shall complete, at a minimum, 1-page of Stabilization log entries for each month of active construction.

Controls must be in place down gradient of any ground-disturbing activities prior to the commencement of grading construction activities and noted on the Site Maps and the Stabilization log. Site Map and Stabilization log comments and entries must complement one another with greater detail provided in the Stabilization log, as needed.

N. Agency Storm Water Inspections

The Contractor must walk the site with the regulatory inspector and document any deficiencies noted during the inspection. Deficiencies of any type, field or documentation-related, identified during the regulatory inspection, must be noted on the bi-weekly report as a deficiency and resolved within 24 or 48-hours, as appropriate. A second report must be submitted if the

agency inspection occurs after the first bi-weekly report was submitted and the inspector identifies any deficiencies.

The Contractor must call the Owner's Engineer to report the agency inspection immediately, but no later than 1-hour after the inspector has left the jobsite. All storm water or erosion and sediment (E&S) agency visits to the jobsite, whether an official inspection occurred or not, must be reported to the Owner's Engineer. Any agency inspector, including OSHA and utility inspectors, that comment on storm water BMPs (inlet protection, track out, etc.) must be reported to the Owner's Engineer.

A log of all inspections by Federal, State, or local storm water or other environmental agencies shall be kept in the Contractor SWPPP Binder. The log form can be found in Appendix K and must include the date and time of the visit and whether a report was issued or will be issued as a result of the inspection.

II. INTRODUCTION

This SWPPP has been prepared for major activities associated with the construction of:

Gallery 23 East Development

This SWPPP, including the applicable General Permit, includes the elements necessary to comply with the General Permit for construction activities administered by the U.S. Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES) program and all local governing agency requirements. This SWPPP must be implemented at the start of construction.

Construction phase pollutant sources anticipated at the site are disturbed (bare) soil, vehicle fuels and lubricants, chemicals and coatings associated with site or building construction and pavement installation, construction-generated litter and debris, and building materials. Without adequate control there is a potential for each type of pollutant to be transported by storm water.

Project construction will consist primarily of site grading, paving, storm drainage, water supply, sewage collection, and site lighting. Total disturbed area is approximately 121.1 acres.

A. Purpose

A major goal of pollution prevention efforts during project construction is to control soil and pollutants that originate on the site and prevent them from flowing to surface waters. The purpose of this SWPPP is to provide guidelines for achieving that goal. A successful pollution prevention program also relies upon careful inspection and adjustments during the construction process in order to enhance its effectiveness.

B. Scope

The erosion and sediment control measures outline in this SWPPP must be implemented before construction begins on the site. The measures primarily address the impact of storm rainfall and runoff on areas of the ground surface disturbed during the construction process. In addition, there are recommendations for controlling other sources of pollution that could accompany the major construction activities. Applicability of this SWPPP will terminate when disturbed areas are stabilized, permanent erosion and sedimentation controls are installed,

temporary erosion and sedimentation controls are removed, construction activities covered herein have ceased, and a completed Notice of Termination (NOT) is transmitted to the governing agency.

Forms which are necessary for implementing the SWPPP are included herein.

The General Permit for Storm Water Discharges Associated with Construction Activities prohibits most non-storm water discharges during the construction phase. Allowable non-storm water discharges that occur during construction on this project, which are covered by the General Permit, include:

1. Discharges from fire-fighting activities;
2. Fire hydrant flushing's;
3. Waters used to wash vehicles where detergents are not used;
4. Water used to control dust in accordance with Subpart 3.4.G;
5. Potable water including uncontaminated water line flushing's;
6. Routine external building wash down that does not use detergents;
7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
8. Uncontaminated air conditioning or compressor condensate;
9. Uncontaminated ground water or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
11. Uncontaminated excavation dewatering;
12. Landscape irrigation.

Best Management Practices (BMPs) must be implemented for the above allowable foreseeable discharges for the duration of the permit. Each non-storm water discharge should be noted in the SWPPP and have proper erosion and sedimentation controls in place with the exception of discharges from fire fighting activities.

The techniques described in this SWPPP focus on providing control of pollutant discharges with practical approaches that utilize readily available expertise, material, and equipment.

The Owner referred to in this SWPPP is Gallery 23 East, LLC. The Contractor shall construct the site development improvements while working under contract with the Owner.

III. PROJECT DESCRIPTION

Described below are the major construction activities that are the subject of this SWPPP. Also included in the sequence are BMP installation activities that must take place prior to construction activities. **NOTE: Down slope protective measures must always be in place before soil is disturbed.** Activities are presented in the order (sequence) they are expected to be completed.

All activities and timeframes (beginning and ending dates) shall be noted on the Site Map and the "Record of Stabilization and Construction Activity Dates" form found in Appendix J of this SWPPP. The sequence of construction is as follows:

Note: Upon implementation and installation of the following areas: trailer, parking, lay down, porta-potty, wheel wash, concrete washout, mason's area, fuel and material storage containers, solid waste containers, etc., immediately denote them on the Site Maps and note any changes in location as they occur throughout the construction process. In addition, note any off-site areas where fill is imported from or soil is exported to on the Site Maps.

Phase I

1. Install stabilized construction exit(s) and SWPPP Information Sign.
2. Install silt fence(s) on the site (clear only those areas necessary to install silt fence).
3. Prepare temporary parking and storage area.

Halt all activities and contact the Owner's Engineer to perform inspection and certification of BMPs. Contractor shall schedule and conduct storm water pre-construction meeting with Owner's Engineer and all ground-disturbing contractors before proceeding with construction.

All exceptions noted on the BMP Certification form must be added to the first bi-weekly report as a deficiency or deficiencies and resolved within 24-hours. BMPs CAN NOT be certified if any exception requires greater than 24-hours to resolve.

4. Construct and stabilize sediment basin(s) and sediment trap(s) with appropriate outfall structures (clear only those areas necessary to install basins and traps).
5. Install and stabilize hydraulic control structures (dikes, swales, check dams, etc.).
6. Begin clearing and grubbing the site.
7. Begin grading the site.
8. Start construction of building pad and structures.

Phase II

1. Temporarily seed, throughout construction, denuded areas that will be inactive for 14 days or more.
2. Install utilities, underdrains, storm sewers, curbs and gutters.
3. Install rip rap around outlet structures as each outlet structure is installed.
4. Install inlet protection at all storm sewer structures as each inlet structure is installed.
5. Permanently stabilize areas to be vegetated as they are brought to final grade.
6. Prepare site for paving.
7. Pave site.
8. Install appropriate inlet protection devices for paved areas as work progresses.
9. Complete grading and installation of permanent stabilization over all areas including out lots.
10. Obtain concurrence with the Construction Manager that the site has been fully stabilized then:
    a. Remove all remaining temporary erosion and sediment control devices,
    b. Stabilize any areas disturbed by the removal of BMPs, and
    c. Ask the Construction Manager to contact the Owner's Engineer to complete the site inspection and report.
11. Continue bi-weekly Inspection Reports until the Final inspection is signed off by the Construction Manager that the site is fully stabilized and the permit may be terminated.

NOTE: The Contractor may complete construction-related activities concurrently only if all preceding BMPs have been completely installed. BMP-related steps in the above sequence are italicized for clarity.

The actual schedule for implementing pollutant control measures will be determined by project construction progress and recorded by the Contractor on the Soil Erosion/Sedimentation Control Operation Time Schedule on the Erosion and Sedimentation Control plans (Site Maps). Down slope protective measures must always be in place before soil is disturbed.

IV. SITE DESCRIPTION

Included as parts of this SWPPP are the project Construction Drawings, SWPPP Document, and NOI – Gallery 23 East Development. Refer to the Construction Drawings for detailed site information.

A. Site Location

- Address: Southest corner of the intersection of Highway 275 and Highway 30
- Latitude: 41.50 N
- Longitude: 96.44 W
- Adjacent surrounding properties: Surrounding properties are farmland
- A vicinity map is included in Appendix C.

B. Site Topography

- Lowest elevation on project site: 1170.0
- Highest elevation on project site: 1175.0
- Percent slope variation: 0%-2%
- Topography changes: Site is generally extremely flat
- Vegetation: grass/farmland

C. Rainfall Information

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Average rainfall in inches	0.71	0.83	1.93	2.91	4.21	4.72	3.62	3.43	3.15	2.13	1.38	1.02	30.04

- The total average annual rainfall for the project area is: 30.04 inches
- The design rain event for this project is: 5 inches/hour

D. Site Soils

- Soil type and texture: Fat clays, poorly graded sands, lean to fat clays
- Average depth of topsoil: 5 inches per the geotechnical report by Olsson Associates.
- Average depth to groundwater: 7 inches per the geotechnical report by Olsson Associates

This information is an estimate and shall not be used for construction costs or estimating.

E. Total Site Area, Area to be Disturbed, and Runoff Coefficient

- The project site contains: 112.6 acres
- The area to be disturbed on the project site is: 95.1 acres
- Off-site areas to be disturbed as part of this project: 41.4 acres
- Pre-Construction Runoff Coefficient [or SCS TR-55 Curve Number]: CN = 40
- Post-Construction Runoff Coefficient [or SCS TR-55 Curve Number]: CN = 40

F. Receiving Surface Waters

- Receiving waters: Discharges northeast into existing drainage swale
- Distance to named receiving waters: 0 miles
- Receiving water quality: N/A
- Discharge criteria include: N/A
- Off-site run-on: Off Site Run on is not a concern for this project
- Floodplain: N/A

G. Erosion and Sedimentation Control Plan

See Plan Sheets

H. Environmental Permits–Other than NPDES, Storm Water and/or Erosion & Sediment Control

- Wetlands: 404 Permit in process
- N/A

I. Threatened and Endangered Species

Refer to Appendix O.

J. Historic Properties

- N/A

V. STORM WATER POLLUTION PREVENTION MEASURES AND CONTROLS

A variety of storm water pollutant controls are recommended for this project. Some controls are intended to function temporarily and will be used as needed for pollutant control during the construction period. These include temporary sediment barriers and permanent storm retention ponds (which can also function as temporary sediment basins). Permanent stabilization will be accomplished in all disturbed areas by covering the soil with pavement, building foundation, vegetation, or other forms of soil stabilization.

A. Erosion and Sediment Controls

1. Minimization of Disturbed Areas

Note to Contractor: Owner has authority to limit surface area of erodible earth material exposed by clearing and grubbing, excavation, borrow and embankment operations and to direct Contractor to provide immediate permanent or temporary pollution control measures.

2. Soil Stabilization

The purpose of soil stabilization is to prevent soil from eroding and leaving the site. In the natural condition, soil is stabilized by native vegetation. The primary technique to be used at this project for stabilizing site soils will be to provide a protective cover of grass, pavement, or building structure.

- **Temporary Seeding –** Temporary seeding is the establishment of a temporary vegetative cover on disturbed areas by seeding with appropriate rapidly growing annual plants. Its purpose is to reduce erosion and sedimentation by stabilizing disturbed areas that will not be brought to final grade for a period of thirty days or more, reduce damage from sediment and runoff to downstream or off-site areas, and to provide protection to bare soils exposed during construction until permanent vegetation or other erosion control measures can be established.

  It should be used on exposed soil surfaces. Such areas include denuded areas, soil stockpiles, dikes, dams, sides of sediment basins, temporary road banks, etc. permanent vegetative cover shall be applied to areas that will be left dormant for a period of more than 1 year.

  Note to Contractor: Temporary stabilization is not achieved simply through seeding. In order for an area or stockpile to be sufficiently stabilized via temporary vegetation, seed must germinate, grow and provide adequate vegetative density.

- **Permanent Seeding –** Permanent vegetation is the establishment of perennial vegetative cover on disturbed areas by planting seed. Its purpose is to reduce erosion and sediment yield from disturbed areas, to permanently stabilize disturbed areas in a manner that is economical, adaptable to site conditions, and allows selection of the most appropriate plant materials, to improve wildlife habitat and to enhance natural beauty. It may be used on disturbed areas where permanent, long-lived vegetative cover is needed to stabilize the soil and rough-graded areas which will not be brought to final grade for a year or more.

- **Hydroseeding/Hydromulching –** Hydro- mulching/Hydro- seeding is a grass planting process. The process begins by mixing mulch, seed, tackifier, fertilizer, and water into a tank of a hydro-mulching machine. The material is often called a slurry. Once applied to the soil, the material enhances initial growth.

- **Slope Tracking –** Slope tracking is the technique used for surface roughening or scarification by means of mechanical equipment. Slope Tracking creates grooves that are perpendicular to the slope. The primary functions for Slope Tracking are to reduce erosion potential by decreasing runoff velocities, trap sediment, increase the chances for water infiltration, and aid in the establishment of vegetative cover.

- **Mulching** – Mulching is the application of plant residues or other suitable materials to the soil surface. Its purpose is to prevent erosion by protecting the soil surface

from raindrop impact and reducing the velocity of overland flow. Mulch helps foster the growth of vegetation by increasing available moisture and providing insulation against extreme heat and cold. Mulching can be used at anytime where protection of the soil surface is desired. Mulch can be used in conjunction with seedings to establish vegetation, or by itself to provide temporary protection of the soil surface.

- **Rolled Erosion Control Products –** Rolled erosion control products are protective covering netting, blankets or turf reinforcement mats (TRMs) installed on a prepared planting area of a steep slope, channel, or shoreline. They aid in controlling erosion on critical areas by absorbing the energy from raindrop impacts and providing a microclimate which protects young vegetation and promotes its establishment. TRMs are also used to raise the maximum permissible velocity and shear stress of turf grass stands in channelized areas by enabling the turf to resist the forces of erosion during storm events.

3. Structural Controls

- **Temporary Sediment Basins –** Temporary sediment basins are storage areas provided to detain sediment-laden runoff from disturbed areas long enough for the majority of the sediment to settle out. The facility is a temporary basin with a controlled storm water release structure, formed by constructing an embankment of compacted soil across a drainage way.

- **Temporary Sediment Trap –** A temporary sediment trap is a temporary ponding area formed by constructing an earthen embankment with a stone outlet. Its purpose is to detain sediment-laden runoff from small disturbed areas long enough to allow the majority of the sediment to settle out. It should be used below disturbed areas where the total contributing area is less than 3 acres and where the sediment trap will be used no longer than 18 months.

- **Silt Fence –** Silt fence is a temporary sediment barrier consisting of a synthetic fabric stretched across and attached to supporting posts and entrenched or sliced in place. Silt fences can be used in the following applications:

    a. for intercepting and detaining small amounts of sediment from disturbed areas during construction operations in order to prevent sediment from leaving the construction site,
    b. for decreasing the velocity of sheet flows
    c. in high-risk areas, such as those adjacent to streams, wetlands, reservoirs, lawns, etc.,
    d. in short lengths at the toe of fill where ground slopes toward the fill,
    e. behind curb and gutter to prevent silting of the pavement.

Prior to start of construction, silt fence placement should be designed by a qualified professional. Plans and specifications should be referred to by field personnel throughout the construction process.

Use limitations include:

a. If the size of the drainage areas is more than 1/4-acre per 100 feet of silt fence length, a different sediment and erosion control strategy should be

investigated. The maximum gradient behind the barrier should be no more than 50% (2H:1V).
   b. Under no circumstances should silt fences be constructed in live streams or in swales or ditch lines where flows are likely to exceed 1 cubic foot per second.
   c. On steep slopes, care should be given to placing alignment of fence perpendicular to the general direction of the flow.

- **Construction Entrance –** A construction entrance is a stabilized stone pad with a filter fabric underliner located at any point where vehicular traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk or parking area. Its purpose is to reduce or eliminate the tracking of sediment onto public rights-of-way or streets. It should be used wherever traffic will be leaving a construction site and move directly onto a public road or other paved area.

- **Storm Sewer Inlet Protection –** Storm drainage inlet protection is a sediment filter or an excavated impounding area around a storm drain drop inlet or curb inlet. Its purpose is to prevent sediment from entering storm drainage systems prior to permanent stabilization of the disturbed area. This practice shall be used where the drainage area to an inlet is disturbed, it is not possible to temporarily divert the storm drain outfall into a trapping device and watertight blocking of the inlets is not advisable. It is not to be used in place of sediment trapping devices. This may be used in conjunction with storm drain diversion to help prevent siltation of pipes installed with low slope angle. There are eight specific types of storm drain inlet protection practices that vary according to their function, location, drainage area and availability of materials:

  a. Silt Fence Drop-Inlet Protection
  b. Block and Gravel Drop-Inlet Sediment Filter
  c. Gravel Curb Inlet Sediment Filter
  d. Curb Inlet Protection with Weir
  e. Block and Gravel Curb Inlet Sediment Filter

  Note to Contractor: All inlet protection devices create ponding of storm water that can result in flooding or by-pass conditions.

- **Check Dams -** Check dams are small temporary dams constructed across a swale or drainage ditch for the purpose of reducing the velocity of concentrated storm water flows, thereby reducing erosion of the swale or ditch. Check dams also trap small amounts of sediment generated in the ditch itself; however, these are not sediment trapping practices and should not be used as such. Some specific applications include the following:

  a. Temporary ditches or swales which, because of their short length of service, cannot receive a non-erodible lining but still need some protection to reduce erosion.
  b. Permanent ditches or swales which for some reason cannot receive a permanent non-erodible lining for an extended period of time.
  c. Temporary or permanent ditches or swales which need protection during the establishment of grass linings

Use limitations include:

a. Use limited to small open channels which drain 10 acres or less.
b. Should not be used in an active stream.
c. Should not to be used where high flows or high velocities are expected.
d. In locating the check dam, consideration should be given to the effects and the reach of the impounded water and sediment.
e. Storm flows across a deteriorated check dam can result in the loss of the structure and the washout of the accumulated sediment.

- **Diversions –** A diversion is a channel constructed across a slope with a supporting ridge on the lower side for the purpose of reducing the slope length and intercepting and diverting storm water runoff to stabilized outlets at non-erosive velocities. Diversions are used where:

  a. runoff from higher areas may damage property, cause erosion, or interfere with the establishment of vegetation on lower areas;
  b. surface and/or shallow subsurface flow is damaging upland slopes; or
  c. slope length needs reduction to minimize soil loss.

- **Wattle Barrier –** Wattle Barriers are elongated tubes of compacted straw and or other fibers that are installed along contours or at the base of slopes to help reduce soil erosion and retain sediment. They function by shortening slope lengths; reducing runoff water velocity thus trapping dislodged soil particles. They can work as check dams to prevent sheet, rill, and gully erosion.

- **Compost Berms –** Compost berms are contoured runoff and erosion filtration methods usually used for steeper slopes with high erosive potential. The berm allows runoff water to penetrate it and continue to flow while filtering sediment and pollutants from the water. It also slows the flow down, allowing soil particles to settle out. Compost berms work well when the slope exceeds 4:1. **Not designed for at this time.**

- **Outlet Protection –** The outlets of pipes and structurally lined channels are points of critical erosion potential. To prevent scour at storm water outlets, a flow transition structure is needed which will absorb the initial impact of the flow and reduce the flow velocity to a level which will not erode the receiving channel or area. The most commonly used device for outlet protection is a structurally lined apron. These aprons are generally lined with riprap, grouted riprap or concrete. Where flow is excessive for the economical use of an apron, excavated stilling basins or other alternative structures may be used. **Not designed for at this time.**

- **Scour Protection Mat –** Scour Protection Mat combines vegetation with modern structural measures to mechanically protect the soil from scour and erosion until the shear forces have dissipated. **Not designed for at this time.**

- **Temporary Culvert Stream Crossing –** A temporary vehicular stream crossing is a temporary structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes, pipe arches, or oval pipes. Its purpose is to provide a means for construction traffic to cross flowing streams without damaging the channel or banks and to keep sediment generated by construction traffic out of the watercourse. It is generally applicable to flowing streams with drainage areas less than 1 square mile. Structures which must handle flow from larger drainage areas

should be designed by methods which more accurately define the actual hydrologic and hydraulic parameters which will affect the functioning of the structure. **Not designed for at this time.**

Final site stabilization is achieved when perennial vegetative cover provides permanent stabilization with a density greater than 70 percent over the entire area to be stabilized by vegetative cover. This is exclusive of areas paved, rocked, or have a building on them.

B. Other Pollutant Controls

This section includes the controls of pollutants other than sediment and additional requirements of the General Permit.

1. Dust Control
   Construction traffic must enter and exit the site at the stabilized construction exit. The purpose is to trap dust and mud that would otherwise be carried off-site by construction traffic. Large areas of soil that are denuded of vegetation and have no protection from particles being picked up and carried by wind should be protected with a temporary cover or kept under control with water or other soil adhering products to limit wind transported particles exiting the site perimeter.

   Water trucks or other dust control agents will be used as needed during construction to reduce dust generated on the site. Dust control must be provided by the Contractor to a degree that is in compliance with applicable local and state dust control regulations.

2. Dewatering
   Verify discharges from dewatering activities are allowed non-storm water discharges under the General Permit. Obtain a dewatering permit according to the regulations, if discharges from dewatering activities are not allowed under the General Permit. Discharges from dewatering operations must be directed through an appropriate pollution prevention/treatment measure, such as a pump discharge filter bag, sediment trap or sediment basin prior to being discharged from the site. Under no circumstances are discharges from dewatering operations to be discharged directly into streams, rivers, lakes or other areas off-site. Likewise, discharges into storm sewer systems that do not drain to a suitable on-site treatment facility, such as a basin, are also prohibited. Discharges from dewatering operations must also be conducted in a manner sufficient to prevent erosion from the discharge runoff.

3. Solid Waste Disposal
   No solid materials, including building materials, are allowed to be discharged from the site with storm water. All solid waste, including disposable materials incidental to the major construction activities, must be collected and placed in containers. The containers will be emptied as necessary by a contract trash disposal service and hauled away from the site. Covers for the containers will be provided as necessary to meet state and local requirements. The location of solid waste receptacles shall be shown on the Site Maps.

   Substances that have the potential for polluting surface and/or groundwater must be controlled by whatever means necessary in order to ensure that they do not discharge from the site. As an example, special care must be exercised during equipment fueling and servicing operations. If a spill occurs, it must be contained and disposed of so that it

will not flow from the site or enter groundwater, even if this requires removal, treatment, and disposal of soil. In this regard, potentially polluting substances should be handled in a manner consistent with the impact they represent.

4. Sanitary Facilities
   All personnel involved with construction activities must comply with state and local sanitary or septic system regulations. Temporary sanitary facilities will be provided at the site throughout the construction phase. They must be utilized by all construction personnel and will be serviced by a commercial operator. The location of sanitary facilities shall be shown on the Site Maps. Portable toilets must be securely anchored and are not allowed within 30' of inlets or permitted limit of disturbance or within 50' of a water of the State.

5. Non-Storm Water Discharges
   Non-storm water components of site discharges must be clean water. Water used for construction which discharges from the site must originate from a public water supply or private well approved by the State Health Department. Water used for construction that does not originate from an approved public supply must not discharge from the site. It can be retained in the ponds until it infiltrates and evaporates. Other non-storm water discharges would include ground water. Only uncontaminated ground water can be discharged from the site, as allowed by and in accordance with applicable local ground water dewatering permits/regulations. When non-storm water is discharged from the site, it must be done in a manner such that it does not cause erosion of the soil during discharge.

   Process water such as power washing and concrete cutting must be collected for treatment and disposal. It is not to be flushed into the site storm drain system.

6. Concrete Waste from Concrete Ready-Mix Trucks
   Discharge of excess or waste concrete and/or wash water from concrete trucks will be allowed on the construction site, but only in specifically designated lined and diked areas prepared to prevent contact between the concrete and/or wash water and storm water that will be discharged from the site. Alternatively, waste concrete can be placed into forms to make rip rap or other useful concrete products. The cured residue from the concrete washout diked areas shall be disposed in accordance with applicable state and federal regulations. The project construction manager is responsible for assuring that these procedures are followed. The location of concrete washout areas shall be shown on the Site Maps. Follow all applicable environmental regulations for concrete wash out pits.

7. Mason's Area
   Contractor shall identify mason's area on the site and indicate location on the Site Map. To the extent practical, all masonry tools, material, including sand and sacked cement or mortar materials, and equipment shall be located within the area identified. Runoff control, such as berms or diversion ditches, silt fence, straw wattles, or other means of containment shall be provided to prevent the migration of storm water pollutants in runoff from the mason's area. Receptacles for debris and trash disposal shall also be provided.

8. Fuel Tanks

   Temporary on-site fuel tanks for construction vehicles shall meet all state and federal regulations. Tanks shall have approved spill containment with the capacity required by the applicable regulations. From NFPA 30: All tanks shall be provided with secondary containment (i.e. containment external to and separate from primary containment). Secondary containment shall be constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the fuel stored and capable of containing discharged fuel for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of discharged fuel. It shall be capable of containing 110% of the volume of the primary tank if a single tank is used, or in the case of multiple tanks, 150% of the largest tank or 10% of the aggregate, whichever is larger.

   The tanks shall be in sound condition free of rust or other damage which might compromise containment. Fuel storage areas will meet all EPA, OSHA and other regulatory requirements for signage, fire extinguisher, etc. Hoses, valves, fittings, caps, filler nozzles, and associated hardware shall be maintained in proper working condition at all times. The location of fuel tanks shall be shown on the Site Maps and shall be located to minimize exposure to weather and surface water drainage features.

   A Spill Prevention, Control and Countermeasure (SPCC) Plan must be developed if aboveground oil storage *capacity* at the construction site exceeds 1,320-gallons or as specified by state. Containers with a storage capacity of 55-gallons or less are not included when calculating site storage capacity. The Contractor shall work with the Owner's Engineer to develop and implement a SPCC Plan in accordance with the Oil Pollution Prevention regulation at Title 40 of the Code of Federal Regulations, Part 112, (40 CFR 112).

9. Hazardous Material Management and Spill Reporting Plan

   Any hazardous or potentially hazardous material that is brought onto the construction site will be handled properly in order to reduce the potential for storm water pollution. All materials used on this construction site will be properly stored, handled, dispensed and disposed of following all applicable label directions. Flammable and combustible liquids will be stored and handled according to 29 CFR 1926.152. Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids.

   Material Safety Data Sheets (MSDS) information will be kept on site for any and all applicable materials.

   In the event of an accidental spill, immediate action will be undertaken by the Contractor to contain and remove the spilled material. All hazardous materials will be disposed of by the Contractor in the manner specified by federal, state and local regulations and by the manufacturer of such products. As soon as possible, the spill will be reported to the appropriate agencies. As required under the provisions of the Clean Water Act, any spill or discharge entering waters of the United States will be properly reported. The Contractor will prepare a written record of any spill of petroleum products or hazardous materials in excess of 1 gallon or reportable quantities, which ever is less. The Contractor will provide notice to Owner, immediately upon identification of a reportable spill. A spill report form is located in Appendix H.

Any spills of petroleum products or hazardous materials in excess of Reportable Quantities as defined by EPA or the state or local agency regulations, shall be immediately reported to the EPA National Response Center (1-800-424-8802) and NDEQ (1-877-253-2603).

The State reportable quantity for petroleum products is 25 gallons or more, per NDEQ Title 126, Ch. 18, 002.01B.

The reportable quantity for hazardous materials is equal to or greater than 100 pounds.

In order to minimize the potential for a spill of petroleum product or hazardous materials to come in contact with storm water, the following steps will be implemented:

- All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, additives for soil stabilization, concrete, curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use.

- The minimum practical quantity of all such materials will be kept on the job site and scheduled for delivery as close to time of use as practical.

- A **spill control and containment kit** (containing for example, absorbent material such as kitty litter or sawdust, acid neutralizing agent, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided on the construction site and location(s) shown on Site Maps.

- All of the product in a container will be used before the container is disposed of. All such containers will be triple rinsed, with water prior to disposal. The rinse water used in these containers will be disposed of in a manner in compliance with state and federal regulations and will not be allowed to mix with storm water discharges.

- All products will be stored in and used from the original container with the original product label.

- All products will be used in strict compliance with instructions on the product label.

- The disposal of excess or used products will be in strict compliance with instructions on the products label.

10. Long-Term Pollutant Controls

    Storm water pollutant control measures installed during construction, which will also provide storm water management benefits after construction, include rip rap, sediment traps, detention ponds, overflow pipe, erosion control blanketing, and drainage swales.

    All controls and systems must be installed & functioning as designed and free of accumulated sediment and debris during final project inspection and approval.

C. "Best Management Practices" (BMPs)

Owner has authority to limit surface area of erodible earth material exposed by clearing and grubbing, excavation, borrow and embankment operations and to direct the Contractor to install immediate permanent or temporary pollution control measures.

During the construction phase, the Contractor shall implement the following measures:

1. Materials resulting from the clearing and grubbing or excavation operations shall be stockpiled up-slope from adequate sedimentation controls. Ensure that materials removed to an off-site location shall be protected with appropriate controls and properly permitted and otherwise comply with applicable laws, all in accordance with this SWPPP, including Section V.D. below.

2. The Contractor shall designate areas on the Site Maps for equipment cleaning, maintenance, and repair. The Contractor and subcontractors shall utilize such designated areas. Cleaning, maintenance, and repair areas shall be protected by a temporary perimeter berm, shall not occur within 150 feet of any waterway, water body or wetland, and in areas located as far as practical from storm sewer inlets.

3. Use of detergents for large-scale washing is prohibited (i.e. vehicles, buildings, pavement surfaces, etc.).

4. Chemicals, such as paints, solvents, fertilizers, and other toxic materials, must be stored in waterproof containers. Except during application, the containers and the contents must be kept in trucks or within storage facilities. Runoff containing such material must be collected, removed from the site, treated, and disposed of at an approved solid waste and chemical disposal facility.

D. Material Storage, Borrow, or Disposal Areas Outside of Permitted Limits of Disturbance

This section describes roles and responsibilities of the Contractor in verifying and documenting that activities associated with site construction at material storage, borrow, or disposal areas outside of the Permitted Limits of Disturbance have obtained proper coverage under the NPDES program.

<u>Definitions Applicable to this Section</u>

Site - The location(s) described in this SWPPP and on the associated Site Maps at which the Contractor has operational control.

Operational Control - Control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or day-to-day operational control of those activities at the Site which are necessary to ensure compliance with the SWPPP.

Off-site – Any area outside the Limits of Disturbance as shown on the Site Maps in the SWPPP. This is not necessarily the same as the property ownership boundary.

Permitted Limits of Disturbance - Any area of the Site for which the operator(s) are authorized to disturb the ground surface or conduct construction-related activities (i.e. areas shown inside the Limits of Disturbance on the Site Maps in the SWPPP).

Material – Rock, soil, or other construction materials obtained as part of an earth disturbing activity.

Responsibilities of the Contractor

When any material storage, borrow, or disposal will take place during construction outside of Permitted Limits of Disturbance the Contractor must:

1. Verify that any proposed material storage, borrow, or disposal areas have obtained proper coverage under the NPDES program. This shall include obtaining copies of signed and submitted NPDES Notices of Intent or applications, Storm Water Discharge Authorizations, or other documentation necessary to verify compliance with the NPDES program (e.g., documentation from local qualified programs, MS4s, Soil Conservation District permits, etc.)

2. Prior to any Storage, Borrow, or Disposal activities properly execute the Material Storage, Borrow, or Disposal Manifest and related Contract for each area. Blank copies of the appropriate forms are provided in Appendix L.

3. The Contractor shall complete and keep current the Off-Site Material box on the project site map and update the map and site stabilization log to indicate locations where, and dates when, storage, borrow, or disposal occur on the Site.

4. All documentation obtained as described in this section shall be retained in the SWPPP binder at the site and in accordance with the Retention of Records as described in Part I.D of Section 312513.

VI. LOCAL PLANS

In addition to this SWPPP, construction activities associated with this project must comply with any guidelines set forth by local regulatory agencies. The Contractor shall maintain documents evidencing such compliance in this SWPPP.

VII. INSPECTIONS AND SYSTEM MAINTENANCE

Between the times this SWPPP is implemented and final Notice of Termination has been submitted, all disturbed areas and pollutant controls must be inspected weekly. The purpose of site inspections is to assess performance of pollutant controls. The inspections will be conducted by the Contractor's project construction manager. Based on these inspections, the Contractor will decide whether it is necessary to modify this SWPPP, add or relocate controls, or revise or implement additional Best management Practices in order to prevent pollutants from leaving the site via storm water runoff. The Contractor has the duty to cause pollutant control measures to be repaired, modified, supplemented, or take additional steps as necessary in order to achieve effective pollutant control. Note: If a BMP is covered by snow, mark the BMP

as not applicable and document the reason the BMP cannot be inspected on the bi-weekly report.

Examples of specific items to evaluate during site inspections are listed below. This list is not intended to be comprehensive. During each inspection, the inspector must evaluate overall pollutant control system performance as well as particular details of individual system components. Additional factors should be considered as appropriate to the circumstances. Note: A grid system has been incorporated into Site Maps and shall be used as a location guide for bi-weekly reporting on structural controls and BMPs.

A. Construction Exit and Track Out

Locations where vehicles enter and exit the site must be inspected for evidence of off-site sediment tracking. A stabilized construction exit shall be constructed where vehicles enter and exit. Exits shall be maintained or supplemented with additional rock as necessary to prevent the release of sediment from vehicles leaving the site. Any sediment deposited on the roadway shall be swept as necessary throughout the day or at the end of every day and disposed of in an appropriate manner. Sediment shall **NOT** be washed into storm sewer systems.

Note to Contractor: Track out is a sediment release (sediment from the construction site was allowed beyond the permitted limits of disturbance). All sediment releases must be reported to the Owner's Engineer. See Item H below for additional information.

B. Erosion Control Devices

Rolled erosion control products (nets, blankets, turf reinforcement mats) and marginally vegetated areas (areas not meeting required vegetative densities for final stabilization) must be inspected bi-weekly. Rilling, rutting and other signs of erosion indicate the erosion control device is not functioning properly and additional erosion control devices are warranted.

C. Sediment Control Devices

Sediment barriers, traps and basins must be inspected and they must be cleaned out at such time as their original capacity has been reduced by 50 percent. All material excavated from behind sediment barriers or in traps and basins shall be incorporated into on-site soils or spread out on an upland portion of the site and stabilized. To minimize the potential for sediment releases from the project site, perimeter control devices shall be inspected with consideration given to changing up-gradient conditions.

D. Material Storage Areas

Inspections shall evaluate disturbed areas and areas used for storing materials that are exposed to rainfall for evidence of, or the potential for, pollutants entering the drainage system or discharging from the site. If necessary, the materials must be covered or original covers must be repaired or supplemented. Also, protective berms must be constructed, if needed, in order to contain runoff from material storage areas. All state and local regulations pertaining to material storage areas will be adhered to.

E. Vegetation

Consideration must be given to anticipated climate and seasonal conditions when specifying and planting seed. Seed shall be free of weedy species and appropriate for site soils and

regional climate. Seed and mulch per the construction drawings and the 329000 planting specification immediately after topsoil is applied and final grade is reached. Grassed areas shall be inspected to confirm that a healthy stand of grass is maintained. The site has achieved final stabilization once all areas are covered with building foundation or pavement, or have a stand of grass with a minimum of 70 percent density or greater of natural background cover over the entire vegetated area in accordance with the General Permit requirements. Vegetated areas must be watered, fertilized, and reseeded as needed to achieve this requirement. The vegetative density must be maintained through project completion to be considered stabilized. Areas protected by erosion control blankets are not permanently stabilized until the applicable General Permit requirement for final vegetative density is achieved.

Rip-rap, mulch, gravel, decomposed granite or other equivalent permanent stabilization measures may be employed in lieu of vegetation based on site-specific conditions and governing authority approval.

F. Discharge Points

All discharge points must be inspected to determine whether erosion and sediment control measures are effective in preventing discharge of sediment from the site or impacts to receiving waters.

G. Off-Site or Special Project Areas

- **N/A**

H. Sediment Releases

The bi-weekly inspection report must identify each and every time sediment is allowed beyond permitted limits of disturbance. This includes sediment that escapes or is allowed to leave via designed discharge points. Storm water that leaves the permitted limits of disturbance and is discolored contains soil particles (sediment) and must be treated as a sediment release.

The bi-weekly Inspection Report Form (Appendix G) must identify all deficiencies, any corrections, whether they are identified during the current inspection or have occurred since the previous inspection, and any additional comments. Based on inspection results, any modification necessary to increase effectiveness of this SWPPP to an acceptable level must be made immediately but no longer than within 48 hours of the inspection. The inspection reports must be complete and additional information should be included if needed to fully describe a situation. An important aspect of the inspection report is the description of additional measures that need to be taken to enhance plan effectiveness. The inspection report must identify whether the site was in compliance with the SWPPP at the time of inspection and specifically identify all incidents of non-compliance.

Inspection reports must include an original, authorized signature and date of the inspection. Inspection reports must be retained by the Contractor as an integral part of this SWPPP for at least three years from the date of submission of the Notice of Termination of permit coverage.

Ultimately, it is the responsibility of the Contractor to assure the adequacy of site pollutant discharge controls. Actual physical site conditions or contractor practices could make it necessary to install more structural controls than are shown on the plans. For example, localized concentrations of runoff could make it necessary to install additional sediment barriers. Assessing the need for additional controls and implementing them or adjusting existing controls

will be a continuing aspect of this SWPPP until the site achieves final stabilization. Any modifications, additions or deletions of sediment control devices that may alter the hydraulic design of the site or are located in areas of potential high flow (basins, traps, check dams, diversions. etc.) must be approved by the Owner's Engineer through the request for information process (RFI).

APPENDICES TABLE OF CONTENTS

APPENDIX A

CONTACT LIST

Contact List

Contacts for: Gallery 23 East Development

Owner's SWPPP Engineer: Brad Marshall, P.E. Phone: (402) 458-5672

Responsible for the development of the SWPPP for this site and obtaining the NPDES permit.

Contractor's Construction Manager:

Name: _____

Company: _____

Phone (office): _____

Phone (mobile): _____

Responsible for conducting the bi-weekly inspections, the supervision or completion of construction at a site, able to adequately identify and implement storm water sediment and erosion control practices and effectively instruct employees and contractors in the implementation of such practices to comply with a Permit, the Clean Water Act, and the site's SWPPP.

APPENDIX B

OWNER and CONTRACTOR SWPPP CERTIFICATIONS

NOTES to Contractor:

The Contractor must certify this SWPPP by signing the Contractor SWPPP certification letter located in this Appendix.

Signed SWPPP certifications cannot be modified or revised in the field.

Owner's SWPPP Certification

Date: _____

RE: Gallery 23 East Development

Address:

_____
_____
_____
_____

CERTIFICATION OF THE
STORM WATER POLLUTION PREVENTION PLAN

GENERAL PERMIT FOR STORM WATER DISCHARGES
FROM CONSTRUCTION ACTIVITIES

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 qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this 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.

Sincerely,

_____
(Signature)

General Contractor's SWPPP Certification

Date: _____

RE: Gallery 23 East Development

Address:

_____
_____
_____
_____

CERTIFICATION OF THE
STORM WATER POLLUTION PREVENTION PLAN

GENERAL PERMIT FOR STORM WATER DISCHARGES
FROM CONSTRUCTION ACTIVITIES

I certify under penalty of law that all revisions, modifications, deletions, or additions to this document and all attachments created during construction were prepared under my direction or supervision in accordance with a system designed to assure qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this 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.

Sincerely,

_____
Signature

_____
Printed Name

_____
Title

_____
Company

APPENDIX C

VICINITY MAP


Gallery 23 East Site Aerial
Fremont, Nebraska
Legend
30
Eastgate Dr
24th St
E 23rd St
U
Lincoln Hwy
PROJECT LOCATION
Elk Ln
Diers Pkwy
Co Rd U Blvd
U Blvd
Co Rd 24 1/2
Google Earth
© 2016 Google
N
3000 ft

APPENDIX D

CONSTRUCTION STORM WATER NOTICE OF INTENT (CWS-NOI)

NOTES to Contractor:

If instructed above, the Contractor must complete, sign and submit a Notice of Intent or similar storm water permit application, to the applicable governing agency within 7 days of Project Award.

Signed NOIs must be posted on the SWPPP Sign near the job-site entrance within view of the public.

Signed NOIs cannot be modified or revised in the field.

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Pete Ricketts, Governor

11/9/2017

Michael Cosentino
Gallery 23 East LLC
4245 S 192nd St
Omaha, NE 68135

RE: PERMIT TRACKING NUMBER: CSW-201702253
Issuance of storm water discharge authorization for the Gallery 23 East construction project located at County Road U and Lincoln Highway, Fremont, Nebraska in Dodge, NE.

Dear Michael Cosentino:

This is to acknowledge receipt of the CSW-NOI form on 11/8/2017, 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,

Alissa Brenning
Water Quality Division

Department of Environmental Quality
P.O. Box 98922
1200 N Street, Suite 400
Lincoln, Nebraska 68509-8922

deq.ne.gov

Jim Macy, Director
OFFICE 402-471-2186 FAX 402-471-2909
ndeq.moreinfo@nebraska.gov

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Pete Ricketts, Governor

Construction Storm Water Notice of Intent (CSW-NOI)

Permit Number: **CSW-201702253**

A. Project Description

Project Name: Gallery 23 East
Physical Address: County Road U and Lincoln Highway, Fremont, Nebraska
County: Dodge

B. Certification

The appropriate individuals must sign information submitted on this **CSW-NOI** form as required in **NPDES** General Permit NER160000 Part VI.D.6, and below or the application will not be authorized. If more than one certifying official, submit multiple copies of the following information.

All permit applications shall be signed as per Title 119, Chapter 13 *Applications; Signatories* as follows:

002.01 For a corporation. By a **Responsible Corporate Officer**, which means:

- A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- The manager of one of more manufacturing, production, or operating facilities, provided by the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

002.02 For a partnership or sole proprietorship: By a general partner or proprietor, respectively.

002.03 For a municipality, State, Federal, or other public agency.

- By either a principal executive officer of the agency, or
- A senior executive officer having responsibility for the operations of a principal geographic unit of the agency.

Certifying Official:

"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."

Certifying Official/Date: DocuSigned by: Michael Cosentino 11/8/2017

Michael Cosentino

Certifying Official, Company Name, Address, Email and Phone Number:

Michael Cosentino First and Last Name	Gallery 23 East LLC Company Name/Applicant
402-250-2001 Work Phone	Owner Title
402-250-2001 Cell Phone	mcosentino49@yahoo.com Email
4245 S 192nd St Mailing Address	Omaha, NE 68135 City, State, Zip Code

Certifying Official #2, Company Name, Address, Email, and Phone Number:

First and Last Name	Company Name/Applicant
Work Phone	Title
Cell Phone	Email
Mailing Address	, 0 City, State, Zip Code

Authorized Representative, Company Name, Address, Email and Phone Number:

Lucinda Bugbee First and Last Name	Olsson Associates Company Name/Applicant
402-458-5031 Work Phone	Team Coordinator Title
402-458-5031 Cell Phone	lbugbee@olssonassociates.com Email
601 P Street, Suite 200 Mailing Address	Lincoln, NE 68508 City, State, Zip Code

Project Proponent, Company Name, Address, Email and Phone Number:

First and Last Name	Company Name/Applicant
Work Phone	Title
Cell Phone	Email
Mailing Address	, 0 City, State, Zip Code

Readiness to Apply

Does a reasonable potential exist for permit authorization to be limited? ☐YES ☑NO

Storm Water Pollution Prevention Plan (SWPPP) Part III

a. Has a **Storm Water Pollution Prevention Plan** been developed for this project? ☑YES ☐NO
b. Has a qualified individual [Part III A] prepared the **SWPPP**? ☑YES ☐NO

Has the following been incorporated into the SWPPP?

c. Site and activity descriptions as per Part III B; ☑YES ☐NO
d. Sediment and pollution control measures and record keeping as per Part III C; ☑YES ☐NO
e. **Erosion prevention** measures and record keeping as per Part III C; ☑YES ☐NO
f. Inspections, maintenance of BMPs and associated record keeping as per Part III E, I-J; ☑YES ☐NO
g. **Final stabilization** addressed as per Part III M; ☑YES ☐NO
h. Does the SWPPP include documentation supporting a determination of permit eligibility with regards to endangered and threatened species and critical habitat? ☑YES ☐NO

C. Construction Site Description

a. **Project Name**: Gallery 23 East
b. **Physical Address**: County Road U and Lincoln Highway, Fremont, Nebraska
County: Dodge
c. **Project Type**: Residential & Commercial
d**. Project Size: Total Area (acres):** 112.6 **Area to be disturbed (acres):** 95.1
e. **Identify surface waters within ½ mile of project boundary that will receive storm water or discharge from permanent storm water management system.**
Discharges into existing drainage swales
f. **Name of Receiving Waters**: Unnamed Creek
g. **Waterbody Type** Creek
h. **Legal Description: Quarter of the Quarter, Section, Township N, Range**
NW 1/4, N 1/2, S17, T17N, R9E
i. **SWPPP Designer, Company, Address and Phone Number:**
Brad Marshall
Olsson Associates
601 P Street, Suite 200
402-474-6311 bmarshall@olssonassociates.com
j. **SWPPP Location:** The SWPPP will be located on site in a weatherproof container.
k. **Project Start Date** (approximate): 5/8/2017 l. **Project End Date** (estimated): 12/31/2018
m. 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:

THREATENED & ENDANGERED SPECIES
Guidance Checklist for
NPDES Construction Storm Water General Permit
#NER160000

Section I

1. Is this a renewable energy project (e.g., wind, solar, etc.)? ☐YES ☑NO

2. 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

3. Does the project discharge storm water to Salt Creek, Little Salt Creek, Rock Creek, or saline wetlands in Lancaster or Saunders County? ☐YES ☑NO

Section II

1. Is the project outside designated city limits or urban areas? ☐YES ☑NO

2. Is this project within 0.25 miles of a "Stream of Concern" or does it discharge to a "Stream of Concern"? ☐YES ☑NO

3. Will the project occur in a non-urban, perennially vegetated plant community within the range of American Burying Beetle? N/A

4. Is the project located in mature woodlands along a river bluff within 5 miles of the Missouri River in the area stretching from the Kansas border to the Cedar-Dixon County Line? N/A

5. Will project construction occur in or directly adjacent to open sand blowouts within the range of Blowout Penstemon? N/A

6. Will project construction take place within 1 mile of Lodgepole Creek in Kimball County from the City of Kimball to the Wyoming-Nebraska state line? N/A

7. Will project construction take place between April 15 and August 15 within the range of interior least tern and piping plover AND occur within 1/4 mile of a river with sandbars or active or recently active sand and gravel operation with bare sand substrate? N/A

8. Will the project occur in a non-urban, perennially vegetated plant community within the range of Massasauga?	N/A
9. Will project construction take place between April 1 and June 15 within the range of Mountain Plover **AND** within ¼ mile of heavily grazed/disturbed short grass prairies/grasslands or in areas with very little cover such as tilled cropland, fallow fields, or prairie dog towns?	N/A
10. If the project is within the range of Northern Long-eared Bat, does it involve removing more than five trees which are equal to or greater than 3 inches in diameter at breast height (dbh), **OR** will the project occur within ½ mile of a known cave or a known active or inactive mine with tunnels?	N/A
11. Will project construction take place in non-urban areas within ½ mile of rivers, streams, sloughs, backwaters, wetlands, lakes or ponds within the range of River Otter?	N/A
12. Will project construction occur in or adjacent to wet meadows (including hay meadows), natively vegetated grasslands, or areas with sidehill seeps that would impact/alter the hydrology of such habitats within the range of Western Prairie Fringed Orchid?	N/A
13. Will project construction occur in or adjacent to wet meadows (including hay meadows), natively vegetated grasslands, or areas with sidehill seeps that would impact/alter the hydrology of such habitats within the range of Small White Lady's Slipper?	N/A
14. Will project construction occur in a prairie, grassland, pasture, roadside ditch or fallow field within the range of Swift Fox where the vegetation is less than 6 inches in height?	N/A
15. Will project construction take place within the range of Ute ladies'-tresses **OR** alter the hydrology of wet meadows within the range of Ute ladies'-tresses?	N/A
16. Will project construction take place in non-urban areas between March 23 and May 10 or September 16 and November 16 within 1 mile of the Republican, Platte, Loup, Middle Loup, North Loup, or Niobrara Rivers **OR** within 1 mile of a wetland within the primary Whooping Crane migration corridor?	N/A
17. Further review needed by Nebraska Game & Parks Commission?	☐YES ☑NO

Section III

1. Are federal funds being used to develop this project?	N/A

2. What is being constructed?

3. What is the current land use of the project area?

4. Is borrowed material needed? N/A

   a. If so, will it be obtained on-site or off-site? N/A

   b. If off-site, provide information regarding location, size, etc. N/A

5. Will a temporary plant site, stockpile site, waste/construction debris disposal site, stock yard, fly yard, laydown area, staging/storage site, vehicle/machinery parking area, etc. be needed? N/A

   a. If so, provide the same information for these sites as was requested above for borrow sites. N/A

6. Will access roads be developed as part of the project? N/A

7. Will the project be constructed at night under artificial lighting? N/A

8. Will new outdoor lighting be part of the project? If so, please explain and describe. N/A

9. Are other permits needed for the project? If so, list which permits are needed and indicate if they have already been obtained. N/A

APPENDIX E

CONSTRUCTION SITE NOTICE

To be located on the SWPPP Information Sign

NOTES to Contractor:

The Construction Site Notice must be posted on the SWPPP Information Sign located near the construction exit along with the NOI, Contractor permit authorization(s) and a reference to where the SWPPP is located on the jobsite.

CONSTRUCTION SITE NOTICE

FOR THE
NPDES GENERAL PERMIT

Contractor Firm:	
Contractor Address:	
Contact Name & Number:	Name _____ Phone Number _____
Project Description:	

APPENDIX F

CONTRACTOR/SUBCONTRACTOR CERTIFICATION

&

CERTIFICATION OF QUALIFICATIONS FOR COMPLIANCE OFFICER

&

PHASE I BMP CERTIFICATION

&

STORM WATER PRE-CONSTRUCTION MEETING CERTIFICATION

Contractor/Subcontractor Certification

Gallery 23 East Development

The Contractor and all contractors and/or subcontractors and their employees that will implement and maintain the pollution control measures in the SWPPP and/or are involved in ground-disturbing activities on the site must be identified below. Each must sign a statement certifying that they understand the General Permit authorizing storm water discharges during construction. These certifications must be maintained in the SWPPP file.

Contractor Name _____ Trade _____

Company Name _____ Business Phone Number _____

Business Address _____ City, State Zip _____

CERTIFICATION:

"I certify that I understand the term and conditions of the National Pollutant Discharge Elimination System (NPDES) General Permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification. The SWPPP and General Permit have been made available to me to review and I agree to stay in compliance with the permit."

Signature _____ Date _____

Printed Name _____ _____ Initial here if you received a copy of storm water compliance Guidance material appropriate for the conditions at the site.

Title (Must be an Officer of company if form is a permit requirement. See Note below.) _____

✹ **All employees of contractors and subcontractors have the responsibility of notifying the Contractor's Project Manager of any Storm Water BMP deficiencies or damage.**

The above listed contractor is responsible for the following BMPs: (check all that apply)

✓	**Best Management Practice**	✓	**Best Management Practice**	✓	**Best Management Practice**
	Construction Exit		Diversions		Solid Waste
	Silt Fence		Sediment Traps		Sanitary Waste
	Check Dams		Sediment Basins		Hazardous Waste Management
	Inlet Protection		Dust Control		Record Keeping
	Erosion Control		Concrete Wash-out		SWPPP modifications
	Vegetation		Fuel Storage/Containment		

Certification of Qualifications

Gallery 23 East Development

Certification of Compliance Officer Storm Water Qualifications

I certify under penalty of law that the Project Construction Manager:

Print Name _____ Certificate # _____

Project Construction Manager E-mail Address _____

1) is a Storm Water Professional*;
2) has at least **5 years** of construction-related experience; and
3) is able to adequately identify and implement storm water sediment and erosion control practices and effectively instruct employees and contractors in the implementation of such practices.

Contractor Company Name _____ Date _____

Signature of Officer of the Company _____ Title _____

*A Storm Water Professional is an individual who is currently certified through the storm water training program required pursuant to a training program approved by US EPA.

Owner's Engineer and Project Construction Manager
Certification of Site Best Management Practices

Date: _____

Gallery 23 East Development

"We certify that on this date we conducted an inspection of the construction site and Best Management Practices (BMPs) required by the SWPPP have been installed correctly and in the correct locations as shown on the Phase I Erosion and Sediment Control Site Map drawing, subject to any exceptions, as listed below. Other than disturbance to install these BMPs, no other ground disturbing activities have occurred on the site nor will ground disturbing activities occur on this Site until all exceptions have been resolved."

"We certify all appropriate documents are located in the SWPPP Binder and on the SWPPP Information Sign at the time of this inspection. This includes required permit authorizations, signed NOIs (or equivalent) that have been timely submitted to allow for the commencement of ground disturbing activities, SWPPP Certification letters, General Permit, final revised SWPPP with all agency comments incorporated."

Initial one of the following:

No exceptions: _____ _____
(Project Construction Manager) (Engineer)

Exceptions (as noted below): _____ _____
(Project Construction Manager) (Engineer)

Exceptions: (Do not list more than 1 exception per line.)

1) _____
2) _____
3) _____

All exceptions described above must be noted as deficiencies on the first Bi-weekly Inspection Report and resolved within 24-hours BEFORE any ground-disturbing activity may begin on the site.

BMPs CAN NOT be certified (this form <u>can not</u> be signed) if exceptions will require more than 24-hrs to resolve.

_____ _____
Signature of Consulting Engineer of Record* Company

_____ _____
Signature of Project Construction Manager Company

*Consulting Engineer of Record is the Professional Engineer who stamped and signed the SWPPP or any other Professional within the organization who reviews and becomes familiar with the SWPPP or an engineer retained by Contractor who reviews and becomes familiar with the SWPPP, the Site and the BMPs to be inspected.

Storm Water Controls Environmental
Pre-Construction Meeting Certification Form

Date: _____

Gallery 23 East Development

Contractor (Company): _____

Project Construction Manager: _____

Construction Manager must initial each item when complete. This action constitutes agreement and acceptance of each provision.

_____ 1. A storm water pre-construction meeting between the Project Construction Manager of the Contractor, the Professional Engineer who prepared the SWPPP or a Professional within the Owner's Engineer's organization who reviews and becomes familiar with the SWPPP and site (or an engineer retained by the Owner), and contractors and subcontractors and their employees who will be involved in ground-disturbing activities has been completed successfully.

_____ 2. At this meeting: (a) the applicable Construction Storm Water General Permit requirements, the SWPPP and drawings (Site Maps) and other environmental requirements for the site were discussed; and (b) the material storage areas and run-on conditions were discussed.

_____ 3. The Project Construction Manager and all contractors or subcontractors present at this meeting have signed a Contractor Certification form and all contractors receive a copy of storm water compliance guidance materials appropriate for the conditions at the site.

_____ 4. Local and/or state certifications have been obtained as applicable.

_____ 5. A Copy of the construction storm water permit regulations applicable to the site has been obtained, is available for review, and will be located in the on-site construction office and the SWPPP Binder has been reviewed and deemed complete.

_____ 6. A signed Owner and/or Contractor Notice of Intent as required by the State Permit have been properly filed and will be posted at the construction entrance board prior to ground disturbing activity.

_____ 7. The Certification of Site Best Management Practices has been completed, certifying that appropriate storm water controls are in place prior to commencement of ground disturbing activity, and has been signed by the Construction Manager.

_____ _____
Signature of Project Construction Manager Date

_____ _____
Signature of Project Owner's Engineer Date

NOTE: It is highly recommended the Project Construction Manager certifies this form; however, an alternate Construction Manager or the project Owner's Engineer may sign this form on behalf of the project CM.

APPENDIX G

STORMWATER CONSTRUCTION SITE INSPECTION REPORT

&

BI-WEEKLY STORM WATER MEETING FORM

Stormwater Construction Site Inspection Report

General Information			
Project Name			
Location of Project			
Date of Inspection		**Time**	
City NOI #			
Consultant Contact			
Inspector's Name			
Inspector's Phone		**Email**	
Describe the current phase of construction			
Location of Erosion Control Plans and other SWPPP documents			
Erosion Control Plan up-to-date?		❑Yes ❑No	

Type of Inspection:
❑ Regular ❑ Pre-storm event ❑ During storm event ❑ Post-storm event ❑ Winter

Weather Information

Has there been a storm event since the last inspection? ❑Yes ❑No
If yes, provide:
Storm Start Date & Time: Storm Duration (hrs): Approx. Amount of Precipitation (in):

Weather at time of this inspection?
❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds
❑ Other: Temperature:

	BMP/activity	Implemented	Maintenance Required	Corrective Action Needed and Location; Additional Remarks
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No	❑Yes ❑No	

8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	
12	Is dust associated with construction activity adequately controlled?	❑Yes ❑No	❑Yes ❑No	
13	Is SWPPP Board on site and up to date?	❑Yes ❑No	❑Yes ❑No	
14	(Other)	❑Yes ❑No	❑Yes ❑No	

BASINS How many temporary sediment basins are on this site? _____
Are any temporary sediment basins at 50% capacity? _____
Have temporary riser pipes been properly installed? _____
How many post construction basins are on this site? _____
Are the inlet/outlet structures properly protected? _____

SEEDING Have any disturbed areas been inactive for 14 days or longer? ❑Yes ❑No
Temp seeding is needed in the following locations _____
Permanent seeding and/or sod is needed in the following locations _____

Have any adjacent landowners and/or neighbors had issues with the construction activities since last inspection? Are there any incidents of non-compliance not described above?

CERTIFICATION 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."

Inspectors Signature: _____ **Date:** _____

Bi-weekly Storm Water Meeting Review and Comment Form

Gallery 23 East Development

Project Construction Manager: _____ Date and Time: _____

Others Present: NAME TITLE COMPANY

Installation/Removal of BMPs (include subcontractors performing the activities): _____

BMP Maintenance and Repair (include subcontractors performing the activities): _____

Non-effective BMPs: _____

Efforts to mitigate or correct non-effective BMPs: _____

Statuses of staging area, storage, borrow, fill, concrete wash-out, and exit: _____

Upcoming activities: _____

Modifications or additions to SWPPP or project phasing: _____

Findings, Conclusions & Additional Information: _____

APPENDIX H

SPILL REPORT FORM

NOTES to Contractor:

1) Contact the appropriate regulatory agency if the spill exceeds the applicable reportable quantity.
2) Complete this form in full for each spill that exceeds 1-gallon or exceeds the reportable quantity for the Governing Agency.
3) Transfer spill information to the Bi-weekly report and resolve as appropriate.

Spill Report Form

Gallery 23 East Development

Spill Reported by: _____

Date/Time Spill: _____

Describe spill location and events leading to spill: _____

_____

Material spilled: _____

Source of spill: _____

Amount spilled: _____ Amount spilled to waterway: _____

Containment or clean up action: _____

_____

Approximate depth of soil excavation: _____

List Injuries or Personal Contamination: _____

Action to be taken to prevent future spills: _____

_____

Modifications to the SWPPP necessary due to this spill: _____

_____

Agencies notified of the spill: _____

_____

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 gather and evaluate 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 Construction Manager Date

IMMEDIATELY COMPLETE IF THE SPILL EXCEEDS 1-GALLON or EXCEEDS THE REPORTABLE QUANTITY FOR THE GOVERNING AGENCY.
SEE SECTION V, PART B.9. OF THE SWPPP TO DETERMINE THE REPORTABLE QUANTITY FOR GOVERNING AGENCY.

APPENDIX I

NOTICE OF TERMINATION (NOT)

Nebraska Department of Environmental Quality

Construction Storm Water Notice of Termination (CSW-NOT)

1. Termination Prerequisites

a. Have the **final stabilization** requirements been met on the entire site? [See Part III.M]; **YES** **NO**

b. Has the entire **Construction Activity** been transferred to another **operator/permittee** who has received authorization under the conditions of a **NPDES** permit for **Storm Water** runoff? [See Part V] **OR** has coverage under an alternative NPDES permit been obtained by the same **operator/permittee**? **YES** **NO**

What is the alternative **NPDES** Permit Number? NER___ ___ ___ ___ ___

*If any of the termination prerequisite questions are answered **Yes**, complete the remaining **NOT** form.*

Construction Storm Water – Notice of Termination (CSW - NOT)

2. Project Information

NPDES General Permit Number: **NER110000** Permit **Authorization Number: NER_____**

Project Name (from original **CSW-NOI**): _____

3. Signature

*The appropriate individuals must sign information submitted on this **CSW-NOT** form as required in **NPDES** General Permit NER110000 Part VI.D.6 or the authorization will not be terminated.*

_____ _____

Certifying Official Signature Date

_____

Print **Certifying Official** Signature

Submit this form to:

Water Quality Division
Storm Water
Suite 400, The Atrium
1200 'N' Street
PO Box 98922
Lincoln NE 68509-8922
Telephone. 402/471-4220
Fax: 402/471-2909

Construction Storm Water Notice of Termination (CWS-NOT)

Four copies of the Notice of Termination (NOT) must be completed for the SWPPP specifications when construction activities that disturb site soil have been completed and the site has achieved final stabilization. One copy shall be forwarded to each of the following:

Gallery 23 East LLC
RE: Michael Cosentino
4245 S 192nd St.
Omaha, NE 68135
Phone: 402-250-2001

Olsson Associates
601 P Street, Suite 200
PO Box 84608
Lincoln NE 68508
Phone: 402-474-6311
Fax: 402-474-5160

Department of Environmental Quality
Water Quality Division
Suite 400 The Atrium
1200 N Street PO Box 98922
Lincoln NE 68509-8922
Phone: 402-471-2186

APPENDIX J

RECORD OF STABILIZATION AND CONSTRUCTION ACTIVITY DATES

NOTE to Contractor:

The Contractor shall complete at least 1-page of stabilization and grading activities for each month of active construction.

Site Stabilization and Construction Activity Dates

A record of dates when BMPs are installed or removed, stabilization measures are initiated, major grading activities occur, and construction activities temporarily or permanently cease on a portion of the site shall be maintained until final site stabilization is achieved and the Notice of Termination (NOT) is filed. This form must be updated continuously throughout the project until the NOT is filed.

MAJOR STABILIZATION AND GRADING ACTIVITIES

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

Description of Activity:_______________________________ ____
Site Contractor: _________________________ Begin (date): ______________ End(date):_______________
Location:____

APPENDIX K

FEDERAL, STATE, OR LOCAL STORM WATER OR OTHER ENVIRONMENTAL INSPECTOR SITE VISIT LOG

Federal, State, or Local Storm Water or other Environmental Inspector Site Visit Log

Inspectors Name: _____ Agency: _____

Contractors Representative Present: _____

Others Present: _____

Comments: _____

Time and Date: _____ Report Prepared: Yes No

Inspectors Name: _____ Agency: _____

Contractors Representative Present: _____

Others Present: _____

Comments: _____

Time and Date: _____ Report Prepared: Yes No

Inspectors Name: _____ Agency: _____

Contractors Representative Present: _____

Others Present: _____

Comments: _____

Time and Date: _____ Report Prepared: Yes No

Applicant (Cognizant Official) and Owner's Engineer must be contacted at the conclusion of any agency inspection of the site. Caller must provide as a minimum the date, inspection beginning and completion times, inspecting agency, agency inspector name, all contractor representative names, and a brief summary of any comments, observations or deficiencies noted during the inspection.

APPENDIX L

MATERIAL CERTIFICATION STATEMENT

The Contractor shall coordinate completion of the following forms, as applicable, found in this Appendix:

1) Material Storage, Borrow or Disposal Manifest

The Contractor shall also complete and keep current the Off-site Material information box on the project Site Maps.

Material Storage, Borrow, or Disposal Manifest To or From Sites Outside of Permitted Limits of Disturbance

Project #:
Location:
Contractor:
Storm Water Contact (name & phone #):

	Material Storage, Borrow, Or Disposal Area Information
Name Of Facility Material Is Being Transferred To Or From	
Address	
Facility Contact Name And Title Mailing Address Phone	
General Description Of Storage, Borrow, Or Disposal (E.G., Top Soil / Clay/ Sand / Rock)	

1) Who will responsible for transporting the material? Provide contact information
_____

2) Dates of storage, borrow, or disposal
Start date _____
End date _____

3) Material provided to site - total quantity estimate (cu-yd)
_____

Or

Material accepted from site - total quantity estimate (cu-ad)
_____

4) The storage, borrow, or disposal site is:

active construction site? ☐
industrial facility (e.g., mining)? ☐
under active agricultural production? ☐
Other (describe) _____

5) Area of the storage, borrow, or disposal site? (ac)
Total _____
Disturbed _____

APPENDIX M

SITE-SPECIFIC PERMITS, DESIGN CALCULATIONS AND RELATED INFORMATION INCLUDING NON-NPDES STORM WATER PERMITS, 404 PERMITS, ENDANGERED SPECIES INFORMATION, ENVIRONMENTAL SITE ASSESSMENTS, ETC.

Nebraska Department of Environmental Quality

Reserved for NDEQ use only

THREATENED & ENDANGERED SPECIES
Guidance Checklist for
NPDES Construction Storm Water General Permit
#NER110000

***** Disclaimer: This checklist was developed for guidance purposes only in an effort to assist Construction Storm Water permit applicants to identify potential locations of threatened and endangered species. Completion of this checklist is not a requirement for permit authorization and is not intended to be used as a substitute for a professional environmental review. The use of this form does not relieve the permittee from further review or enforcement action by the Department of Environmental Quality (NDEQ) or Nebraska Game and Parks Commission (NG&PC).**

Section I

1. For projects not located in Lancaster County: Is the project located outside of designated city limits? ☒ No ☐ Yes
2. For projects located in Lancaster County: Does the project discharge storm water to Salt Creek, Little Salt Creek or Rock Creek? *If project is not in Lancaster County check **No**.* ☒ No ☐ Yes
3. For all projects: Is this project located in mature oak woodlands within 5 miles of the Missouri River in the area stretching from the Kansas border to Ponca? ☒ No ☐ Yes
4. For all projects: Is this project within 0.25 miles of a *stream of concern* or does it discharge to an stream of concern? (See *Attached Stream Map*) ☒ No ☐ Yes
5. For projects located within the distribution of the American Burying Beetle (See *Attached Map*): Is the project located on potential habitat*? *If it is not within the American Burying Beetle distribution, check **No**.* ☒ No ☐ Yes

   ** Potential habitat constitutes land which has not been previously disturbed, typically by crop agriculture, and land not located within city limits.*

- *If you answered **No** to all questions in Section I, a NDEQ and NG&PC review may not be needed (see disclaimer above). Include this form with your SWPPP documentation.*
- *If you answered **YES** to only question 1, complete Section II.*
- *If you answered **YES** to any of questions 2 thru 5 in Section I, consultation with NDEQ & NG&PC is necessary (Section III).*

Section II

1. Will project construction take place between April 1 and May 10 or October 1 and November 15 in the following locations? ☐ No ☐ Yes
   - In non-urban areas within 3 miles of the Platte, Loup, Middle Loup, North Loup or Niobrara Rivers; or
   - In non-urban areas within 1 mile of a wetland within the Primary Whooping Crane Use area.
2. Will project construction take place between April 1 and June 15 in the following locations? ☐ No ☐ Yes
   - A wheat field or heavily grazed prairie in
     - Kimball County; or
     - Banner County (south of Harrisburg); or
     - Cheyenne County (west of Sidney).
3. Will project construction take place between April 15 and September 15 within 0.25 miles of rivers at the following locations? ☐ No ☐ Yes
   - The Lower Platte River from Columbus to Plattsmouth; or
   - The Missouri River from where it joins the Nebraska/South Dakota state border to Ponca; or
   - The Loup River between St. Paul and Columbus; or
   - The Niobrara River between Springview and where the Missouri and Niobrara Rivers converge.
4. Will project construction take place between April 15 and September 15 in the following locations? ☐ No ☐ Yes
   - An active or recently active sand and gravel operation with bare sand substrate located within 5 miles of the Platte, Loup, South Loup, Middle Loup, North Loup, Niobrara, Elkhorn, or Missouri Rivers.
5. Is the project construction on a non-crop, non-urban site in Pawnee County (west of Pawnee City), Johnson County or Gage County (south of Beatrice)? ☐ No ☐ Yes
6. Is the project construction within 1 mile of the North Platte, Platte, Little Nemaha, Cedar, Loup, South Loup, North Loup, Calamus, Niobrara, Elkhorn Rivers, or Lodgepole Creek from Kimball to the Wyoming State line? ☐ No ☐ Yes
7. Is the project construction on a non-crop, non-urban site in the Swift Fox distribution area? (See *Attached Distribution Map*) ☐ No ☐ Yes
8. Will the project construction impact open active sandy blowouts in Cherry County, the south east quarter of Sheridan County, or the north half of Thomas, Hooker or Grant Counties? ☐ No ☐ Yes
9. Is the project construction within 0.5 miles of the Niobrara River from Highway 29 to the Wyoming state line? ☐ No ☐ Yes
10. Will the project construction impact wet meadows in the Orchid distribution area? (See *Attached Distribution Map*) ☐ No ☐ Yes

♦ *If you answered **No** to all questions in Section II, a NDEQ and NG&PC review may not be needed (see disclaimer above). Include this form with your SWPPP documentation.*

- *If you answered **YES** to any of questions in Section II, consultation with NDEQ & NG&PC is necessary (Section III).*

Section III

- *If you answered Yes to any of the questions in Section I or II, Please complete the information in this section and submit the information to NDEQ.*
- *Questions regarding use of this form may be directed to NDEQ staff at (402) 471-8330.*
- *Questions regarding specific items in Section I or II may be directed to NG&PC staff at (402)471-5444.*

Applicant Information

Project Name: Gallery 23 East County: Dodge
Physical Address: Southeast Corner of Hwy 275 and Hwy 30 Date: 11.1.2017
Legal Description: _____ (Q), Section _____, Township _____N, Range ____ (E or W)
Latitude: _____ Longitude: _____ Method:_____
Project Contact: _____Telephone: _____
Email: _____

Type of Construction: ☐ Residential ☐ Commercial ☐ Industrial ☐ Linear
☐ Livestock ☐ Other_____

Size of Construction Area: _____ acres Size of Borrow Area: _____ acres
Current Land Use: _____

Description of Project: *Description should include the general project description. A second page should be used if necessary.*

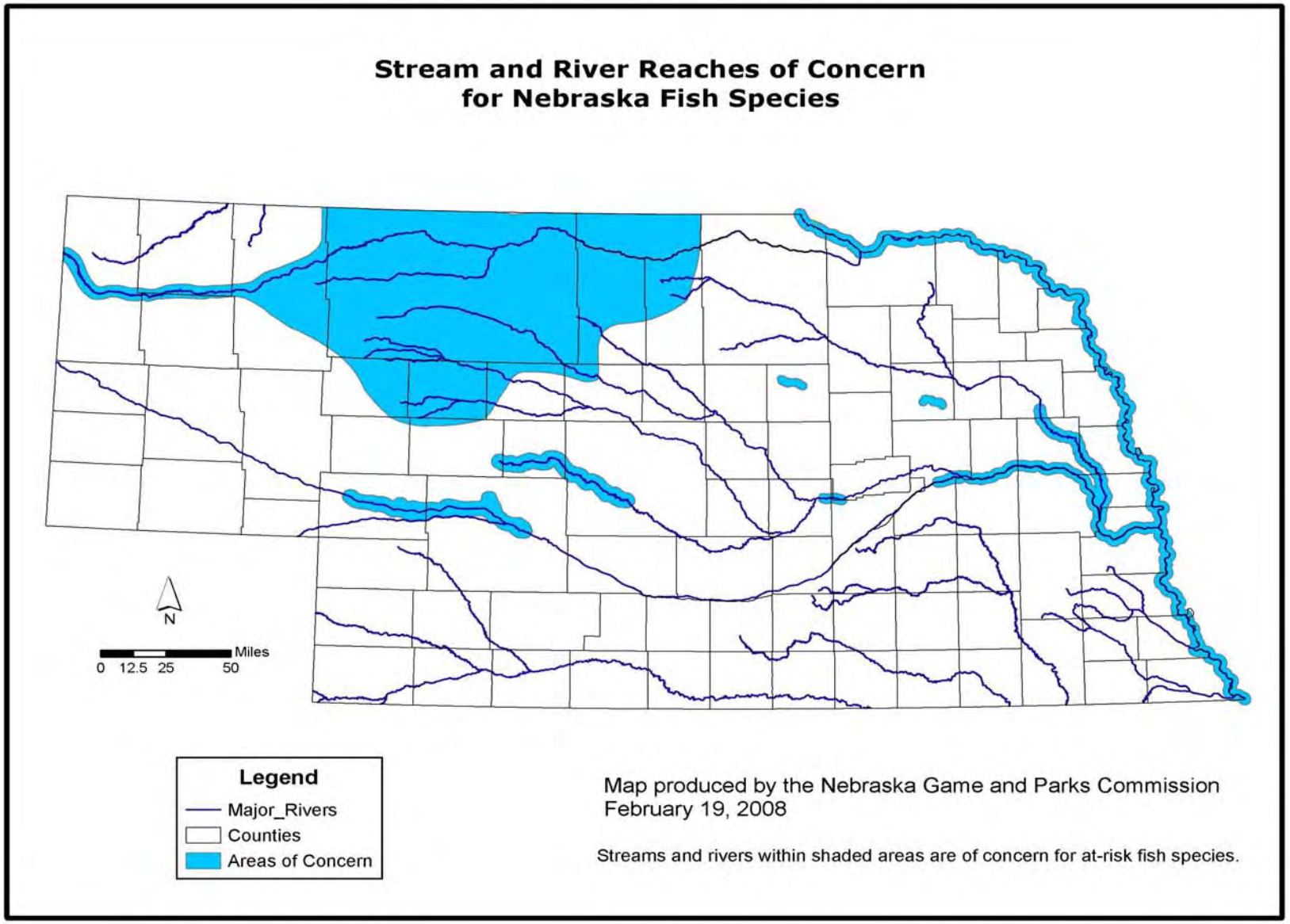
Map of Project Area: *Topographic and/or aerial maps with the specific project area delineated are encouraged as this will expedite processing time.*

NDEQ:

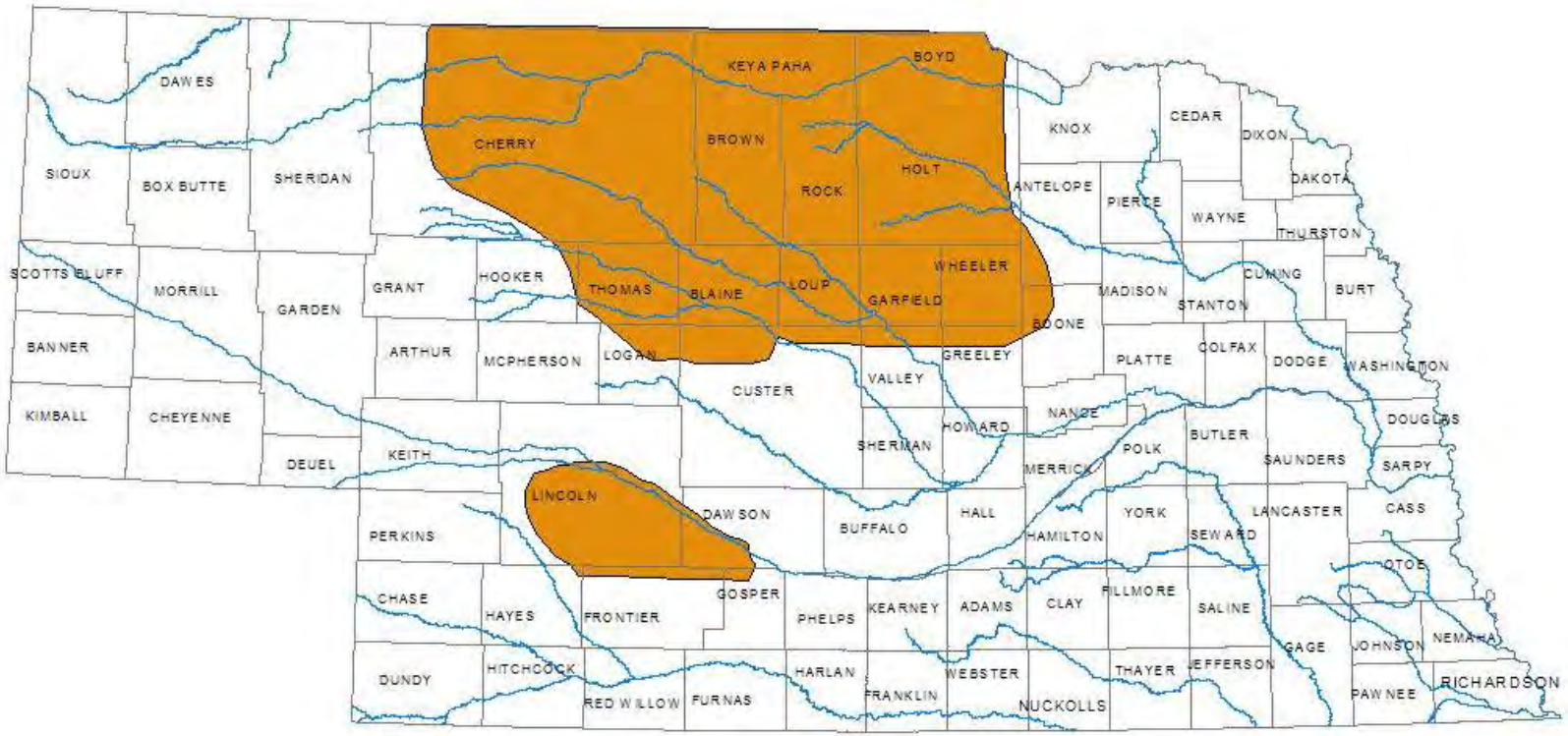
Water Quality Division
Storm Water
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, NE 68509-8922
(402) 471-8330

NG&PC:

Nebraska Game & Parks Commission
Environmental Analyst Supervisor, Heritage Division
2200 North 33rd Street
P.O. Box 30370
Lincoln, NE 68508-2707
(402) 471-5444

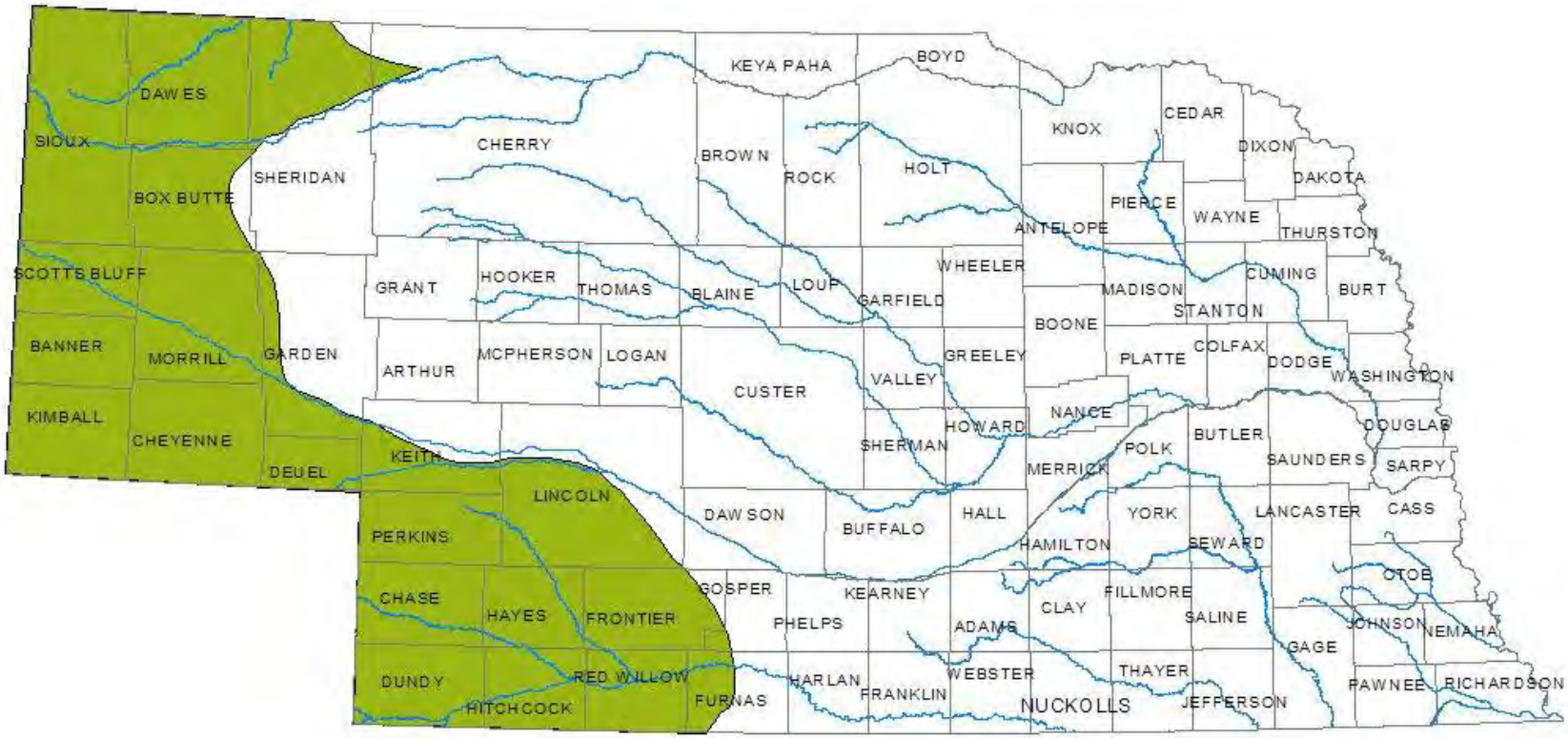

Stream and River Reaches of Concern
for Nebraska Fish Species
N
Miles
0 12.5 25 50
Legend
Major_Rivers
Counties
Areas of Concern
Map produced by the Nebraska Game and Parks Commission
February 19, 2008
Streams and rivers within shaded areas are of concern for at-risk fish species.

American Burying Beetle Distribution



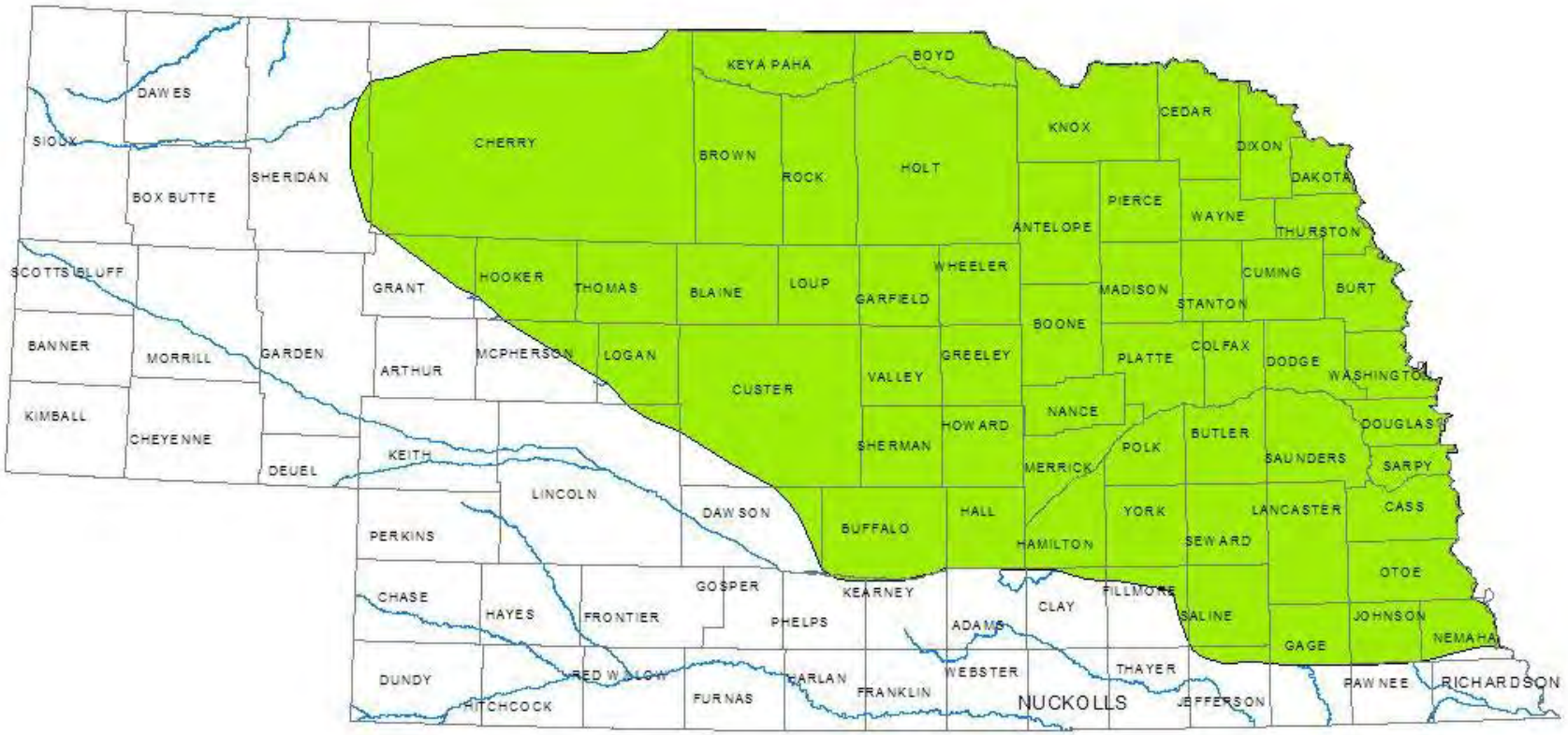
Nebraska Game and Parks Commission 2008

Swift Fox Distribution



Nebraska Game and Parks Commission 2008

Orchid Distribution



Nebraska Game and Parks Commission 2008

APPENDIX N

GENERAL PERMIT

STATE OF NEBRASKA

Pete Ricketts
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY
Jim Macy
Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402)471-2909
website: http://deq.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

Shelley Schneider
Water Permits Division Administrator

Table of Contents

The first occurrence of terms are written in **BOLDFACE** and *are defined in this permit in Part VII - Definitions*

Part I. Coverage Under this Permit

A. Introduction

This permit is required and shall apply to **storm water** or non-storm water discharges associated with **construction activity** that causes land disturbance of equal to or greater than one acre and less than one acre if the construction activity is part of a **common plan of development or sale**. All references in this permit to construction activity shall be read to include both **large construction activity** and **small construction activity**. This permit authorizes the discharge of storm water from **construction activity** entering **Waters of the State**, a **municipal separate storm sewer system (MS4)**, or a **combined sewer system (CSO)** within the State of Nebraska. Discharges are subject to the specific terms and conditions in this permit.

This permit also authorizes storm water discharges from any other construction activities designated by the **Director** because of concern that they may produce an excursion to water quality standards or contribute to a significant pollution discharge to Waters of the State. The Director may authorize permit coverage in these circumstances with the intent of reducing or eliminating storm water pollution from the construction activity by requiring implementation of effective pollution control measures or practices.

B. Permit Area

This permit provides **coverage** for construction and **support activity** throughout the State of Nebraska excluding tribal land within the State of Nebraska and as per limitations in Part I.C.4 of this permit.

C. Eligibility

Permit eligibility is limited to discharges from construction activity as defined in Part VII of this permit or as otherwise designated by the Director. This general permit contains eligibility restrictions, as well as permit conditions and requirements. These eligibility provisions must be continued to be satisfied to maintain permit authorization. If the **permittee** does not meet the requirements that are a precondition to eligibility, then resulting discharges constitute unpermitted discharges. Conversely, if the permittee does not comply with the requirements of the general permit, the permittee may be in violation of the general permit for otherwise eligible discharges.

1. Allowable Storm Water Discharges

Subject to compliance with the terms and conditions of this permit, the permittee is authorized to discharge pollutants in:

a. Storm water associated with large and small construction activity as defined in Part VII;
b. Storm water discharges designated by the Director requiring a storm water permit under NDEQ Title 119, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System (NPDES)* Chapter 2.002.06E.
c. Part I.C.1.a and Part I.C.1.b allowable discharges commingled with an authorized discharge by a different **NPDES** permit and/or a discharge that does not require NPDES permit authorization; and
d. Storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas, etc.) provided:
    1) The support activity is directly related to the construction site required to have NPDES permit coverage for discharges of storm water associated with construction activity;
    2) The support activity is not a commercial operation serving multiple unrelated construction projects by different **operators**, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
    3) Appropriate controls and measures are identified in a **Storm Water Pollution Prevention Plan (SWPPP)** covering discharges from the support activity areas.

2. Allowable Non-Storm Water Discharges

The permittee is authorized for the following:

a. Discharges from firefighting activities;
b. Fire hydrant flushings;
c. Water used to wash vehicles where detergents are not used;

d. Water used to control dust;
e. Potable water including uncontaminated water line flushings;
f. Routine external building wash down that does not use detergents;
g. Pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been recovered) and where detergents are not used;
h. Uncontaminated air conditioning or compressor condensate;
i. Uncontaminated groundwater or spring water;
j. Foundation or footing drains where flows are not contaminated with process materials such as solvent; and
k. Landscape irrigation.

3. Prohibited Non-Storm Water Discharges

The permittee is prohibited for discharging the following:

a. Wastewater from the washout of concrete, unless managed by appropriate control;
b. Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
c. Fuels, oils, and other pollutants used in vehicle and equipment operation and maintenance; and
d. Soaps or solvents used in vehicle equipment washing.

4. Limitations on Coverage

This permit does not authorize the following storm water runoff conditions and may be the basis for denial or termination of authorization under this general permit. The Department shall be consulted prior to the permittee's submission of the construction storm water Notice of Intent **CSW-NOI** if any of the following conditions apply:

a. This permit does not authorize post-construction discharges that originate from the site after construction activities have been completed and the site has achieved **final stabilization** including activities at temporary support sites. Post-construction storm water discharges from industrial sites may need to be covered by a separate NPDES permit;
b. This permit does not authorize discharges mixed with non-storm water. This exclusion does not apply to discharges identified in Part I.C.2 provided the discharges are in compliance with Part III.D.
c. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual NPDES permit or required to obtain coverage under an alternative general permit in accordance with Part IV.A;
d. This permit does not authorize discharges that the Director, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality or groundwater quality standards. Where such a determination is made prior to authorization, the NDEQ may notify the permittee that an individual application is necessary in accordance with Part IV.A. However, the NDEQ may authorize coverage under this permit after the permittee has included appropriate controls and implementation procedures in the SWPPP designed to bring the site discharge into compliance with water quality standards;
e. Storm water runoff from construction activity within the limits of an Indian lands under the jurisdiction of the United States Government, dependent Indian communities within the borders of the United States, or other Indian allotments;
f. Non-point source agricultural and **silvicultural discharges**;
g. Storm water effluent guidelines limitations apply to;
    1) Those from an operating landfill;
    2) Storm water runoff that may adversely impact critical habitat of aquatic related, threatened, or endangered species as designated by Nebraska Game and Parks Commission or the U.S. Fish and Wildlife Service.
    3) Storm water runoff that may adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites; or
    4) Those that the Director determines would be more effectively regulated with a site-specific, area-specific, or a basin-specific permit.

5. **Period of Coverage**

   a. This permit is effective for five (5) years from the issue date.
   b. Coverage shall commence at the time discharge authorization is granted and shall continue for a period lasting up to 180 days after final stabilization and **Notice of Termination** is received for the site.
   c. The permittee shall be responsible for ensuring that final stabilization is accomplished on all non-**impervious surfaces** of the authorized construction site prior to submitting form **CSW-NOT**.
   d. Coverage under this permit is normally terminated 180 calendar days after:
      1) All soil disturbing construction activity has been completed;
      2) 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 (such as riprap, gabions, and geotextiles) measures have been employed;
      3) All permanent drainages, constructed to drain water from the site, has been stabilized to prevent erosion;
      4) All **temporary erosion protection** and sediment control BMPs have been removed without compromising the permanent erosion protection and sediment control BMPs;
      5) All sediment build-up has been removed from conveyances and basins that are to be used as permanent water quality management BMPs. The cleanout of permanent basins used as temporary BMPs during construction shall be sufficient to return the basin to design capacity;
      6) Responsibility for long-term maintenance of permanent BMPs have been assigned;
      7) Construction activity conducted on or through agricultural or silvicultural land shall be considered finally stabilized upon return to the preexisting agriculture or silviculture use; and
      8) Construction activity conducted at new or industrial facilities that will operate the site in an exposed manner (such as limestone mining and solid waste landfills) shall be considered finally stabilized upon commencement of industrial activity consistent with the industrial use and coverage under the appropriate NPDES permit for industrial storm water.
   e. The Director can extend coverage under the permit beyond the time period specified in this section if excessive erosion problems remain at the site.

Part II. Authorization for Discharges of Storm Water from Construction Activity

A complete and accurate construction storm water Notice of Intent (CSW-NOI), as described in this Part II, must be submitted to NDEQ for coverage under the general permit. Discharges are not authorized if the CSW-NOI is incomplete, inaccurate, or ineligible for coverage under the permit.

A. Authorization to Discharge Date

1. The Department will confirm all authorized permits. However, the permittee is authorized to discharge storm water from construction activities under the terms and conditions of the general permit seven (7) calendar days after submittal to the NDEQ of a complete and accurate CSW-NOI (e.g., seven (7) days from date of submittal), except as noted in Part II.A.2.
2. The Director may delay authorization based on eligibility considerations of Part I.C. In these instances, the permittee is not authorized to discharge until reception of notice from NDEQ that the project activities are eligible for coverage under the permit.

B. CSW Notice of Intent Contents

The permittee should use the CSW-NOI form provided on the NDEQ website. The permittee must provide the following information on the CSW-NOI form:

1. Project/site name, address, county or similar governmental subdivision, and latitude/longitude or legal description of the construction project or site;
2. The **certifying official's** legal name, company, address, email, and phone number;
3. The SWPPP designer's name, company, address, email, and phone number;
4. The location where the applicable SWPPP may be viewed;

5. A site map as described in Part III.B.1.d of this permit;
6. Name of the water(s) of the state into which your site discharges;
7. Estimated dates of commencement of construction activity and final stabilization (e.g., project start and completion dates);
8. Total acreage (to the nearest quarter-acre) to be disturbed for which the permittee is requesting permit coverage;
9. Any state or federally-listed threatened or endangered species, or state or federally designated critical habitat in the project area to be covered by this permit;
10. A certification statement, signed and dated by a certifying official as defined in Part VI.D.6.

C. Submission Deadlines

1. New Projects: The permittee must submit a complete and accurate CSW-NOI and be authorized consistent with Part II.A.1 prior to commencement of construction activities.
2. Ongoing Projects Currently Permitted under the CSW-2008 General Permit: If the permittee wishes to continue coverage under the CSW-2008 general permit:
   a. Submit a CSW-NOI, available on the NDEQ website, within 180 days of the issuance date of the new general permit; and
   b. Until the permittee is authorized under the new general permit consistent with Part II.A, comply with the terms and conditions of the CSW-2008 general permit under which the permittee is currently authorized.
   c. If the permittee meets the termination of coverage requirements in accordance with Part V.A within 180 days of the issuance date of the new general permit such as construction activities that will have achieved final stabilization, the permittee must:
      1) Submit a CSW-NOT using the form provided on the NDEQ website; and
      2) Until coverage is no longer required, comply with the terms and conditions of the CSW-2008 general permit.
3. Late Notifications: When a late CSW-NOI is submitted for discharges otherwise consistent with Part II.A, the Department reserves the right to take enforcement action for any unpermitted discharges that occur between the commencement of construction and discharge authorization. Such discharges may have occurred during initiating clearing, grading, excavation activities, or other construction activities.

D. Additional Requirements

1. The Department may request additional information from the source:
   a. To facilitate the review of the CSW-NOI;
   b. To finalize a determination related to the granting of a discharge authorization; or
   c. To determine when a site-specific, area-specific, or basin-specific permit application may be required.
2. When storm water is discharged through municipal separate storm sewer systems (MS4s), applicants shall submit a copy of their CSW-NOI and approval letter to the operator of the municipal separate storm sewer system through which they discharge, prior to commencement of construction. Appendix B has a listing of those municipalities that are permitted under the Municipal Separate Storm Sewer System program.
3. Other governmental agencies (e.g., U.S. Army Corps of Engineers, Local City/State Government, or the local Natural Resource District) may have additional notification requirements. Submittal of the NPDES form CSW-NOI does not relieve the applicant of responsibility to comply with the requirements of other government agencies.

Part III. Storm Water Pollution Prevention Plans (SWPPP)

A. Storm Water Pollution Prevention Plan Framework

1. A SWPPP must be prepared prior to submission of a CSW-NOI as required in Part II.B. The SWPPP must be prepared by **qualified personnel**.
2. The SWPPP must:

a. Identify all potential sources of pollution with may reasonably be expected to affect the quality of storm water discharges from the construction site;
b. Minimize erosion on disturbed areas and minimize the discharge of sediment and other pollutants in storm water runoff;
c. Describe controls to be used to reduce pollutants in storm water discharges from the construction site; and
d. Assure compliance with the terms and conditions of this permit.

3. Once a definable area has achieved final stabilization, the permittee may mark on the SWPPP site plan map that no further SWPPP requirements apply to that portion of the site. For example, when earth-disturbing activities around one of three buildings in a complex is completed and the area is finally stabilized, or one mile of a roadway or pipeline project is done and finally stabilized, etc.
4. The permittee must implement the SWPPP and modifications to the SWPPP from commencement of construction activity until final stabilization is complete.

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 disturbs 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.

C. Storm Water Pollution Prevention Plan to Eliminate or Minimize Pollution

The SWPPP must include a description of all pollution control measures (e.g., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. BMPS and work practices should follow the requirements set forth in 40 CFR Part 450. Each major activity identified in the project description of the SWPPP must clearly describe the planned controls and the general sequence during the construction process in which the measures will be implemented. The SWPPP must include:

1. A description of interim and permanent stabilization practices for the site including a schedule of when the measures and practices will be implemented.
2. A description of all temporary construction storm water management measures that retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the construction site.
3. A description of all post-construction storm water management measures that retain/detain flows or otherwise limit runoff and the discharge of pollutants.

4. A description of the controls to be used to prevent the following prohibited discharges:
   a. Wastewater from washout of concrete, unless managed by an appropriate control implemented according to industry standards;
   b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control implemented according to industry standards;
   c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
   d. Soaps, solvents, or detergents used in vehicle and equipment washing; and
   e. Toxic or hazardous substances from a spill or other release.
5. A description of measures to minimize, to the extent practicable, vehicle tracking of sediments offsite onto paved surfaces and the generation of dust. The following must be included with this requirement:
   a. Restrict vehicle use to properly designated exit points. If designated exit points are modified or added to the site, update SWPPP accordingly;
   b. Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;
   c. Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and
   d. Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, the deposited sediment must be removed by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day.
6. A description of construction materials, products and waste materials expected to be stored at the construction site or supporting areas. The description to include controls and storage practices to minimize exposure of the materials to storm water and storm water runoff.
7. If fueling and/or maintenance of equipment or vehicles at the construction site or supporting areas, an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area must be implemented by at minimum:
   a. Ensuring adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
   b. Using drip pans and absorbents under or around leaky vehicles;
   c. Disposing of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
   d. Cleaning up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
   e. Not cleaning surfaces by hosing the area down.
8. **Spill prevention control and countermeasure plan (SPCC)**, if facility possesses an SPCC plan.
9. A description of potential pollutant sources and the controls and measures to be implemented at supporting areas of the construction site such as dedicated asphalt plants or dedicated concrete plants.
10. A description of controls for discharges from stockpiled sediment or soil.
11. A description of controls to minimize dust through appropriate water or other dust suppression techniques.

D. Non-Storm Water Discharge Management

The SWPPP must identify all allowable sources of non-storm water discharges listed in Part I.C.2 of this permit, except for flows from firefighting activities that are combined with storm water discharges associated with construction activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

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.

3. Soil stabilization of disturbed areas must, at a minimum, be initiated immediately, unless infeasible. Stabilization is required when any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
4. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
5. Design, installation, implementation, and maintenance of effective pollution prevention measures shall at the minimum:
   a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
   b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use); and
   c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
6. When a site is discharging from basins and impoundments, the site must utilize outlet structures that withdraw water from the surface, unless infeasible.

F. Maintenance of Control BMPs

1. Stabilization measures must be initiated as soon as practicable but no later than fourteen (14) days in portions of the construction site that have temporarily or permanently ceased except as provided below:
   a. Where snow or frozen ground conditions preclude stabilization within 14 days;
   b. When earth disturbing construction activities will resume within 14 days;
   c. When perennial vegetative stabilization measures are not possible within 14 days due to semiarid climates or drought stricken conditions; or
   d. When storm runoff velocity dissipation features have yet to be installed along the length of an **outfall** channel that would protect natural physical and biological characteristics and functions such as the hydrological regime of the **receiving water**.
2. Installation of stabilization measures must be completed within 14 days.
3. Preserve topsoil where practicable.
4. Minimize soil compaction after final vegetative stabilization has begun.

5. Minimize the disturbance of steep slopes to prevent erosion and implement controls as needed for disturbed slopes.
6. Contaminated or turbid groundwater, accumulated storm water, or non-storm water may not be discharged unless such waters are effectively managed by effective controls.
7. When sediment escapes the construction site boundaries, the offsite accumulations must be removed promptly to minimize the disturbance. In addition, the erosion controls for that portion of the project must be reviewed for adequacy of design and/or implementation to prevent reoccurrence with updates or modifications to the SWPPP as appropriate.
8. Temporary Construction Control BMPs
   a. All temporary control measures must be properly selected, installed, and maintained in accordance with relevant manufacturer specifications, good engineering practices, and applicable federal, state, and local requirements.
   b. If periodic inspections or other information indicates a control has been installed incorrectly or if the control implemented as planned is ineffective, the operator must either correct the deficiencies of the existing control or modify that portion of the SWPPP plan and implement effective controls as soon as practicable. See Part III.J for site inspection requirements.
   c. Corrective actions must be completed within seven (7) days or before the next storm event whichever is practicable.
   d. If corrective actions before the next storm event is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.
   e. Sediment from sediment traps or sedimentation ponds must be removed when design capacity has been reduced by 50 percent.
9. Permanent Post-Construction Controls (Permanent BMPs)
   a. All permanent control measures must be properly selected, installed, and maintained in accordance with relevant manufacturer specifications, good engineering practices and applicable federal, state, and local requirements.
   b. Permanent post-construction BMPs put into service during construction activities must be maintained the same as temporary construction control BMPs by the operator during construction.
   c. Groundwater infiltration must be considered a priority BMP unless recharge will impair highest beneficial use of groundwater or discharge to a designated waterbody is preferable.

G. Permit Eligibility Related to Endangered Species

The SWPPP must include documentation supporting a determination of permit eligibility with regard to endangered species including:

1. Information on whether state or federally-listed endangered or threatened species, or designated critical habitat may be in the project area;
2. Whether such species or critical habitat may be adversely affected by storm water discharges or storm water discharge-related activities from the project;
3. Any correspondence for any stage of project planning between the U.S. Fish and Wildlife Service (FWS), Nebraska Game and Parks Commission (NGPC), EPA, NDEQ, or others and the permittee regarding listed species and critical habitat, including any notification that delays the authorization to discharge under this permit;
4. A description of measures necessary to protect state and federally-listed endangered or threatened species, or state and federally designated critical habitat. The permittee must describe and implement such measures to be eligible for coverage under this permit. This description does not relieve permittee of responsibilities under the Federal Endangered Species Act or Nebraska Nongame and Endangered Species Conservation Act.

H. SWPPP Accompanying Documents

A copy of the signed and certified CSW-NOI and NDEQ's approval letter notifying the permittee that the CSW-NOI is administratively complete must accompany the SWPPP once available.

I. Applicable State or Local Requirements

The SWPPP must be consistent with all applicable federal, state, or local requirements for erosion control and storm water management including updates to the SWPPP as necessary to reflect any revisions to applicable federal, state, or local requirements.

J. Inspections

1. Inspections must be conducted at least once every fourteen (14) calendar days, and within 24 hours of the end of a storm even of one-half (0.5) inches or greater. See Part III.F for actions and time frames required to address ineffective BMPs.
2. Inspection frequency may be reduced to at least once every month if:
   a. The entire site is temporarily stabilized;
   b. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen);
   c. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.
3. Inspections must be conducted by qualified personnel provided by the operator or cooperatively by multiple operators.
4. Representative inspections may be conducted on long narrow linear construction such as utility lines and pipelines construction projects when inspection vehicle access may increase the potential for erosion. In these circumstances, controls must be inspected at the permit specified frequency, and include a representational portion of the construction that extends a quarter (0.25) mile above and below access points not to exceed the reach of the project where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site.
5. The following areas at minimum must be inspected:
   a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization;
   b. All storm water controls installed at the site to comply with this permit;
   c. Material, waste, borrow, or equipment storage and maintenance areas covered by this permit that are managed by the owner and/or operator;
   d. All areas where storm water typically flows within the site, including drainage ways designed to divert, convey, and/or treat storm water;
   e. All points of discharge from the site, unless considered unsafe or inaccessible using the best professional judgment of the inspector; and
   f. All locations where stabilization measures have been implemented.
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.
7. A record of each inspection and of any actions taken must be retained as part of the SWPPP for at least three (3) years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify

any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Part VI.D.6 of this permit.

K. Maintaining an Updated Plan

1. The SWPPP, including the site map, must be amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to Waters of the State that has not been previously addressed in the SWPPP.
2. If during inspections or investigations by site staff, or by local, state, or federal officials, it is determined that the SWPPP is ineffective at eliminating or significantly minimizing pollutants in storm water discharges from the construction site, the SWPPP must be amended.
3. Revisions to the SWPPP to improve ineffective controls must be completed within seven (7) calendar days following the inspection. See Part III.E.7.d regarding correcting or modifying temporary construction controls.

L. Making Plans Available

1. A copy of the SWPPP, a copy of the CSW-NOI, and the letter from the NDEQ notifying the permittee of an approved CSW-NOI must be retained at the construction site or other locations easily accessible during normal business hours. The SWPPP must be made available upon request to federal, state, and local agencies, from the date of commencement of construction activities to the date of final stabilization. The SWPPP and corresponding documents may be posted online, but the construction site must have internet access.
2. A sign or other notice must be posted conspicuously near the entrance of the construction site. If displaying near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of a construction project (e.g. where a pipeline project crosses a public road). The sign or other notice must contain the following information:
   a. A copy of the completed CSW-NOI as submitted to the NDEQ; and
   b. A copy of the SWPPP, or, if the sign or notice does not contain a copy of the SWPPP, it must detail the name and telephone number of the contact person for obtaining access to the SWPPP, and the current location of the SWPPP. If the SWPPP is posted online, the sign must detail the website address, online location, or methodology to obtain the SWPPP.

Part IV. Special Conditions, Management Practices, Other Non-Numeric Limitations

A. Requiring an Individual Permit or an Alternative General Permit

1. The NDEQ may require the permittee to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested party may petition the NDEQ to take action under this paragraph. If the NDEQ requires the permittee to apply for an individual NPDES permit, the NDEQ will notify the permittee in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if the applicant is an existing permittee covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the permittee, coverage under this general permit will automatically terminate. Applications must be submitted to the NDEQ. The NDEQ may grant additional time to submit the application upon request. If the permittee is covered under this permit and fail to submit in a timely manner an individual NPDES permit application as required by the NDEQ, then the applicability of this permit is automatically terminated at the end of the day specified by the NDEQ as the deadline for application for submittal.
2. The permittee may request to be excluded from the coverage of this general permit by applying for an individual permit. In such a case, the permittee must submit an individual application in accordance with the requirements of NDEQ Title 119, with reasons supporting the request to the NDEQ. The request may

be granted by issuance of an individual permit or an alternative general permit if the submitted reasons are adequate to support the request.

3. When an individual NPDES permit is issued to the permittee, who are otherwise subject to this permit, or are authorized to discharge under an alternative NPDES general permit, the applicability of this permit is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If the permittee, who is otherwise subject to this permit, is denied an individual NPDES permit or an alternative NPDES general permit, the applicability of this permit is automatically terminated on the date of such denial, unless otherwise specified by the NDEQ.

B. Oil and Hazardous Substances/Spill Notification

Hazardous substances or oil must be prevented from contaminating storm water runoff. The SWPPP must contain a plan to prevent spills, minimize quantity released during spills, contain spills, cleanup and dispose of wastes from spills. If the facility has a SCPP plan, the SPCC will qualify. This permit does not authorize the discharge of hazardous substances or oil from an onsite spill. The permittee shall conform to the provisions set forth in NDEQ Title 126, *Rules and Regulations Pertaining to the Management of Wastes* and federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 relating to spills or other releases of oil or hazardous substances.

The permittee must notify the Department if the permittee knows, or has reason to believe, that a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under NDEQ Title 126, 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302.

1. The Permittee shall immediately notify the Department as soon as practicable of a reportable release of oil or hazardous substances. Notification shall be made to NDEQ at (402) 471-2186 or toll free (877) 253-2603 year round day or night.
2. If the NDEQ does not answer or is unavailable, the permittee shall report to the Nebraska State Patrol at (402) 471-4545 year round day or night. It shall be the permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.
3. All information known about the release at the time of discovery is to be reported, such as contact information, time of occurrence, quantity and type of material, location and any corrective or cleanup actions undertaken or in process.
4. NDEQ requires a final written report for all reportable releases of oil or hazardous substances. When a final written report is required, it must be submitted to NDEQ within 15 days of remedial action, or, if no remedial action occurs, within 15 days of the release. A final report shall contain, at a minimum, the following information:
   a. Date, time and duration of the release;
   b. Location of release;
   c. Person or persons causing and responsible for the release;
   d. Type and amount of oil or hazardous substance released;
   e. Cause of the release;
   f. Environmental damage caused by the release;
   g. Actions taken to respond, contain and clean up the release;
   h. Location and method of ultimate disposal of the oil or hazardous substance and other contaminated materials;
   i. Actions being taken to prevent a reoccurrence of the release;
   j. Any known or anticipated acute or chronic health risks associated with the release; and
   k. When appropriate, advice regarding medical attention necessary for exposed individuals.
5. The permittee must complete corrective actions as required under Part III.J within seven (7) calendar days of knowledge of the release to prevent reoccurrence of such a release.

C. Attainment of Water Quality Standards after Authorization

1. The permittee must select, install, implement, and maintain BMPs at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general except in

situations explained in this section, the SWPPP developed, implemented, and updated consistent with Part III is considered as stringent as necessary to ensure that the discharges do not cause or contribute to an excursion above any applicable water quality standard.

2. At any time after authorization, NDEQ may determine that site storm water discharges may cause or have reasonable potential to cause or contribute to an excursion above any applicable water quality standard. The reasonable potential to cause or contribute to an excursion will be determined by the Department using TMDL information, receiving stream parameters, and the best professional judgment of the permitting authority. If such a determination is made, the NDEQ will require the permittee to:
   a. Develop a supplemental BMP action plan describing SWPPP modifications in accordance with Part III to address adequately the identified water quality concerns;
   b. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
   c. Cease discharges of pollutants from construction activity, and submit an individual permit application according to Part IV.A.
3. All written responses required under this part must include a signed certification from the certifying official.

D. Discharges Affecting Endangered or Threatened Species

This permit does not replace or satisfy any review requirements for endangered or threatened species from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. The **owner** must conduct any required review and coordinate with appropriate agencies for any project with the potential; of affecting threatened or endangered species, or their critical habitat.

E. Discharged Affecting Historical Places or Archeological Sites

This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges with adversely affect properties listed or eligible for listing in the National Register of Historic Places, or affecting known or discovered archeological sites. The owner must be in compliance with the National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Nebraska Historic Preservation Officer. The permittee must comply with all applicable state and local laws concerning the protection of historic properties and places. The permittee's discharge authorization under this permit is contingent upon compliance.

F. Activities/Discharges Subject to other Applicable Regulations

This permit does not replace or satisfy any other applicable regulatory requirements that the applicant/ permittee are subject to. The initiator of any controlled/regulated activity is the sole responsible party for obtaining authorization or permit coverage and for maintaining compliance with any applicable laws, regulations, or rules that may apply to permittee activities.

G. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If the permittee is granted permit coverage prior to the expiration date, the permittee will automatically remain covered by the continued permit until reissuance or replacement of this permit, at which time the permittee must comply with the conditions of Part II.C.2; or

1. Submit a Notice of Termination form;
2. Apply for coverage under an individual permit for the project's discharges; or
3. If the NDEQ determines a general permit will not be reissued, the permittee must seek coverage under an alternative general permit or an individual permit.

Part V. Termination, Transfer, or Reassignment of Permit Coverage

A. Notice of Termination Requirements

The permittee may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:

1. Final stabilization has been achieved on all portions of the site for which the permittee is responsible;
2. Another operator has assumed control according to Part V.C over all areas of the site that have not been finally stabilized;
3. Coverage under an individual or alternative general NPDES permit has been obtained; or
4. For residential construction only, temporary erosion protection has been completed and the residence has been reassigned to the homeowner.

The CSW-NOT must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates according to the timeline and requirement of Part I.C.5 of this permit. The NOT form is available on the NDEQ website.

B. Submitting a Notice of Termination

It is the permittee's responsibility to submit a complete and accurate notice of termination (CSW-NOT) form obtained on the NDEQ website. If the NDEQ notified dischargers (either directly by public notice, or by making information available on the internet) of other CSW-NOT form options, the permittee may take advantage of those options to satisfy the requirements of Part V.

1. After one of more of the notice of termination requirements in Part V.A has been met, the permittee must submit the following information to the NDEQ:
   a. The NPDES permit authorization number for the storm water discharge;
   b. The basis for submission of the CSW-NOT, including: final stabilization has been achieved for all portions of the site for which the permittee is responsible; another operator/permittee has assumed control over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or for residential construction only, temporary erosion protection has been completed and the residence has been transferred to the homeowner;
   c. The Owner's assignment for responsibility of maintenance of the post-construction BMPs must be identified.
   d. The plans for training operators or maintenance staff of the post construction BMPs must be described.
   e. The certifying official's legal name, address, email, and phone number;
   f. The name of the project address (or a description of location if no street address is available), and county of the construction site for which the notification is submitted; and
   g. A certification statement signed and dated by a certifying official.

C. Transfer of Permit

When responsibility for storm water discharges at a construction site changes from one entity to another, the permittee shall complete a CSW Transfer on the NDEQ website that is signed in accordance with Part VI.D.6 of this permit.

1. The Construction Storm Water transfer (CSW-Transfer), includes:
   a. Permit certification number;
   b. Name, location, and county for the construction site for which the CSW-Transfer is being submitted;
   c. Identifying information for the new permittee;
   d. Identifying information for the current permittee; and
   e. Effective date of transfer.
2. Other Requirements of a Permit Transfer
   a. If the storm water discharge, associated with construction activity, is covered by this permit then the new owner(s) shall comply with all terms and conditions of this permit.
   b. A copy of any CSW permit authorizations (NOIs or NOTs) shall be included in the SWPPP.

c. A CSW-NOI shall be submitted to the NDEQ by the new owner(s).
d. For construction activity which is part of a larger common plan of development, if the permittee transfers ownership of all or any part of property subject to this permit, both the permittee and transferee shall be responsible for compliance with this permit for that portion of the project which has been transferred including when transferred property is less than one (1) acre in area.
e. If the new owner(s) agree in writing to be solely responsible for compliance with this permit for the property that has been transferred, then the existing permittee(s) authorization shall be terminated.

Part VI. Standard Conditions and Requirements

These general conditions shall not preempt any more stringent requirements found elsewhere in this permit.

A. Other Conditions

1. Narrative limits

Discharges authorized under this permit:
a. Shall not be toxic to aquatic life in surface Waters of the State;
b. Shall not contain pollutants at concentrations or levels that produce objectionable films, colors, turbidity, deposits, or noxious odors in the receiving stream or waterway; and
c. Shall not contain pollutants at concentrations or levels that cause the occurrence of undesirable or nuisance aquatic life in the receiving stream.

2. Inspection and Entry

The permittee shall allow the Director or their appointed representative, upon the presentation of his or her identification and at a reasonable time:
a. To enter upon a permittee's premises where regulated construction activity is located or conducted, or records are required to be kept under the terms and conditions of this permit;
b. To have access to and copy any records required to be kept under the terms and conditions of this permit;
c. To inspect any facilities, equipment (including monitoring and control), practices or operations regulated or required in this permit; and
d. To sample or monitor any substances or parameters at any location.

3. Changes in Discharge

Any revision in the size of construction activity (such as the addition of disturbed acres not previously identified under the original CSW-NOI form), which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the permittee seven (7) calendar days prior to the expansion, increases of modifications by submitting a modification of the original form CSW-NOI or by submitting a new form CSW-NOI. Permit authorization may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

B. Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to Title 119, Chapter 24. If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit in accordance with Part IV.A of this permit, or the permit may be modified to include different limitations and /or requirements.

C. Timing of Permit Modification

The NDEQ may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, which may be promulgated in the course of the current permit cycle.

D. Management Requirements

1. Duty to Comply

All authorized discharges shall be consistent with the terms and conditions of this permit. The permittee shall comply with all conditions of this permit. Failure to comply with these conditions may be grounds for administrative action or enforcement proceedings including injunctive relief and civil or criminal penalties. The filing of a request by the permittee for a permit modification, revocation and re-issuance, termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize, prevent, or correct any adverse impact to the environment resulting from noncompliance with this permit, including accelerated or additional monitoring as required by the NDEQ to determine the nature and impact of the noncompliant discharge.

3. Duty to Provide Information

The permittee shall furnish to the Department within seven (7) calendar days, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating permit coverage; or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records retained as a requirement of this permit.

4. Reporting Requirements

The permittee shall be responsible for reporting any instance of noncompliance with the terms and conditions of this permit in accordance with NDEQ Title 119, Chapter 14. In most instances, initial notification shall be made as soon as the permittee becomes aware of noncompliance. A written follow-up shall be submitted within five (5) days of reporting noncompliance. The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements. The written notice shall include, at a minimum:

a. A description of the discharge and cause of noncompliance;
b. The period of noncompliance, including exact date and times, or if not corrected, the anticipated time the noncompliance is expected to continue; and
c. The steps taken to reduce, eliminate, and prevent the reoccurrence of noncompliance.

5. Proper Operation and Maintenance

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible, any facilities or systems of control installed by the permittee in order to achieve compliance with the terms and conditions of this permit. This would include, but not be limited to, effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate laboratory and process controls, and adequate funding that reflects proper user fee schedules.

6. Signatory Requirements

All reports and applications required by this permit or submitted to maintain compliance with this permit shall be signed and certified as set forth in this section.

a. Permit applications shall be signed by a certifying official that meets the following criteria:
    1) For a corporation: a responsible corporate officer;
    2) For a partnership or sole proprietorship: by a general partner or by the proprietor, respectively; or
    3) For a municipality, state, federal or other public facility: by either a principal executive officer or ranking elected official, chief executive officer of the agency, or senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
b. The discharge monitoring reports (DMRs) and other information may be signed by the certifying official.
c. The certifying official may be designated as or may designate an **authorized representative**. The authorized representative is responsible for the overall implementation of the SWPPP (i.e., the general contractor).

d. Any change in the signatories shall be submitted to the Department, in writing, within seven (7) days after the change, but no later than with the submission of information required by the Department to be submitted while the new signatory has taken responsibility.
e. All applications, reports, and information submitted as a requirement of this permit, shall contain the following certification 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 fines and imprisonment for knowing violations."

E. Monitoring and Records Requirements

1. Monitoring

Routine periodic monitoring of storm water discharges is not required unless requested by the Department. Monitoring may be required by the Department for any of the following reasons:
a. The identification of potential groundwater and/or surface water quality impacts to which the permittee may be contributing;
b. The failure by the permittee to implement pollution prevention or pollution control procedures set forth in the SWPPP;
c. The recognition of potential pollutant sources during site inspections or investigations; and/or
d. To obtain information for watershed basin or industry group studies.

2. Retention of Records

The permittee shall retain records of all monitoring activities for a period of at least three (3) years as set forth in NDEQ Title 119, Chapter 14 001.02. The types of records that must be retained include, but are not limited to:
a. Calibration and maintenance records;
b. Original strip chart recordings;
c. Copies of all reports required by this permit;
d. Monitoring records and information; and
e. Electronically readable data.

3. Record Contents

As set forth in NDEQ Title 119, Chapter 14, records of sampling or monitoring information shall include:
a. The date(s), exact place, time, and methods of sampling or measurements;
b. The name(s) of the individual(s) who performed the sampling or measurements;
c. The date(s) the analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used;
f. The results of such analyses; and
g. Laboratory data, bench sheets, and other required information.

F. General Requirements

1. Permit Attachments

The attachments to this permit (e.g., forms and guidance) may be modified without a formal modification to the permit.

2. Information Available

All permit applications, fact sheets, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protect as trade secrets of the owner and operator under Neb. Rev. Stat. §81-1527, (Cum. Supp. 1992) and NDEQ Title 115, Chapter 4.

3. **Permit Actions**
   This permit may be modified, suspended, revoked or reissued, in part of in whole, in accordance with the regulations set forth in NDEQ Title 119, Chapter 24. In addition, this permit may be modified, revoked, and reissued to incorporate standards or limitations issued pursuant to Sections 301(b)(b)(c), 301(b)(b)(d), 304(b)(b), 306(a)(b), or 405(d) of the Clean Water Act and Public Law 100-4.

4. **Property Rights**
   Coverage under this permit does not convey any property rights of any sort or any exclusive privileges nor does it authorize any damage to private property or any invasion of personal rights nor any infringement of federal, state, or local laws or regulations.

5. **Severability**
   If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

6. **Other Rules and Regulations Liability**
   The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

7. **Penalties**
   Nothing in this permit shall preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties under Section 311 of the Clean Water Act. Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions. Civil penalties can result in fines of up to $10,000.00 per day (Neb. Rev. Stat. §81-1508, as amended to date). Criminal penalties for willful or negligent violations of this permit may result in penalties of $10,000.00 per day or by imprisonment. Violations may also result in federal prosecution.

8. **Electronic Reporting**
   The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. To comply with the federal rule, permittees will be required to submit NOIs, CSW-Transfers, and NOTs electronically on the NDEQ website.

Part VII. Definitions

Authorized Representative: Individual or position designated the certifying official to submit reports, notifications, or other information requested by the Director on behalf of the owner under the circumstances that the authorization is made in writing by the owner, the authorization specifies the individual or position that is duly authorized, and the authorization is submitted by the Director.

Best Management Practices (BMPs): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state of designated area-wide planning agencies.

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.

Certifying Official:

- For a corporation, by a reasonable corporate office, which means:
  - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
  - The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the

manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- For a partnership or sole proprietorship: By a general partner or proprietor respectively
- For a municipality, state, federal, or other public agency:
  - By either a principal executive officer of the agency, or
  - A senior executive officer having responsibility for the operations of a principal geographic unit of the agency

Combined Sewer System (CSO): Defined as a collection system that collects both storm water and sanitary wastewater with outfalls directly discharging into Waters of the State.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land-disturbing activities may occur.

Construction Activity: Includes large construction activity and small construction activity. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into waters of the stare or urban drainage systems. Construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more and includes all areas of support activity.

Coverage: A permittee status of compliant operation under the terms and conditions of this general permit once a discharge authorization number has been obtained until that authorization is terminated.

Department: The Nebraska Department of Environmental Quality.

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.

Director: The Director of the Nebraska Department of Environmental Quality.

Discharge Authorization Number: A specific authorization number (NER 1xx xxx) issued to a specific permittee that meets the application requirements for coverage under this general permit.

Erosion Prevention: Measures employed to prevent sediment from moving from its existing location including but not limits to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

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).

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and caused water flow off the surface in greater quantities and at an increased rate of flow than prior to development (e.g., streets, sidewalks, parking lots, roofs, and in some cases highly compacted soil).

Infeasible: No technologically possible, or not economically practicable and achievable in light of best industry practices.

Large Construction Activity: This activity is the clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five (5) acres of land or will disturb less than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five (5) acres. Large construction activity does not include routine

maintenance that is performed to maintain the original line and grade, hydraulic captivity, or original purpose of the site.

Municipal Separate Storm Sewer System (MS4): A separate storm water sewer system in urbanized cities and counties as having populations of 10,000 or greater as determined by the Bureau of Census 2010 Decennial Census.

National Pollutant Discharge Elimination System (NPDES): Program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and CFR Title 33, Sections 1317, 1328, 1342, and 1345.

New Source: Any source, whose discharges are defined in 40 CFR 122.26(b)(14)(x) and (b)(15), that commences construction activity after the effective date of December 1, 2009.

Notice of Termination (CSW-NOT): Note to terminate coverage under this permit after construction is completed, the site has undergone final stabilization, and maintenance agreements for all permanent facilities gave been established, in accordance with all applicable conditions of this permit.

Operator: Person (often the general contractor) designated by the owner, who has day-to-day operational control and/or the ability to modify project plants and specifications related to the SWPPP. The person shall be knowledgeable in those areas of the permit for which the operator is responsible.

Outfall: A discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants from construction activity are or may be discharged to waters of the state.

Owner: Person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual as the lease holder; or the contacting government agency responsible for the construction activity.

Permittee: Person(s), firm, or governmental agency or other institution that signs the application submitted to the Department and is responsible for compliance with the terms and condition of this permit.

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.

Receiving Waters: A general term used to describe all waters of the state.

Responsible Corporate Officer: The owner or operator meeting either of the following conditions: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one of more manufacturing, production, or operating facilities. Provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental law and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Sediment Control: Methods employed to prevent sediment from leaving the construction site after it has eroded from its existing location. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Silvicultural Discharges: "Silvicultural point source" means any discernible, confined, and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharges into waters of the state. The term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and

fire control, harvesting operations, surface drainage, and road construction and maintenance from which there is natural runoff during precipitation events.

Small Construction Activity: This activity is the clearing, grading, and excavation that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres including disturbance of less than one acre of total land area that is part of a larger common plan of development of sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Small construction activity does not include routine maintenance that is preformed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Spill Prevention Control and Countermeasure Plan (SPCC): Federal regulation set forth in 40 CFR Part 112.1 requiring a SPCC plan to be developed for temporary or permanent facilities that store oil in vessels that have following storage capacity:

- A single above ground oil storage with 660 gallons or more capacity.
- Two or more above ground storage vessels with an aggregate of 1320 gallons or more capacity.
  - Include storage vessels stored above ground with a capacity of 55 gallons or more with the aggregate total capacity.
- Below ground oil storage vessels of 42,000 gallons or more.

For the SPCC, oil refers to any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes.

Stabilized: Exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, established grass bed, or other material that prevents erosion from occurring.

Steep Slope: Generally any slope greater than 15° or has significant potential for erosion.

Storm Water: Storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Pollution Prevention Plan (SWPPP): A plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease offsite, non-point source pollution.

Support Activity: Associated construction activity that is directly related to the construction site (such as disposal areas or borrow areas) required to have NPDES permit coverage for discharges of storm water that may be located on site or in a remote location, but is not a commercial operation serving multiple unrelated construction projects by different operators nor operates beyond the completion of the construction activity at the last construction project it supports.

Temporary Erosion Protection: Methods employed to temporarily prevent erosion during the construction sequence or while final stabilization is being established. Examples of temporary erosion protection include: straw, mulch, wood chips, and erosion netting.

Total Maximum Daily Load (TMDL): The sum of the individual wasteload allocations (WLAs) for point sources and load (load allocations) for nonpoint sources and natural background levels for a specific pollutant. The Department establishes TMDLs that are expressed in terms of either mass per unit of time, relative level of toxicity, or other appropriate measure.

Toxic Pollutant: Pollutants or combination of pollutants, including disease-causing agents, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the Department, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

Waters of the State: All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Reference List A: Abbreviations

BMP: Best Management Practice(s)

CFR: Code of Federal Regulations

CSO: Combined Sewer Overflow

CSW: Construction Storm Water

CSW-NOI: Notice of Intent

CSW-NOT: Notice of Termination

NDEQ: Nebraska Department of Environmental Quality

NDEQ Title 115: NDEQ Title 115 – *Rules of Practice and Procedure*

NDEQ Title 117: NDEQ Title 117 – *Nebraska Surface Water Quality Standards*

NDEQ Title 118: NDEQ Title 118 – *Ground Water Quality Standards and Use Classification*

NDEQ Title 119: NDEQ Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*

NDEQ Title 126: NDEQ Title 126 – *Rules and Regulations Pertaining to the Management of Wastes*

NDEQ Title 132: NDEQ Title 132 – *Integrated Solid Waste Management Regulations*

SPCC: Spill Prevention, Control, and Countermeasures

SWPPP: Storm Water Pollution Prevention Plan

TMDL: Total Maximum Daily Load

Table of Contents for Appendix A

Standard Conditions that Apply to NPDES Permits

Appendix A

Conditions Applicable to all NPDES Permits

The following conditions apply to all NPDES permits:

1. **Information Available**

   All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Reissue 1999) and NDEQ Title 115, Chapter 4.

2. **Duty to Comply**

   a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Applicable State Statutes and Regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

   b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

3. **Violations of this Permit**

   a. Any person who violates this permit may be subject to penalties and sanctions as provided by the Clean Water Act.

   b. Any person who violates this permit may be subject to penalties and sanctions as provided by the Nebraska Environmental Protection Act.

4. **Duty to Reapply**

   If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

5. **Need to Halt or Reduce Activity not a Defense**

   It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6. **Duty to Mitigate**

   The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

7. **Proper Operation and Maintenance**

   The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate process controls, adequate funding that reflects proper user fee schedules, adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary

facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

8. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

9. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

10. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

11. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

12. Monitoring and Records

a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

c. Records of monitoring information shall include:

i) The date(s), exact place, time and methods of sampling or measurements;

ii) The individual(s) who performed the sampling or measurements;

iii) The date(s) analyses were performed;

iv) The individual(s) who performed the analyses;

v) The analytical techniques or methods used; and

vi) The results of such analyses.

d. Monitoring must be conducted according to test procedures approved under NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 or O – Sewer Sludge Parts 501 and 503.

e. Falsifies, Tampers, or Knowingly Renders Inaccurate

i) On actions brought by EPA, the Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction: be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

ii) On action brought by the State, The Nebraska Environmental Protection Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished pursuant to Neb. Stat. §81-1508.01.

13. Signatory requirements

a. All applications, reports, or information submitted to the Director shall be signed and certified.

i) All permit applications shall be signed as follows:

(a) For a corporation

(i) By a responsible corporate officer: For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) For a partnership or sole proprietorship

(i) By a general partner or the proprietor.

(c) For a municipality, State, Federal, or other public agency

(i) By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. Reports and Other Information

i) All reports required by permits, and other information requested by the Director shall be signed by a person described in this section [paragraphs13. a. i) (a),(b), or (c)], or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in paragraphs 13. a. i) (a),(b), or (c);

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and;

(c) The written authorization is submitted to the Director.

c. Changes to Authorization

If an authorization of paragraphs 13. a. i) (a),(b), or (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification

All applications, reports and information submitted as a requirement of this permit shall contain the following certification statement:

i) 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.

e. False Statement, Representation, or Certification

i) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

ii) The Nebraska Environmental Protection Act provides criminal penalties and sanctions for false statement, representation, or certification in any application, label, manifest, record, report, plan, or other document required to be filed or maintained by the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts.

14. Reporting Requirements

a. Planned Changes

i) The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in NDEQ Title 119, Chapter 4 and 8.

(b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under NDEQ Title 119, Chapter 15.

(c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions

that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. The sludge program is not delegated to the State so notification to the EPA Regional Administrator in addition to the State is required.

b. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

c. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under NDEQ Title 119, Chapter 24 in some cases, modification or revocation and reissuance is mandatory.

d. Monitoring Reports

i) Monitoring results shall be reported at the intervals specified elsewhere in this permit.

ii) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.

iii) Monitoring results shall be submitted on a quarterly basis using the reporting schedule set forth below, unless otherwise specified in this permit or by the Department.

Monitoring Quarters	**DMR Reporting Deadlines**
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

iv) For reporting results of monitoring of sludge use or disposal practices

v) Additional reports may be required by the EPA Regional Administrator.

vi) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 and O – Sewer Sludge Parts 501 and 503, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director or EPA Regional Administrator.

vii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four Hour Reporting

i) The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(a) Any unanticipated bypass which exceeds any effluent limitation in this permit.

(b) Any upset which exceeds any effluent limitation in this permit.

(c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.

g. The Director may waive the written report on a case-by-case basis for reports under section 14. f. ii) (a), (b) and (c) if the oral report has been received within 24 hours.

h. Other noncompliance

The permittee shall report all instances of noncompliance not reported under paragraphs d., e., and f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph f. of this section.

i. Other information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

j. Noncompliance Report Forms

i) Noncompliance Report Forms are available from the Department and shall be submitted with or as the written noncompliance report.

ii) The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

15. Bypass

a. Definitions

i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 15.c. and d. of this section.

c. Notice

i) Anticipated Bypass

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

ii) Unanticipated Bypass

The permittee shall submit notice of an unanticipated bypass as required in paragraph 14.f. of this section (24-hour notice).

d. Prohibition of Bypass

Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

iii) The permittee submitted notices as required under paragraph 15.c. of this section.

e. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 15.d.

16. Upset

a. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 16.c. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions Necessary for a Demonstration of Upset.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i) An upset occurred and that the permittee can identify the cause(s) of the upset;

ii) The permitted facility was at the time being properly operated;

iii) The permittee submitted notice of the upset as required in paragraph 14.f. ii) (a), of this section (24-hour notice).

iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

d. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

17. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

18. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

19. Other Conditions that Apply to NPDES and NPP Permits

a. Land Application of Wastewater Effluent

The permittee shall be permitted to discharge treated domestic wastewater effluent by means of land application in accordance with the regulations and standards set forth in NDEQ Title 119, Chapter 12 002.

The Wastewater Section of the Department must be notified in writing if the permittee chooses to land apply effluent.

b. Toxic Pollutants

The permittee shall not discharge pollutants to waters of the state that cause a violation of the standards established in NDEQ Titles 117, 118 or 119. All discharges to surface waters of the state shall be free of toxic (acute or chronic) substances which alone or in combination with other substances, create conditions unsuitable for aquatic life outside the appropriate mixing zone.

c. Oil and Hazardous Substances/Spill Notification

Nothing in this permit shall preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities or penalties under section 311 of the Clean Water Act. The permittee shall conform to the provisions set forth in NDEQ Title 126, Rules and Regulations Pertaining to the Management of Wastes. If the permittee knows, or has reason to believe, that oil or hazardous substances were released at the facility and could enter waters of the state or any of the outfall discharges authorized in this permit, the permittee shall immediately notify the Department of a release of oil or hazardous substances. During Department office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the Nebraska Department of Environmental Quality at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEQ cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEQ Immediate Response Team at telephone number (402) 471-4545. It shall be the permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.

d. Removed Substances

i) Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality.

(a) The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 257.

(b) The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 503.

(c) If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132.

ii) Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act.

iii) This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

e. Representative Sampling

i) Samples and measurements taken as required within this permit shall be representative of the discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.

ii) Composite sampling shall be conducted in one of the following manners;

(a) Continuous discharge - a minimum of one discrete aliquot collected every three hours,

(b) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or

(c) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.

(d) Composite samples shall be collected in one of the following manners:

(i) The volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,

(ii) A number of equal volume aliquots taken at varying time intervals in proportion to flow,

(iii) A sample continuously collected in proportion to flow, and

(e) Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.

(f) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.

iii) All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:

(a) In the case of sludge samples, alternative techniques are specified in 40 CFR Part 503, or

(b) Other procedures are specified in this permit.

iv) Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements. The accepted capability shall be consistent with that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:

(a) "Water Measurement Manual," U.S. Department of the Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001.
(Available online at http://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm)

(b) "NPDES Compliance Flow Measurement Manual, "U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 147 pp.
(Available online at http://www.epa.gov/nscep, and enter 'NPDES Compliance Flow Measurement Manual, Publication MCD-77' in the search box)

f. Changes of Loadings to Publicly Owned Treatment Works (POTWs)

All POTWs must provide adequate notice to the Director of the following:

i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to NDEQ Title 119, Chapter 26, if it were directly discharging those pollutants;

ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

iii) For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

20. **Definitions**

Administrator: The Administrator of the USEPA.

Aliquot: An individual sample having a minimum volume of 100 milliliters that is collected either manually or in an automatic sampling device.

Annually: Once every calendar year.

Authorized Representative: Individual or position designated the authorization to submit reports, notifications, or other information requested by the Director on behalf of the Owner under the circumstances that the authorization is made in writing by the Owner, the authorization specifies the individual or position who is duly authorized, and the authorization is submitted to the Director.

Bimonthly: Once every other month.

Biosolids: Sewage sludge that is used or disposed through land application, surface disposal, incineration, or disposal in a municipal solid waste landfill.

Biweekly: Once every other week.

Bypass: The intentional diversion of wastes from any portion of a treatment facility.

Certifying Official: See Section 13, Standard Conditions above.

Daily Average: An effluent limitation that cannot be exceeded and is calculated by averaging the monitoring results for any given pollutant parameter obtained during a 24-hour day.

Department: Nebraska Department of Environmental Quality.

Director: The Director of the Nebraska Department of Environmental Quality.

Industrial Discharge: Wastewater that originates from an industrial process and / or is noncontact cooling water and / or is boiler blowdown.

Industrial User: A source of indirect discharge (a pretreatment facility).

Monthly Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Operator: A person (often the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the facility.

Owner: A person or party possessing the title of the land on which the activities will occur; or if the activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the activity.

Outfall: A discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged into Waters of the State.

Passive Discharge: A discharge from a POTW that occurs in the absence of an affirmative action and is not authorized by the NPDES permit (e.g. discharges due to a leaking valve, discharges from an overflow structure) and / or is a discharge from an overflow structure not designed as part of the POTW (e.g. discharges resulting from lagoon berm / dike breaches).

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Clean Water Act (Public Law 100-4) which is owned by the state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment.

Semiannually: Twice every year.

Significant Industrial User (SIU): All industrial users subject to Categorical Pretreatment Standards or any industrial user that, unless exempted under Chapter 1, Section 105 of NDEQ Title 119, discharges an average of 25,000 gallons per day or more of process water; or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

Sludge: Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

30-Day Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Total Toxic Organics (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for toxic organic compounds that may be identified elsewhere in this permit. (If this term has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Toxic Pollutant: Those pollutants or combination of pollutants, including disease causing agents, after discharge and upon exposure, ingestion, inhalation or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction), or physical deformations in such organisms or their offspring.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

Volatile Organic Compounds (VOC): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for volatile, toxic organic compounds that may be identified elsewhere in this permit. (See the definition for Total Toxic Organics above. In many instances, VOCs are defined as the volatile fraction of the TTO parameter. If the term VOC has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Waters of the State: All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Weekly Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a fixed calendar week. The permittee may start their week on any weekday but the weekday must remain fixed. The Department approval is required for any change of the starting day.

"X" Day Average: An effluent limitation defined as the maximum allowable "X" day average of consecutive monitoring results during any monitoring period where "X" is a number in the range of one to seven days.

21. Abbreviations

CFR: Code of Federal Regulations

kg/Day: Kilograms per Day

MGD: Million Gallons per Day

mg/L: Milligrams per Liter

NOI: Notice of Intent

NDEQ: Nebraska Department of Environmental Quality

NDEQ Title 115: Rules of Practice and Procedure

NDEQ Title 117: Nebraska Surface Water Quality Standards

NDEQ Title 118: Ground Water Quality Standards and Use Classification

NDEQ Title 119: Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System

NDEQ Title 126: Rules and Regulations Pertaining to the Management of Wastes

NDEQ Title 132: Integrated Solid Waste Management Regulations

NPDES: National Pollutant Discharge Elimination System

NPP: Nebraska Pretreatment Program

POTW: Publicly Owned Treatment Works

µg/L: Micrograms per Liter

WWTF: Wastewater Treatment Facility

Appendix B – List of MS4s in the State of Nebraska

MS4		Contact information	
Traditional MS4s			
Cities	City of Beatrice	James Burroughs City Engineer 205 N 4th St. Beatrice, NE 68310	(402) 228-5208 jburroughs@beatrice.ne.gov
	City of Bellevue	Dan Berlowitz City Administrator 210 W. Mission Ave. Bellevue, NE 68005	(402) 293-3021 dan.berlowitz@bellevue.net
	Village of Boys Town	Scott Kardell Director of Facilities 355 McBreen Circle Boys Town, NE 68010	(402) 498-1138
	City of Columbus	Michael Middendorf Engineering Department 2424 14th Street Columbus, NE 68601	(402) 562-4237 OR 562-4235 mmidden@columbusne.us
	City of Dakota City	See South Sioux City	
	City of Fremont	Justin Zetterman Public Works Department 400 E. Military Avenue, 3rd Floor Fremont, NE 68025	(402) 727-2636 justin.zetterman@fremontne.gov
	City of Grand Island	Terry A. Brown Assistant Public Works Director 100 E. First Street Grand Island, NE 68801-1968	(308) 385-5444 Ext. 260
	City of Hastings	Deb Bergman Engineering Department 220 N. Hastings Ave. Hastings, NE 68901	(402)461-2339 dbergman@cityofhastings.org
	City of Kearney	Dan Lillis Engineering Department 1919 15th Avenue Kearney, NE 68845	(308) 233-3273 dlillis@kearneygov.org
	City of La Vista	John M. Kottmann, P.E. City Engineer 9900 Portal Road City of La Vista, NE 68128	(402) 331-8927 jkottmann@cityoflavista.org
	City of Lexington	Bill Brecks Building Inspection/Planning/Zoning PO Box 70 Lexington, NE 68850	(308) 324-2341 bbrecks@cityoflex.com
	City of Lincoln	Ben Higgins Watershed Management 555 South 10th Street, Suite 203 Lincoln, NE 68508	(402) 441-7589 bhiggins@lincoln.ne.gov
	City of Norfolk	Trent Howard Prevention Bureau 127 N. 1st Street Norfolk, NE 68701	(402) 844-2060 thoward@ci.norfolk.ne.us

	City of North Platte	Thomas Werblow North Platte Engineering Dept. 211 West Third Street North Platte, NE 69101	(308) 535-6724 WerblowTC@ci.north-platte.ne.us
	City of Omaha	James Kee, Jr. City of Omaha – Environmental Services Stormwater Program 5600 S. 10th Street Omaha, NE 68107	(402) 444-3915 Ext. 238 jkee@ci.omaha.ne.us
	City of Papillion	Marty Leming Public Works Director 9909 Portal Rd Papillion, NE 68046	(402) 597-2043 mleming@papillion.org
	City of Ralston	Dan Freshman Public Works Department 5500 S. 77th Street Ralston, NE 68127	(402) 331-6677 Ext. 1310 dfreshman@cityofralston.com
	City of Scottsbluff	Leann Sato City of Scottsbluff – Stormwater Program 2525 Circle Drive Scottsbluff, NE 69361	(308) 630-8011 lsato@scottsbluff.org
	City of South Sioux City	Derek Morris Public Works Department 125 East 26th Street South Sioux City, NE 68776	(402) 494-7534 stormwater@southsiouxcity.org
Counties	Dakota County	See South Sioux City	
	Douglas County	Kent Holm Environmental Services 3015 Menke Circle Omaha, NE 68134	(402) 444-6181 kent.holm@douglascounty-ne.gov
	Sarpy County	Sarpy County Administration 1210 Golden Gate Drive, Suite 1126 Papillion, NE 68046	(402) 593-2347 markw@sarpy.com

Non-Traditional MS4s		
Nebraska Department of Roads	Not applicable	
NDOR is a permitted MS4 for properties or locations owned by NDOR within all regulated (permitted) MS4s		
University of Nebraska - Lincoln	Brenda K. Osthus, Director Environmental Health & Safety University of Nebraska-Lincoln 3630 East Campus Loop Lincoln, NE 68583-0824	(402) 472-2925
Offutt Air Force Base	Andrew Heuerman 55 CES/CEVC Environmental Management Flight/ Storm Water 106 Peacekeeper Drive, STE 2N3 Offutt AFB, NE 68113-4019	402-232-5876 Andrew.heuerman@us.af.mil

APPENDIX O

APPLICABLE SECTIONS

GALLERY 23 EAST - MASS GRADING
EROSION AND SEDIMENT CONTROL NOTES

EROSION AND SEDIMENT CONTROL GENERAL NOTES

1. CONTRACTOR IS REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE NPDES CONSTRUCTION STORMWATER DISCHARGE PERMIT, AS APPROVED BY NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THIS PROJECT SITE.

2. CONTRACTOR IS REQUIRED TO IMPLEMENT AND MAINTAIN CONSTRUCTION STORMWATER BEST MANAGEMENT PRACTICES (BMPs) DURING ALL CONSTRUCTION ACTIVITY TO CONTROL POLLUTANTS AND SEDIMENT IN STORMWATER DISCHARGES FROM THE PROJECT SITE.

3. THE PROJECT IS A DYNAMIC SITE WITH CHANGES TO THE CONDITIONS AND DRAINAGE PATTERNS DURING CONSTRUCTION ACTIVITY. CHANGES TO THE DRAINAGE PATTERNS OF THE PROJECT WILL REQUIRE ADDITIONAL BMPs TO BE INSTALLED BY THE CONTRACTOR TO MAINTAIN CONTROL OF POLLUTANTS AND SEDIMENT FROM STORMWATER DISCHARGE FROM THE SITE.

4. THE CONTRACTOR IS RESPONSIBLE FOR INSPECTION OF ALL SEDIMENT AND EROSION CONTROL BMPs AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS AND WITHIN 24-HOURS OF ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION. FOR EACH INSPECTION WHICH IS PERFORMED AN INSPECTION REPORT MUST BE COMPLETED AND FILED WITH THE PROJECT STORMWATER POLLUTION PREVENTION PLAN DOCUMENTATION.

   AT A MINIMUM, THE INSPECTION REPORTS SHALL INCLUDE:
   - TIME AND DATE OF INSPECTION
   - NAME AND QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTION
   - WEATHER INFORMATION FOR THE PERIOD SINCE THE LAST INSPECTION (NUMBER OF STORM EVENTS AMOUNT OF RAINFALL IN EACH EVENT)
   - WEATHER INFORMATION AND A DESCRIPTION OF DISCHARGES OCCURRING AT THE TIME OF THE INSPECTION
   - LOCATION OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE
   - LOCATION OF EROSION CONTROL BMPS THAT NEED TO BE MAINTAINED
   - LOCATION OF BMPS THAT FAILED TO OPERATE EFFECTIVELY OR PROVED INADEQUATE FOR A PARTICULAR LOCATION
   - RECORDS OF THE GRADING ACTIVITIES SINCE THE LAST INSPECTION
   - LOCATIONS WHERE ADDITIONAL BMPS ARE NEEDED THAT DID NOT EXIST AT THE TIME OF INSPECTION.
   - CORRECTIVE ACTION REQUIRED INCLUDING ANY CHANGES TO THE SWPPP NECESSARY AND IMPLEMENTATION DATES

5. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF THE EROSION AND SEDIMENT CONTROL BMPs IN AN EFFECTIVE WORKING CONDITION. IF SITE INSPECTIONS INDICATE BMPs ARE NOT OPERATING EFFECTIVELY, MAINTENANCE, REPAIR OR ADDITIONAL BMPs MUST BE PERFORMED WITHIN SEVEN (7) DAYS AND PRIOR TO THE NEXT STORM EVENT.

6. THIS EROSION AND SEDIMENT CONTROL PLAN IS ONE COMPONENT OF THE OVERALL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE PROJECT. THE EROSION CONTROL PLAN AND THE SWPPP DOCUMENTS BOTH INCLUDE PROJECT REQUIREMENTS FOR COMPLIANCE WITH THE NPDES CONSTRUCTION STORMWATER DISCHARGE PERMIT. SWPPP SHALL BE LOCATED IN THE SITE CONSTRUCTION TRAILER

7. THE CONTRACTOR SHALL HAVE CURRENT COPIES OF THE EROSION AND SEDIMENT CONTROL PLAN AND THE STORWATER POLLUTION PREVENTION PLAN DOCUMENTS ON THE PROJECT SITE AT ALL TIMES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN COMPLETE AND ACCURATE RECORDS WITHIN THE PROJECT SWPPP DOCUMENTATION INCLUDING: EROSION CONTROL INSPECTIONS, COPIES OF CURRENT EROSION CONTROL PLAN, COPIES OF CSW-NOI AND AUTHORIZATION TO DISCHARGE LETTER FROM NDEQ.

EROSION AND SEDIMENT CONTROL CONSTRUCTION NOTES

1. CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND REMOVAL OF EROSION CONTROL BMPs FOR THE DURATION OF CONSTRUCTION ACTIVITIES UNTIL FINAL STABILIZATION ON THE PROJECT SITE HAS BEEN ACHIEVED.

2. CONTRACTOR SHALL NOTIFY NEBRASKA ONE CALL (NEBRASKA 811), 1-800-331-5666 PRIOR TO PERFORMING ANY SOIL DISTURBANCE ACTIVITIES.

3. PRIOR TO SOIL DISTURBANCE ACTIVITIES CONTRACTOR SHALL INSTALL PHASE 1 EROSION CONTROL BMPS FOR PROJECT SITE INCLUDING: PERIMETER SILT FENCE AND CONSTRUCTION ENTRANCES.

4. REMOVE HERBACEOUS VEGETATION FROM WITHIN THE LIMITS OF THE GRADING, WHERE POSSIBLE, LEAVE VEGETATION BUFFER BETWEEN PERIMIETER SILT FENCE AND NEIGHBORING PROPERTIES AND SENSITIVE AREAS.

5. INSTALL PHASE 1 EROSION CONTROL BMPs IN COORDINATION WITH SITE GRADING PLAN. REFER TO BMP IMPLEMENTATION SCHEDULE FOR INSTALLATION AND REMOVAL SEQUENCE OF EROSION CONTROL BMPs.

6. THE STRIPPING STOCKPILE SHALL BE LOCATED ON SITE BY THE GRADING CONTRACTOR AT TIME OF GRADING. THE STOCKPILE SHALL RECEIVE SILT FENCE PERIMETER CONTROL.

7. FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SEDIMENT CONTROL STRUCTURES UNTIL FINAL SITE STABILIZATION IS ACHIEVED. REFER TO BMPs MAINTENANCE SCHEDULE. UPON FINAL STABILIZATION OF CONTRIBUTING AREAS, BMPs SHALL BE REMOVED BY THE CONTRACTOR. DISTURBANCES WHICH OCCUR DURING REMOVALS OF BMPs SHALL BE REPAIRED BY CONTRACTOR.

9. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RUNOFF OR EROSION WHICH DISCHARGES FROM THE PROJECT SITE. ANY DAMAGE FROM EROSION AND RUNOFF FROM THE SITE SHALL BE REPAIRED/CLEANED UP BY THE CONTRACTOR WITHOUT ADDITIONAL COST TO THE OWNER.

10. CONTRACTOR MUST CLEAN UP ANY SEDIMENT DISCHARGE OR VEHICLE TRACK OUT WHICH ENTERS PUBLIC STREETS OR PRIVATE ROADWAYS AT THE END OF EACH WORKING DAY AND PRIOR TO ANY RAINFALL EVENTS. REPAIR OR INSTALL ADDITIONAL EROSION CONTROL BMPs AS NECESSARY TO PREVENT FUTURE OCCURRENCES.

11. CONTRACTOR IS RESPONSIBLE FOR OBTAINING PROPER NPDES CONSTRUCTION STORMWATER DISCHARGE PERMITS ON ALL SOIL BORROW SITES.

12. CONTRACTOR MUST INITIATE STABILIZATION MEASURES AS SOON AS PRACTICABLE IN PORTIONS OF THE PROJECT SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT SHALL NOT EXCEED 14 DAYS AFTER THE CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED IN THOSE AREAS. STABILIZATION MEASURES SHALL INCLUDE TEMPORARY OR PERMANENT SEEDING/PLANTINGS AND/OR IMPERVIOUS HARD COVERS (PAVEMENT, ETC.). STORM WATER PIPE OUTLET DISCHARGE CONTROL SHALL BE INCLUDED IN FINAL STABILIZATION MEASURES.

13. CONTRACTOR SHALL SUBMIT A CONSTRUCTION STORMWATER NOTICE OF TERMINATION (CSW-NOT) WHEN THE FOLLOWING CONDITIONS HAVE BEEN MET:
   - ALL SOIL DISTURBING CONSTRUCTION ACTIVITY HAVE BEEN COMPLETED.
   - A UNIFORM PERENNIAL VEGETATIVE COVER WITH A MINIMUM OF 70% VEGETATIVE COVER HAS BEEN ESTABLISHED ON ALL NON-IMPERVIOUS SURFACES.
   - ALL PERMANENT DRAINAGES (STORM SEWER OUTLETS, ETC.) HAVE BEEN STABLIZED TO PREVENT EROSION
   - ALL TEMPORARY EROSION CONTROL BMPs HAVE BEEN REMOVED AND DISTURBANCES REPAIRED.
   - ALL SEDIMENT BUILD-UP HAS BEEN REMOVED FROM CONVEYANCES AND BASINS USED AS PERMANENT WATER QUALITY MANAGEMENT BMPs

BEST MANAGEMENT PRACTICES (BMP) MAINTENANCE SCHEDULE

THE FOLLOWING MAINTENANCE SCHEDULE HAS BEEN PROVIDED. THE INSPECTOR MUST PERFORM THE INSPECTIONS. THE OPERATOR/CONTRACTOR MUST PERFORM ALL NEEDED MAINTENANCE. FURTHERMORE, ALL EROSION CONTROL FEATURE REQUIRING MAINTENANCE MAY NOT BE LISTED BELOW. THE OPERATOR/CONTRACTOR AND INSPECTOR MUST PERFORM THEIR RESPECTIVE DUTIES ON ALL BMP'S THAT ARE NOT LISTED BELOW AS WELL.

1. CONSTRUCTION ENTRANCE (CE) – THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY OR PRIVATE ROADWAY PAVEMENT. HIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR THE WASHING AND REWORKING OF EXISTING STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY STRUCTURES USED TO TRAP SEDIMENT. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY. THE USE OF WATER TRUCKS TO REMOVE MATERIALS DROPPED, WASHED, OR TRACKED ONTO ROADWAYS WILL NOT BE PERMITTED UNDER ANY CIRCUMSTANCES.

2. SILT FENCE (SF) – THE MAINTENANCE MEASURES ARE AS FOLLOWS: (3.1) SILT FENCES SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL; ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY; (3.2) CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED SILT FENCE RESULTING FROM END RUNS AND UNDERCUTTING; (3.3) SHOULD THE FABRIC ON A SILT FENCE DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY; (3.4) SEDIMENT DEPOSITS MUST BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER; AND (3.5) ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED.

3. STORM DRAIN INLET PROTECTION – THE MAINTENANCE MEASURES ARE AS FOLLOWS: (4.1) STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRS MADE AS NECESSARY AND (4.2) STRUCTURES SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE REMAINING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.

4. TEMPORARY DIVERSION DIKE (DV) – THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.

5. TEMPORARY SEDIMENT TRAP (ST) – THE MAINTENANCE MEASURES ARE AS FOLLOWS: (7.1) SEDIMENT SHALL BE REMOVED AND THE TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO ONE-HALF THE DESIGN VOLUME OF THE WET STORAGE. SEDIMENT REMOVAL FROM THE BASIN SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE AND CAUSE SEDIMENTATION PROBLEMS; (7.2) FILTER STONE SHALL BE REGULARLY CHECKED TO ENSURE THAT FILTRATION PERFORMANCE IS MAINTAINED, STONE CHOKED WITH SEDIMENT SHALL BE REMOVED AND CLEANED OR REPLACED; AND (7.3) THE STRUCTURE SHOULD BE CHECKED REGULARLY TO ENSURE THAT IT IS STRUCTURALLY SOUND AND HAS NOT BEEN DAMAGED BY EROSION OR CONSTRUCTION EQUIPMENT. THE HEIGHT OF THE STONE OUTLET SHOULD BE CHECKED TO ENSURE THAT ITS CENTER IS AT LEAST 1 FOOT BELOW THE TOP OF THE EMBANKMENT.

6. TEMPORARY SEDIMENT BASIN (SB) – THE BASIN EMBANKMENT SHOULD BE CHECKED REGULARLY TO ENSURE THAT IT IS STRUCTURALLY SOUND AND HAS NOT BEEN DAMAGED BY EROSION OR CONSTRUCTION EQUIPMENT. THE EMERGENCY SPILLWAY SHOULD BE CHECKED REGULARLY TO ENSURE THAT ITS LINING IS WELL ESTABLISHED AND EROSION-RESISTANT. THE BASIN SHOULD BE CHECKED AFTER EACH RUNOFF PRODUCING RAINFALL FOR SEDIMENT CLEANOUT AND TRASH REMOVAL. WHEN THE SEDIMENT REACHES THE CLEANOUT LEVEL, IT SHALL BE REMOVED AND PROPERLY DISPOSED OF.

7. TEMPORARY SEEDING – AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER ADEQUATE TO PREVENT RILL EROSION WILL BE RE-SEEDED AS SOON AS SUCH AREAS ARE IDENTIFIED. CONTROL WEEDS BY MOWING.

8. PERMANENT SEEDING – THE MAINTENANCE MEASURES ARE AS FOLLOWS: (10.1) IN GENERAL, A STAND OF VEGETATION CANNOT BE DETERMINED TO BE FULLY ESTABLISHED UNTIL IT HAS BEEN MAINTAINED FOR ONE FULL YEAR AFTER PLANNING; (10.2) NEW SEEDLINGS SHALL BE SUPPLIED WITH ADEQUATE MOISTURE. SUPPLY WATER AS NEEDED, ESPECIALLY LATE IN THE SEASON, IN ABNORMALLY HOT OR DRY CONDITIONS, OR ON ADVERSE SITES. WATER APPLICATIONS SHALL BE CONTROLLED TO PREVENT EXCESSIVE RUNOFF; (10.3) INSPECT ALL SEEDED AREAS FOR FAILURES AND MAKE NECESSARY REPAIRS, REPLACEMENTS, AND RESEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE; [10.3A] IF STAND IS INADEQUATE FOR EROSION CONTROL, OVER SEED AND FERTILIZE USING HALF OF THE RATES ORIGINALLY SPECIFIED; [10.3B] IF STAND IS 60% DAMAGED, RE-ESTABLISH FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS; [10.3C] IF STAND HAS LESS THAN 40% COVER, RE-EVALUATE CHOICE OF PLANT MATERIALS AND QUANTITIES OF LIME AND FERTILIZER. THE SOIL MUST BE TESTED TO DETERMINE IF ACIDITY OR NUTRIENT IMBALANCES ARE RESPONSIBLE, RE-ESTABLISH THE STAND FOLLOWING SEEDBED AND SEEDING RECOMMENDATIONS.

9. MULCHING – ALL MULCHES AND SOIL COVERINGS SHOULD BE INSPECTED PERIODICALLY (PARTICULARLY AFTER RAINSTORMS) TO CHECK FOR EROSION. WHERE EROSION IS OBSERVED IN MULCHED AREAS, ADDITIONAL MULCH SHOULD BE APPLIED. NETS AND MATS SHOULD BE INSPECTED AFTER RAINSTORMS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, REINSTALL NETTING OR MATTING AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE OR DITCH. INSPECTIONS SHOULD TAKE PLACE UNTIL GRASSES ARE FIRMLY ESTABLISHED. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE; REPAIR AS NEEDED.

10. SOIL STABILIZATION BLANKETS & MATTING (BL) – ALL SOIL STABILIZATION BLANKETS AND MATTING SHOULD BE INSPECTED PERIODICALLY FOLLOWING INSTALLATION, PARTICULARLY AFTER RAINSTORMS TO CHECK FOR EROSION AND UNDERMINING. ANY DISLOCATION OR FAILURE SHOULD BE REPAIRED IMMEDIATELY. IF WASHOUTS OR BREAKAGE OCCURS, REINSTALL THE MATERIAL AFTER REPAIRING DAMAGE TO THE SLOPE OR DITCH. CONTINUE TO MONITOR THESE AREAS UNTIL WHICH TIME THEY BECOME PERMANENTLY STABILIZED. AT THAT TIME AN ANNUAL INSPECTIONS SHOULD BE ADEQUATE.

11. STREET CLEANING / SWEEPING – THE MAINTENANCE MEASURES ARE AS FOLLOWS: (13.1) EVALUATE ACCESS POINTS DAILY FOR SEDIMENT TRACKING; (13.2) WHEN TRACKED OR SPILLED SEDIMENT IS FOUND ON PAVED SURFACES, IT WILL BE REMOVED DAILY, DURING TIMES OF HEAVY TRACK-OUT, SUCH AS DURING RAINS, CLEANING MAY BE DONE SEVERAL TIMES THROUGHOUT THE DAY; (13.3) UNKNOWN SPILLS OR OBJECTS WILL NOT BE MIXED WITH THE SEDIMENT; AND (13.4) IF SEDIMENT IS MIXED WITH OTHER POLLUTANTS, IT WILL BE DISPOSED OF PROPERLY AT AN AUTHORIZED LANDFILL.

EROSION CONTROL PRODUCT SPECIFICATIONS

1. CONSTRUCTION ENTRANCE:
   - AGGREGATE SHALL BE 2" TO 3.5" CLEAN CRUSHED ROCK. CRUSHED CONCRETE IS NOT ACCEPTABLE.
   - FILTER FABRIC SHALL BE WOVEN GEOTEXTILE FABRIC WITH A MINIMUM GRAB TENSILE STRENGTH OF 250 LBS.
   - CONSTRUCTION ENTRANCE SHALL BE A MINIMUM SIZE OF 24' X 70' LONG, FILTER FABRIC AND ROCK SHALL EXTEND THE FULL LENGTH OF THE ENTRANCE.

2. SILT FENCE:
   - 100% POLYPROPYLENE SILT FENCE FABRIC WITH A MINIMUM FILTERING EFFICIENCY OF 70%
   - MINIMUM GRAB STRENGTH TENSILE (120 LBS)
   - MINIMUM FABRIC HEIGHT 36"
   - FABRIC POSTS SHALL BE STEEL "T" POSTS, MINIMUM OF 40" IN LENGTH
   - SILT FENCE INSTALLATION: SILT FENCE SHALL BE KNIFED INTO EXISTING GRADE BY USE OF A SILT FENCE INSTALLATION MACHINE A MINIMUM DEPTH OF SIX (6") INCHES INTO THE GROUND. POSTS SHALL BE DRIVEN INTO GROUND A MINIMUM OF SIXTEEN (16") INCHES. POSTS SHALL BE SPACED A MINIMUM OF SIX (6') APART. SILT FENCE JOINTS SHALL OCCUR AT POST LOCATIONS ONLY, OVERLAP FENCE A MINIMUM OF 12" AT POSTS. CONNECT SILT FENCE FABRIC TO POSTS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

3. EROSION CONTROL BLANKET
   - TYPE 1: 100% STRAW FIBER MATRIX WITH PHOTODEGRADABLE POLYPROPYLENE TOP NET. APPROVED PRODUCT, NORTH AMERICAN GREEN DS150, OR APPROVED EQUAL.
   - TYPE 2: 70% STRAW FIBER/30% COCONUT MATRIX WITH HEAVYWEIGHT POLYPROPYLENE TOP NET. APPROVED PRODUCT, NORTH AMERICAN GREEN SC150, OR APPROVED EQUAL.
   - INSTALL AND SECURE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

4. CURB INLET PROTECTION:
   - MANUFACTURED INLET PROTECTOR WITH HIGH STRENGTH GEOTEXTILE FABRIC AND FILLED WITH RECYCLED TIRE RUBBER.
   - APPROVED PRODUCT: NILEX, BIG RED FILTER, OR APPROVED EQUAL
   - CURB INLET PROTECTOR SHALL BE OF SUFFICIENT LENGTH TO COVER THE ENTIRE CURB INLET THROAT OPENING.
   - INSTALL FLAT ON THE PAVEMENT IN FRONT OF CURB INLET, MAKING SURE THERE ARE NO OPENINGS AROUND THE INLET PROTECTOR WHICH SEDIMENT COULD ENTIRE THE INLET.

5. COMPOST FILTER SOCK:
   - COMPOST MEDIUM WRAPPED BY A MESH FABRIC, SECURELY FASTENED AT EACH END.
   - APPROVED PRODUCT: FILTREXX, SILTSOXX, OR APPROVED EQUAL
   - MINIMUM DIAMETER, 12"
   - INSTALL FILTER SOCK PARALLEL TO THE BASE OF A SLOPE, OR PERPENDICULAR TO SHEET FLOW. SOCK SHALL BE UNIFORMLY CONTACTING THE GROUND SURFACE. ANCHOR SOCK IN PLACE BY USE OF 2" X 2" WOODEN STAKES DRIVEN INTO GROUND AT SIX (6') FOOT MAXIMUM INTERVALS. DRIVE STAKES A MINIMUM OF 12" INTO GROUND SURFACE

5. WATTLE LOG:
   - STRAW FILLED TUBE OF FLEXIBLE NETTING MATERIAL. NETTING SHALL BE HIGH-DENSITY POLYETHYLENE AN NATURAL MATERIAL.
   - MINIMUM DIAMETER, 12"
   - INSTALL WATTLE SOCK PARALLEL TO THE BASE OF A SLOPE, OR PERPENDICULAR TO SHEET FLOW. SOCK SHALL BE UNIFORMLY CONTACTING THE GROUND SURFACE. SHAPE GROUND SURFACE BELOW WATTLE LOG WITH 2"-3" TRECH. ANCHOR WATTLE LOG IN PLACE BY USE OF 2" X 2" WOODEN STAKES DRIVEN INTO GROUND AT TWO (2') FOOT MAXIMUM INTERVALS. DRIVE STAKES A MINIMUM OF 12" INTO GROUND SURFACE.

TEMPORARY SEEDING SPECIFICATIONS (AS REDUIRED BY GENERAL NPDES PERMIT)

CONSTRUCTION SPECIFICATIONS:

1. PRIOR TO SEEDING, INSTALL ALL NECESSARY EROSION CONTROL PRACTICES SUCH AS DIKES, WATERWAYS, AND BASINS.
2. PROVIDE PROPER SHAPING OF THE AREA TO BE SEEDED IN A MANNER SUCH THAT SEEDED PREPARATION AND SEEDING OPERATIONS CAN BE CARRIED OUT.
3. SEEDBED PREPARATION:
   3.1. IF THE AREA HAS BEEN RECENTLY LOOSENED OR DISTURBED, NO FURTHER ROUGHENING IS REQUIRED. WHEN THE AREA IS COMPACTED, CRUSTED OR HARDENED, THE SOIL SURFACE SHALL BE LOOSENED BY DISCING, RAKING, HARROWING, OR OTHER ACCEPTABLE MEANS. SEEDBED PREPARATION SHOULD NOT BE UNDERTAKEN WHEN EXCESSIVELY WET CONDITIONS EXIST. SEEDBED SHALL BE PREPARED TO A DEPTH OF APPROXIMATELY 3 INCHES.
   3.2. IF THE SOIL BEING SEEDED IS FERTILE TOPSOIL, FERTILIZER IS NOT REQUIRED. HOWEVER, IF SUBSOIL IS TO BE SEEDED, IT WILL MOST LIKELY BE DEFICIENT IN NUTRIENTS REQUIRED FOR SEED GERMINATION AND GROWTH. 450 LBS./ACRE OF 10-20-20 FERTILIZER SHOULD BE USED, AND IT IS ESSENTIAL THAT THIS FERTILIZER BE INCORPORATED INTO THE TOP 2-4 INCHES OF SOIL DURING SEEDBED PREPARATION. SOILS WHICH ARE HIGHLY ACIDIC SHOULD BE LIMITED.
4. SEEDING:
   4.1. CERTIFIED SEED SHALL BE USED ON ALL TEMPORARY PLANTS APPROPRIATE TO THE SEASON AND SITE CONDITIONS FROM THOSE LISTED IN THE ACCOMPANYING TABLE.

TIME OF YEAR	SPECIES SEEDING RATE
MARCH 15 – MAY 15	SPRING OATS 2 BU./AC. BARLEY 2 BU./AC. PERENNIAL RYEGRASS 30-40 LBS./AC. ORCHARD GRASS 20-25 LBS./AC.
MAY 16 – JULY 15	GRAIN SORGHUM (DRILLED) 10-20 LBS./AC. FORAGE SORGHUM (DRILLED) 10-20 LBS./AC. HYBRID SUNDANGRASS 20-30 LBS./AC.
JULY 16 – OCTOBER 15	SPRING OATS 2 BU./AC. BARLEY 2 BU./AC.
AUGUST 16 – OCTOBER 15	WINTER WHEAT 1.5 BU./AC. WINTER RYE 1.5 BU./AC.
OCTOBER 15 – MARCH 15	NO PLANTING, USE MULCHES 1.5 BU./AC.

   4.2. OTHER SEEDINGS MAY BE USED AS RECOMMENDED BY QUALIFIED AGRONOMISTS OR SOIL CONSERVATIONISTS. SEED SHOULD BE EVENLY APPLIED WITH A DRILL, CULTIPACKER SEEDER, OR HYDROSEEDER. SMALL GRAINS SHALL BE PLANTED NO MORE THAN 1-1/2 INCHES DEEP AND GRASSES NO MORE THAN 1/2 INCH DEEP.
5. WHEN SEEDINGS ARE MADE ON CRITICAL SITES OR ADVERSE SOIL CONDITIONS, MULCH MATERIAL WILL BE APPLIED IMMEDIATELY AFTER SEEDING. SEEDINGS MADE DURING OPTIMUM SEEDING DATES AND WITH FAVORABLE SOILS ON VERY FLAT AREAS MAY NOT NEED TO BE MULCHED.

MAINTENANCE:

1. AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER ADEQUATE TO PREVENT RILL EROSIONS WILL BE RE-SEEDED AS SOON AS SUCH AREAS ARE IDENTIFIED. CONTROL WEEDS BY MOWING.

PERMANENT SEEDING SPECIFICATIONS

CONSTRUCTION SPECIFICATIONS:

1. PROVIDE PROPER SHAPING OF THE AREA TO BE SEEDED IN A MANNER SUCH THAT SEEDED PREPARATION AND SEEDING OPERATIONS CAN BE CARRIED OUT.
2. SEEDBED PREPARATION:
   2.1. IF THE AREA HAS BEEN RECENTLY LOOSENED OR DISTURBED, NO FURTHER ROUGHENING IS REQUIRED. WHEN THE AREA IS COMPACTED, CRUSTED OR HARDENED, THE SOIL SURFACE SHALL BE LOOSENED BY DISCING, RAKING, HARROWING, OR OTHER ACCEPTABLE MEANS. SEEDBED PREPARATION SHOULD NOT BE UNDERTAKEN WHEN EXCESSIVELY WET CONDITIONS EXIST. SEEDBED SHALL BE PREPARED TO A DEPTH OF APPROXIMATELY 3 INCHES.
   2.2. IF THE SOIL BEING SEEDED IS FERTILE TOPSOIL, FERTILIZER IS NOT REQUIRED. HOWEVER, IF SUBSOIL IS TO BE SEEDED, IT WILL MOST LIKELY BE DEFICIENT IN NUTRIENTS REQUIRED FOR SEED GERMINATION AND GROWTH. 450 LBS./ACRE OF 10-20-20 FERTILIZER SHOULD BE USED, AND IT IS ESSENTIAL THAT THIS FERTILIZER BE INCORPORATED INTO THE TOP 2-4 INCHES OF SOIL DURING SEEDBED PREPARATION. SOILS WHICH ARE HIGHLY ACIDIC SHOULD BE LIMITED.
3. SEEDING:
   3.1. CERTIFIED SEED SHALL BE USED ON ALL TEMPORARY PLANTS APPROPRIATE TO THE SEASON AND SITE CONDITIONS FROM THOSE LISTED IN THE ACCOMPANYING TABLE.

TIME OF YEAR	SPECIES SEEDING RATE
MARCH 15 – MAY 15 AUGUST 16 – OCTOBER 15	BROMEGRASS OATS, LINN PERENNIAL RYEGRASS AND FAWN TALL FESCUE 100 LBS./AC. (DRILLED) 150 LBS./AC. (BROADCAST)

   3.2. OTHER SEEDINGS MAY BE USED AS RECOMMENDED BY QUALIFIED AGRONOMISTS. SEED SHOULD BE EVENLY APPLIED WITH A DRILL, CULTIPACKER SEEDER, OR HYDROSEEDER. SMALL GRAINS SHALL BE PLANTED NO MORE THAN 1-1/2 INCHES DEEP AND GRASSES NO MORE THAN 1/2 INCH DEEP.

WHEN SEEDINGS ARE MADE ON CRITICAL SITES OR ADVERSE SOIL CONDITIONS, MULCH MATERIAL WILL BE APPLIED IMMEDIATELY AFTER SEEDING. SEEDINGS MADE DURING OPTIMUM SEEDING DATES AND WITH FAVORABLE SOILS ON VERY FLAT AREAS MAY NOT NEED TO BE MULCHED.

MAINTENANCE:

1. AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER ADEQUATE TO PREVENT RILL EROSIONS WILL BE RE-SEEDED AS SOON AS SUCH AREAS ARE IDENTIFIED. CONTROL WEEDS BY MOWING.

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OLSSON ASSOCIATES
601 P Street, Suite 200
P.O. Box 84608
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REVISIONS

REV NO.	DATE	REVISIONS DESCRIPTION

EROSION AND SEDIMENT CONTROL NOTES

GALLERY 23 EAST
PLANNED UNIT DEVELOPMENT

2017

FREMONT, NE.

drawn by:	CAD
checked by:	ENG
approved by:	ENG
QA/QC by:	ENG
project no.:	017-0103
drawing no.:	
date:	####

SHEET
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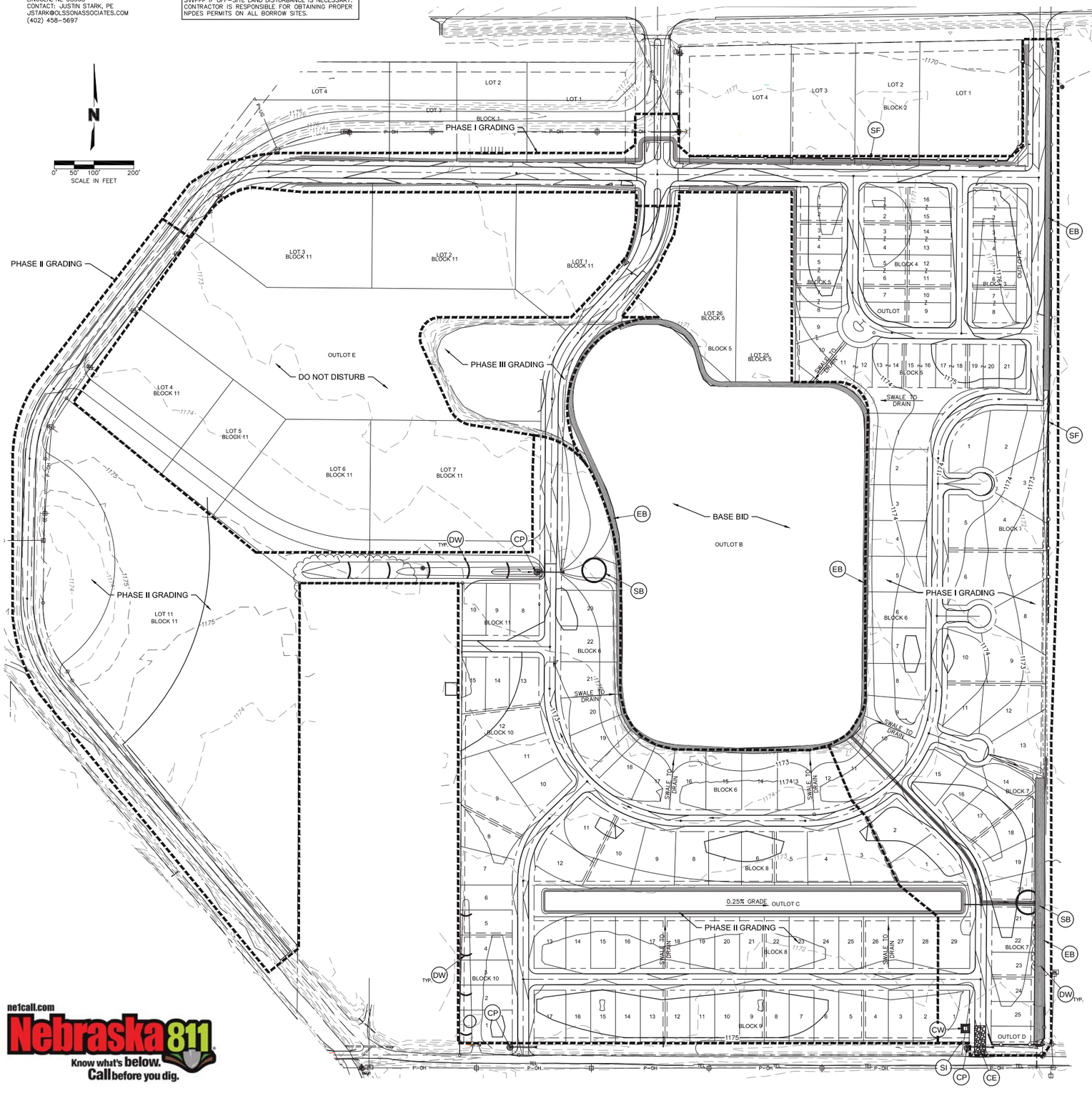
GALLERY 23 EAST - MASS GRADING
EROSION AND SEDIMENT CONTROL PLAN

ENGINEER
OLSSON ASSOCIATES
601 P STREET, SUITE 200
LINCOLN, NE 68508
CONTACT: JUSTIN STARK, PE
JSTARK@OLSSONASSOCIATES.COM
(402) 458-5697

NOTE:
CONTRACTOR SHALL BE RESPONSIBLE FOR UPDATING SWPPP IF OFF-SITE LAND DISTURBANCE IS NECESSARY. CONTRACTOR IS RESPONSIBLE FOR OBTAINING PROPER NPDES PERMITS ON ALL BORROW SITES.



BMP IMPLEMENTATION SCHEDULE			
SPECIFIED BMP	**INSTALLATION**	**REQUIRED MAINTENANCE**	**REMOVAL**
VEGETATED BUFFER/ FILTER STRIP	PRESERVE BUFFER STRIPS NEIGHBORING SENSITIVE AREAS	WEED AND PEST CONTROL, MOVING, FERTILIZING, IRRIGATING, AND PRUNING, INSPECT FOR VEGETATION FOR CONTINUED ESTABLISHMENT	ADOPT BUFFER INTO FINAL LANDSCAPE
CONSTRUCTION ENTRANCE	UPON MOBILIZATION OF GRADING CONTRACTOR	ADD OR REPLACE ROCK AS REQUIRED TO MAINTAIN FUNCTIONALITY	COMPLETION OF STREET PAVING.
SILT FENCE	IMMEDIATELY FOLLOWING CLEARING AND GRUBBING AROUND PERIMETER	REPAIR WASH-OUTS, DOWNED FABRIC, AND REMOVE SEDIMENT WHEN DEPTH IS ½ THE HEIGHT OF THE FABRIC.	95% VEGETATIVE COVER ON UPSTREAM AREAS.
DIVERSION DIKE	IMMEDIATELY FOLLOWING CLEARING AND GRUBBING AROUND PERIMETER	REMOVE SEDIMENT BUILDUP WHICH WILL PREVENT DRAINAGE	95% VEGETATIVE COVER ON UPSTREAM AREAS.
TEMPORARY SEEDING	IMMEDIATELY FOLLOWING MAJOR GRADING AND INSTALLATION OF EROSION CONTROL PRACTICES	RE-SEED AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER; CONTROL WEEDS; ENSURE GOOD STAND IS MAINTAINED	N/A
CONCRETE WASHOUT	UPON MOBILIZATION OF UTILITY CONTRACTOR	REMOVE CONCRETE RUBBLE AS REQUIRED TO MAINTAIN FUNCTIONALITY	COMPLETION OF STREET PAVING.
STORM DRAIN INLET PROTECTION	IMMEDIATELY FOLLOWING INSTALLATION OF STORM SEWER	REMOVE SEDIMENT WHEN DEPTH IS ½ THE HEIGHT OF THE FABRIC.	COMPLETION OF STREET PAVING.
PERMANENT SEEDING	IMMEDIATELY FOLLOWING FINISHED GRADING AND INSTALLATION OF EROSION CONTROL PRACTICES	RE-SEED AREAS WHICH FAIL TO ESTABLISH VEGETATIVE COVER; CONTROL WEEDS; ENSURE GOOD STAND IS MAINTAINED	N/A
HYDROSEEDING/ HYDROMULCHING	IMMEDIATELY FOLLOWING FINISHED GRADING	INSPECT FOR EROSION, ADD MULCH AND/OR SEED AS NECESSARY	N/A
MULCHING		INSPECT FOR EROSION, ADD MULCH AS NECESSARY UNTIL GRASSES ARE FIRMLY ESTABLISHED	N/A

SITE INFORMATION

TOTAL DISTURBED AREA	121.1 AC.
TOTAL SITE AREA	79.7 AC.
NPDES PERMIT IS REQUIRED	

EROSION CONTROL IMPROVEMENT LEGEND

- CE — CONSTRUCTION ENTRANCE/EXIT TO BE BUILT BY CONTRACTOR. MINIMUM 24' WIDE X 70' LONG FROM EXISTING ROAD. 2" TO 3.5" CLEAN STONE, 6" THICK MIN. WITH GEOTEXTILE FILTER FABRIC, PER DETAIL SHEET
- SF — SILT FENCE MUST BE INSTALLED IN NO GREATER THAN 100' RUNS, THE ENDS OF EACH RUN MUST TURN UPHILL ('J' HOOKS) FOR AN APPROPRIATE DISTANCE TO KEEP WATER FROM FLOWING TO THE NEXT SECTION OF SILT FENCE. (TYPICAL), PER DETAIL SHEET
- SD — SEEDING SHALL BE PROVIDED BY CONTRACTOR. CONTRACTOR TO COORDINATE WITH SEED INSTALLER FOLLOWING FINAL GRADING
- SI — INSTALL SWPPP INFORMATION SIGN, PER DETAIL SHEET
- CW — INSTALL CONCRETE WASHOUT, PER DETAIL SHEET
- CP — INSTALL CULVERT INLET PROTECTION PER DETAIL SHEET
- RR — INSTALL ROCK RIP-RAP AT PIPE OUTLET, PER DETAIL SHEET
- EB — INSTALL NORTH AMERICAN GREEN, SI150 EROSION CONTROL BLANKET OR EQUAIL ON ALL SLOPES WHICH ARE GREATER THAN OR EQUAL TO 4:1. OR AS SHOWN ON PLAN, INSTALL PER MANUFACTURES SPECIFICATIONS
- DW — INSTALL WATTLE DITCH CHECKS, REFER TO DETAIL SHEET
- SB — INSTALL SEDIMENT BASIN, REFER TO DETAIL SHEET

LEGEND

- LIMITS OF CONSTRUCTION
- 1600 — EXISTING MAJOR CONTOUR
- 1600 — EXISTING MINOR CONTOUR
- 1600 — PROPOSED MAJOR CONTOUR
- 1600 — PROPOSED MINOR CONTOUR
- DIRECTION OF FLOW
- SILT FENCE
- EROSION CONTROL NAG SI150 OR EQUAIL
- CULVERT PROTECTION
- CONSTRUCTION ENTRANCE

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NO.	DATE	REVISIONS DESCRIPTION
		REVISIONS

EROSION AND SEDIMENT CONTROL PLAN
GALLERY 23 EAST
PLANNED UNIT DEVELOPMENT
FREMONT, NE.
2017

drawn by:	CAD
checked by:	ENG
approved by:	ENG
QA/QC by:	ENG
project no.:	017-0103
drawing no.:	-
date:	####

SHEET
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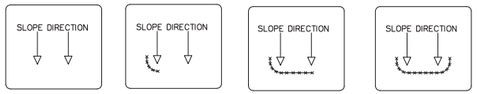
DATE: Aug 29, 2017 10:22am XREFS: 70103_PBASE 70103_XBASE 70103_TITLEBLOCK MASS GRADING

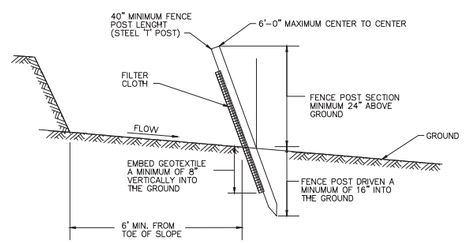
GALLERY 23 EAST - MASS GRADING
EROSION AND SEDIMENT CONTROL DETAILS

SILT FENCE PLACEMENT/ONE SLOPE

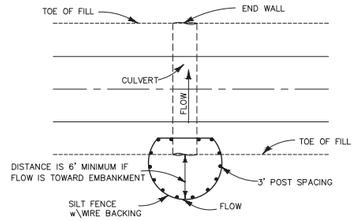
INSTALLATION WITH J-HOOKS OR 'SMILES' INCREASE SILT FENCE EFFICIENCY.



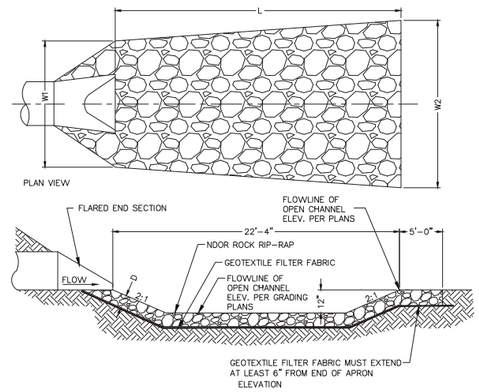
SILT FENCE DETAIL
NOT TO SCALE



SILT FENCE DETAIL
NOT TO SCALE

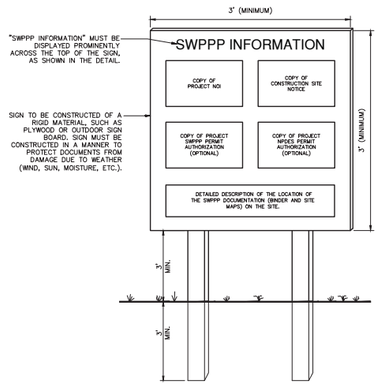


CULVERT INLET PROTECTION
NOT TO SCALE



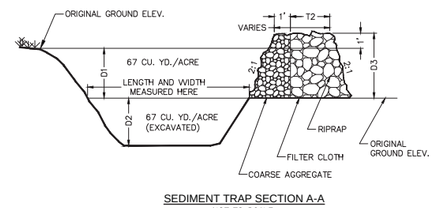
ROCK RIP-RAP FOR RCP/ HDPE OUTLET CONDITIONS
NOT TO SCALE

PIPE SIZE (DIA.)	W1	W2	LENGTH (L)	MEDIAN STONE SIZE	DEPTH OF APRON (D)
15"	3'-9"	16'	15'	12"	18"
24"	6'	26'	24'	15"	24"

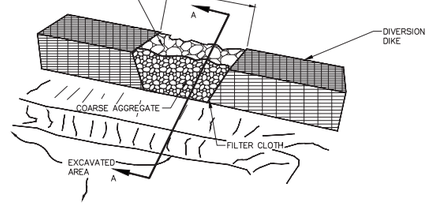


NOTES:
1. THE SWPPP INFORMATION SIGN MUST BE LOCATED NEAR THE ENTRANCE/EXIT OF THE SITE, SUCH THAT IT IS ACCESSIBLE/VIEWABLE BY THE GENERAL PUBLIC, BUT NOT OBSTRUCTING VIEWS AS TO CAUSE A SAFETY HAZARD.
2. ALL POSTED DOCUMENTS MUST BE MAINTAINED IN A CLEARLY READABLE CONDITION AT ALL TIMES THROUGHOUT CONSTRUCTION AND UNTIL THE NOTICE-OF-TERMINATION (NOT) IS FILED FOR THE PERMIT.
3. CONTRACTOR SHALL POST OTHER STORM WATER AND/OR EROSION AND SEDIMENT CONTROL RELATED PERMITS ON THE SIGN AS REQUIRED BY THE LOCAL AGENCY.
4. SIGN SHALL BE LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY AND EASEMENTS UNLESS APPROVED BY THE GOVERNING AGENCY.
5. CONTRACTOR IS RESPONSIBLE FOR ENSURING STABILITY OF THIS SWPPP INFORMATION SIGN.

SWPPP INFORMATION SIGN
NOT TO SCALE

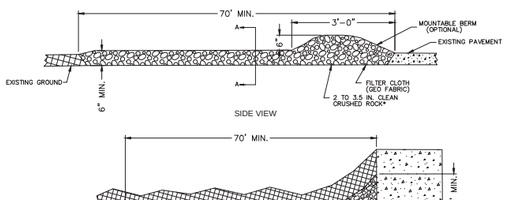


SEDIMENT TRAP SECTION A-A
NOT TO SCALE

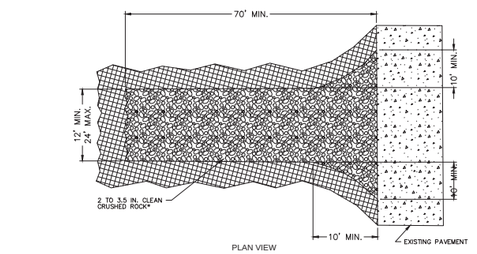


TEMPORARY SEDIMENT TRAP OUTLET PERSPECTIVE VIEW
NOT TO SCALE

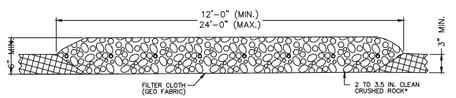
TEMPORARY SEDIMENT TRAP SCHEDULE



SIDE VIEW



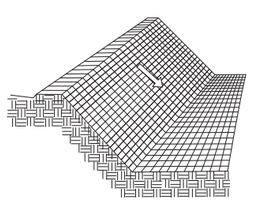
PLAN VIEW



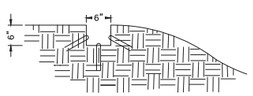
SECTION A-A

NOTE:
1. * MUST EXTEND THE FULL WIDTH AND LENGTH OF THE CONSTRUCTION ENTRANCE
2. THE 24'-0" WIDTH IS REQUIRED WHEN THE INGRESS AND THE EGRESS ARE THE SAME

CONSTRUCTION ENTRANCE DETAIL
SCALE: NOT TO SCALE



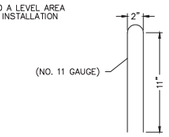
STEEP SLOPE APPLICATION
NO SCALE



TOP OF SLOPE
NO SCALE

NOTE:
BRING MATERIAL DOWN TO A LEVEL AREA BEFORE TERMINATING THE INSTALLATION

NOTE:
ON STEEP SLOPES, APPLY PROTECTIVE BLANKET PERPENDICULAR TO THE DIRECTION OF FLOW AND ANCHOR SECURELY



STAPLE
NO SCALE

TURF REINFORCEMENT ROLLED EROSION CONTROL
NOT TO SCALE

SITE PREPARATION:
AFTER THE SITE HAS BEEN GRADED AND SHAPED, PREPARE A SEED BED RELATIVELY FREE FROM CLODS AND ROCKS MORE THAN 1 1/2 INCHES IN DIAMETER AND ANY FOREIGN MATERIAL THAT WILL PREVENT UNIFORM CONTACT OF THE PROTECTIVE COVERING WITH THE SOIL SURFACE.

PLANTING:
FERTILIZE AND SEED IN ACCORDANCE WITH THE SEEDING OR PLANTING PLAN. WHEN USING JUTE MESH ON A SEEDED AREA, APPLY APPROXIMATELY ONE HALF THE SEED AFTER LAYING THE MAT. THE PROTECTIVE COVERING CAN BE LAID OVER AREAS WHERE SMALL GRASS PLANTS HAVE BEEN INSERTED INTO THE SOIL WHERE GROUND COVERS ARE TO BE PLANTED, LAY THE PROTECTIVE COVERING FIRST AND THEN PLANT THOUGH THE MATERIAL AS PER PLANTING PLAN.

INSTALLATION:
1. STARTING LAYING THE PROTECTIVE COVERING FROM THE TOP OF THE CHANNEL OR SLOPE AND UNROLL DOWN HILL. ALLOW TO LAY LOOSELY ON SOIL DO NOT STRETCH!
2. UP SLOPE ENDS OF THE BLANKET SHOULD BE BURIED IN AN ANCHOR SLOT NO LESS THAN 6 INCHES DEEP. TAMP EARTH
3. EXTEND BLANKET ABOUT 40 INCHES OVER THE TOP OF SLOPE WHEN MATERIAL IS RELATIVELY FLAT. STAPLE MATERIAL AT A MINIMUM OF EVERY 12 INCHES ACROSS THE TOP.
4. EDGES OF THE MATERIAL SHALL BE STAPLED EVERY 3 FT. WHERE MULTIPLE WIDTHS ARE LAID SIDE BY SIDE. THE ADJACENT EDGE SHALL BE OVERLAPPED A MINIMUM OF 6 INCHED AND STAPLED TOGETHER.
5. STAPLE PATTERNS VARY REFER TO CITY ENGINEER SPECIAL PROVISIONS OR PRODUCT MANUFACTURER FOR APPROPRIATE PATTERN.

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EROSION AND SEDIMENT CONTROL DETAILS

GALLERY 23 EAST
PLANNED UNIT DEVELOPMENT

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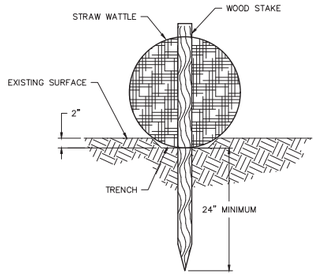
DATE: Aug 29, 2017 10:22am
USER: tpoulsen
XREFS: 70103_PBASE 70103_XBASE 70103_TITLEBLOCK MASS GRADING

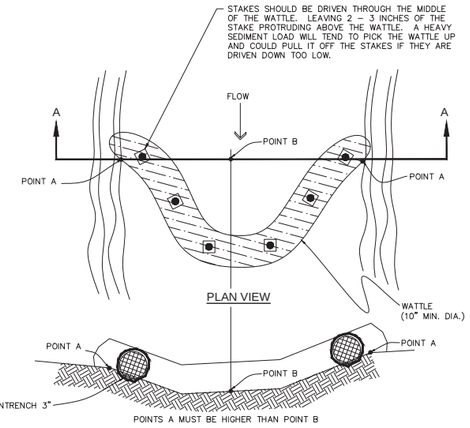
GALLERY 23 EAST - MASS GRADING
EROSION AND SEDIMENT CONTROL DETAILS



STRAW WATTLE, WITH STAKE DETAIL
NOT TO SCALE

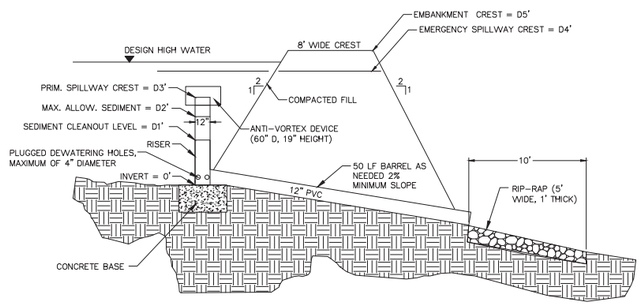
STRAW WATTLE NOTES:

1. ENDS OF WATTLES SHALL BE TURNED IN TOWARDS PROPERTY.
2. RECOMMENDED STAKES ARE 1 1/8" WIDE X 1 1/8" THICK X 30" LONG. STAKES SHALL NOT EXTEND ABOVE THE STRAW WATTLE MORE THAN 2".
3. STAKES SHALL BE PLACED EVERY FIVE (5) FEET AND AT LEAST TWO (2) FEET FROM EACH END.



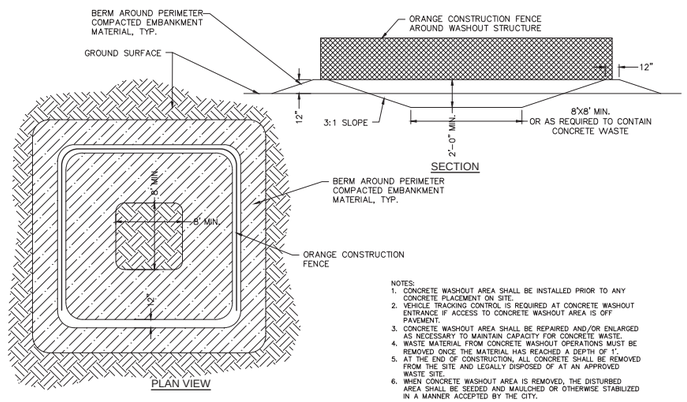
SECTION A-A

WATTLE DIKE
DITCH INSTALLATION



TEMPORARY SEDIMENT BASIN
OUTLET/RISER STRUCTURE DETAIL
NOT TO SCALE

TEMPORARY SEDIMENT BASIN SCHEDULE



NOTES:
1. CONCRETE WASHOUT AREA SHALL BE INSTALLED PRIOR TO ANY CONCRETE PLACEMENT ON SITE.
2. VEHICLE TRACKING CONTROL IS REQUIRED AT CONCRETE WASHOUT ENTRANCE IF ACCESS TO CONCRETE WASHOUT AREA IS OFF PAVEMENT.
3. CONCRETE WASHOUT AREA SHALL BE REPAIRED AND/OR ENLARGED AS NECESSARY TO MAINTAIN CAPACITY FOR CONCRETE WASTE.
4. WASTE MATERIAL FROM CONCRETE WASHOUT OPERATIONS MUST BE REMOVED ONCE THE MATERIAL HAS REACHED A DEPTH OF 1'.
5. AT THE END OF CONSTRUCTION, ALL CONCRETE SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF AT AN APPROVED WASTE SITE.
6. WHEN CONCRETE WASHOUT AREA IS REMOVED, THE DISTURBED AREA SHALL BE SEEDED AND MAULCHED OR OTHERWISE STABILIZED IN A MANNER ACCEPTED BY THE CITY.

CONCRETE WASHOUT AREA DETAIL
NO SCALE

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REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION

EROSION AND SEDIMENT CONTROL DETAILS

GALLERY 23 EAST
PLANNED UNIT DEVELOPMENT

FREMONT, NE.

2017

drawn by:	CAD
checked by:	ENG
approved by:	ENG
QA/QC by:	ENG
project no.:	017-0103
drawing no.:	
date:	#####

SHEET
C2.6

DWG: C:\Temp\AcPublish_14060\C_ERC_70103.dwg USER: tpoulsen
DATE: Aug 29, 2017 10:22am XREFS: 70103_PBASE 70103_XBASE 70103_TITLEBLOCK MASS GRADING