

**NEBRASKA**

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DEPT. OF ENVIRONMENT AND ENERGY



Pete Ricketts, Governor

# Construction Storm Water Notice of Intent (CSW-NOI)

Permit Number: CSW-202004665

## A. Project Description

**Project Name:** Kempten Creek  
**Physical Address:** N. 156th Street and Bennington Road  
**County:** Douglas

## 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."*

DocuSigned by:  
 Certifying Official/Date: David Vogtman  
 3E2A21349803416...  
 David Vogtman

5/11/2020

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

David Vogtman

First and Last Name

HRC Development, LLC

Company Name/Applicant

402-334-3690

Work Phone

General Manager

Title

402-334-3690

Cell Phone

dave@thhomecompanyomaha.com

Email

6900 Westown Parkway

Mailing Address

West Des Moines, IA 50266

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:**

First and Last Name

Company Name/Applicant

Work Phone

Title

Cell Phone

Email

Mailing Address

, 0

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:** Kempten Creek
- b. **Physical Address:** N. 156th Street and Bennington Road  
**County:** Douglas
- c. **Project Type:** Residential
- d. **Project Size: Total Area** 104.3 **Area to be disturbed** 72  
**(acres):** **(acres):**
- e. **Identify surface waters within ½ mile of project boundary that will receive storm water or discharge from permanent storm water management system.**  
Big Papillion Creek
- f. **Name of Receiving Waters:** Big Papillion Creek
- g. **Waterbody Type** Creek
- h. **Legal Description: Quarter of the Quarter, Section, Township N, Range**  
NE1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M.
- i. **SWPPP Designer, Company, Address and Phone Number:**  
Justin Zetterman  
E & A Consulting Group, Inc.  
10909 Mill Valley Road, Suite 100  
402-895-4700 jzetterman@eacg.com
- j. **SWPPP Location:**
- k. **Project Start Date** (approximate): 6/1/2020 **l. Project End Date** (estimated): 6/1/2025
- 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:



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**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, stockN/A  
yard, fly yard, laydown area, staging/storage site, vehicle/machinery parking area, etc. be  
needed?

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

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 N/A  
indicate if they have already been obtained.