

CONSTRUCTION SITE NPDES PERMITS

Introduction

Certain provisions of the Clean Water Act and related federal, state, and local regulations and ordinances are intended to protect the quality of surface waters (e.g., lakes, streams, rivers, etc.) by regulating certain potential pollutant-generating activities.

On construction sites, storm water flowing across areas where the land has been disturbed by clearing, grading, and excavating can transport sediments to nearby surface waters through natural or manmade conveyances (i.e., depressions, slopes, swales, storm sewers, ditches, canals, etc.). Storm water can pickup pollutants from other construction-related activities as well, such as stockpiles, borrow areas, equipment washing areas, fueling operations, trash/waste receptacles, portable toilets, etc. While these types of activities can lend to sediment loading, they may also introduce other pollutants such as dissolved fuels, oils, greases, chemical contaminants, etc., or trigger other regulatory obligations/ramifications (e.g., hazardous waste regulations, solid waste regulations, release reporting requirements, etc.).

Depending on the weather or groundwater levels, it may be necessary to pump water from excavations or other structures or areas of the site. This water can contain pollutants identical to those cited above. Site disturbing activities and dewatering are both subject to regulatory requirements.

- All activities on City and East Campuses that may contribute to storm water pollution, including but not limited to all construction sites, are subject to the conditions of UNL's Small Municipal Separate Storm Sewer System (SMS4) NPDES Permit (NER310000). As a permit condition, UNL must implement a specific Storm Water Management Plan (SWMP). This plan requires implementation of erosion and sediment controls at all construction sites to minimize storm water pollution.
- Construction sites that disturb an area of 1 acre or more, or are less than one acre but part of a larger common plan or development, require application for and compliance with the "General NPDES Permit Authorizing Storm Water Discharges from Construction Sites to Waters of the State of Nebraska (General NPDES Permit Number NER160000)."
- Some dewatering of groundwater or groundwater mixed with stormwater in excavations or other structures may require application for and compliance with the "General NPDES Permit Authorizing Dewatering Discharges (General NPDES Permit Number NEG671000)." For additional information, refer to EHS SOP, **Dewatering**.
- EHS manages an online reporting system, the Stormwater Reporter (<http://ehs.unl.edu/stormwater-pollution-reporting-form>), intended for any person

to submit information regarding storm water quality issues on UNL campus. Contractors must take corrective action when a complaint investigation identifies deficiencies on a project site.

UNL Design Guidelines & SMS4 Permit Requirements for Small Projects (< 1 Acre)

In accordance with UNL’s SMS4 Storm Water Management Program/Plan, erosion protection and sediment control is important at *all* construction sites, regardless of size of area/soil disturbed; and feasible steps must be taken to minimize storm water pollution. For small sites, the intent is to implement feasible storm water controls and to monitor their continued efficiency through regular visual inspection of the construction site. The following table summarizes activities and responsibilities relating to small construction sites.

Summary of Responsibilities for Small Construction Sites (< One Acre In Area)	
UNL Construction Contractors	<ol style="list-style-type: none"> 1. Plan for, implement, and maintain reasonable measures to prevent storm water pollution resulting from construction activities. 2. Report to the UNL Project Inspector or Manager and EHS any release of any quantity of any hazardous material, including petroleum, at the construction site. 3. Maintain good housekeeping at the construction site. 4. Take action to rectify all concerns expressed by UNL representatives regarding storm water pollution prevention controls.
UNL Construction Project Management Personnel (PM)	<ol style="list-style-type: none"> 1. Ensure that contract documents incorporate the contractor’s responsibility to plan for, implement, and maintain reasonable measures for storm water pollution prevention. 2. Report suspected ineffective stormwater pollution prevention controls to the contractor so the contractor can implement corrective action as appropriate; and submit concerns to EHS. 3. Ensure that EHS is immediately notified of any release to the environment of any quantity of any hazardous material, including petroleum, at the construction site.
UNL EHS Personnel	<ol style="list-style-type: none"> 1. Ensure that releases to the environment of hazardous substances are reported to appropriate regulatory agencies, as required. 2. Conduct random inspections of construction sites and related outfalls to assess the efficiency and appropriateness of controls implemented by the contractor. 3. Receive and investigate complaints or concerns from UNL Construction Project Management Personnel and other interested parties as they relate to specific construction sites, outfalls, etc. Maintain records for purposes of SMS4 permit recordkeeping and reporting requirements.

General NPDES Permits for Construction Sites of 1 Acre or More (or less than an acre if part of a larger common plan of development)

Larger construction sites are subject to Nebraska Department of Environment and Energy (NDEE) General NPDES Permit Authorizing Storm Water Discharges from Construction Sites to Waters of the State of Nebraska (General NPDES Permit Number NER160000), as well as UNL’s NPDES SMS4 general permit. Copies of the General Construction Permit and application forms are found on the NDEE website.

The contractor must have a site specific Stormwater Pollution Prevention Plan (SWPPP) prepared by a qualified person prior to applying for a NPDES Construction Permit. The Contractor must then complete the online application process to submit the

Notice of Intent (NOI) to NDEE a minimum of seven (7) calendar days prior to commencing earthwork. Unless notified otherwise by NDEE, the permit is self-issuing seven days following the online application. NDEE will notify the applicant of its Authorization to Discharge in writing sometime after submission.

In accordance with UNL’s SMS4 permit, the Contractor must submit a copy of the SWPPP and NOI to EHS for review and authorization at least seven days before commencing earthwork.

A General NPDES Permit Authorizing Storm Water Discharges from Construction Sites to Waters of the State of Nebraska cannot be terminated until the site has reached final stabilization. The site remains subject to the conditions of the General Permit until final stabilization has been reached. Final stabilization requires all portions of the site to be stabilized and all temporary storm water BMPs removed. Once the site has reached final stabilization, the Contractor must submit a Construction Storm Water Notice of Termination (CSW-NOT) to the NDEE. A copy of the CSW-NOT shall be submitted to EHS.

The following activities and responsibilities apply to large construction sites:

Summary of Responsibilities for Large Construction Sites	
UNL Construction Contractors	<ol style="list-style-type: none"> 1. A SWPPP must be prepared by a qualified person prior to submission of NOI 2. Submit to NDEE a Notice of Intent (NOI) at least seven days prior to commencing earthwork activities and obtain a General NPDES Permit Authorizing Storm Water Discharges from Construction Sites to Waters of the State of Nebraska (General NPDES Permit Number NER160000) 3. Submit copies of the following to EHS for review and approval at least seven days prior to commencing earth work: <ol style="list-style-type: none"> a. Site-specific SWPPP b. Signed Notice of Intent (NOI) 4. Submit to EHS a copy of the Authorization to Discharge when it is received from NDEE. 5. Maintain copies of the following on site: <ol style="list-style-type: none"> a. Documentation of routine inspections (generally required to be conducted at least once every 14 calendar days); and b. Documentation of inspections conducted following each 0.5 inch or greater precipitation event. 6. Post conspicuously on site a copy of the completed NOI as submitted to NDEE and the SWPPP or contact information for obtaining access to the SWPPP. 7. Respond to all corrective actions required by UNL. 8. If applicable, initiate Notice of Transfer and provide a copy to EHS. 9. Complete and submit the Notice of Termination to NDEE and when final stabilization has been achieved and all temporary controls have been removed. Submit a copy to EHS.
UNL Construction Project Managers (PM)	<ol style="list-style-type: none"> 1. Serve as the liaison between contractors and EHS or other affected UNL departments as it relates to storm water pollution prevention issues. 2. Ensure that construction plans adhere to the City of Lincoln Drainage Manual and incorporate post-construction storm water quality and quantity design guideline standards for projects 0.5 acre or more.

	<ol style="list-style-type: none"> 3. Invite EHS to the site pre-construction meeting to allow delivery of required contractor educational materials. 4. Ensure that construction activities do not commence until at least 7-days after submittal of a SWPPP and a NOI to NDEE and EHS. 5. Ensure that Contractors implement and document corrective actions in response to all EHS site inspections. 6. Discuss with EHS any proposed changes to site structural post-construction stormwater controls that occur after EHS approval of site features. 7. Invite EHS on a final walkthrough of all post-construction stormwater controls for inspection. 8. Participate in storm water pollution prevention awareness and training activities initiated by EHS.
UNL Construction Project Inspectors (PI)	<ol style="list-style-type: none"> 1. Report suspected ineffective stormwater pollution prevention controls to the contractor so the contractor can implement corrective action as appropriate; and submit concerns to EHS. 2. Participate in storm water pollution prevention awareness/training activities initiated by EHS.
UNL EHS Personnel	<ol style="list-style-type: none"> 1. Attend pre-construction meeting and provide contractor with stormwater educational materials. 2. Review and approve Contractor's SWPPP. 3. Conduct random site audits at least twice per year. Transmit audit findings to Contractors. 4. Execute UNL's Enforcement Response Plan when necessary 5. Arrange and conduct awareness/training sessions for contractors and UNL personnel, as appropriate. 6. Receive and investigate storm water pollution prevention concerns, document and maintain records of follow up for purposes of SMS4 permit recordkeeping and reporting. 7. Attend final walkthrough and document final inspection of all site structural post-construction stormwater controls. 8. In the event that projects are transferred to UNL for final stabilization: <ol style="list-style-type: none"> a. Certify the CSW-Transfer when necessary. Submit to NDEE. b. Complete CSW - NOI for UNL, submit to NDEE, and provide a copy to EHS c. Complete CSW – NOT, submit to NDEE, and provide a copy to EHS.