

## CONSTRUCTION SITE NPDES PERMITS

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(For assistance, please contact EHS at (402) 472-4925, or visit our web site at <http://ehs.unl.edu/>)

### 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, such as construction. Storm water flowing across sites where the land has been disturbed by clearing, grading, and excavating can transport sediments to nearby surface waters through natural (i.e., depressions, slopes, swales) or manmade (i.e., storm sewers, ditches, canals, etc.) conveyances.

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 lead 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.).

At UNL, there are two different regulatory drivers relating to storm water pollution prevention at construction sites:

- All UNL activities, 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 (NE0133892). This permit covers all activities at UNL that may contribute to storm water pollution. As a permit condition, UNL must implement its specific Storm Water Management Plan (SWMP). This program includes implementation of erosion and sediment controls at all construction sites to minimize storm water pollution.
- ***In addition***, any construction site that disturbs an area of 1 acre or more must be authorized by a "General NPDES Permit Authorizing Storm Water Discharges from Construction Sites to Waters of the State of Nebraska (General NPDES Permit Number NER110000)."

Supplementary to these regulatory requirements, the *UNL Design Guidelines for Facilities Construction* includes provisions for the development, implementation, and maintenance of effective erosion and sediment control plans at all sites of new construction and major renovation. Plans and records developed to support construction projects seeking LEED certification may also support UNL's storm water pollution prevention obligations.

The size of the construction site determines whether a General NPDES Construction Permit is required. At a minimum, requirements under UNL's SMS4 NPDES Permit (effective sediment and erosion control) will apply. If the site is 1 acre or more, the General Construction Site NPDES Permit requirements will also apply.

This Safe Operating Procedure (SOP) describes responsibilities as they pertain to storm water erosion and sediment control at University of Nebraska-Lincoln (UNL) construction sites. It is primarily intended for UNL construction managers and inspectors. However, the entire campus community is encouraged to participate by reporting to EHS any observed construction site condition that may contribute to storm water pollution.

### 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; 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.

<b>Summary of Responsibilities for Small Construction Sites (&lt; One Acre In Area)</b>	
UNL Construction Contractors	<ol style="list-style-type: none"> <li>1. Plan for, implement, and maintain reasonable measures to prevent storm water pollution resulting from construction activities.</li> <li>2. Report to the UNL Project Inspector or Manager any release of any quantity of any hazardous material, including petroleum, at the construction site.</li> <li>3. Maintain good housekeeping at the construction site.</li> <li>4. Take action to rectify all concerns expressed by UNL representatives regarding storm water pollution prevention controls.</li> </ol>
UNL Construction Project Management Personnel (PM)	<ol style="list-style-type: none"> <li>1. Ensure that contract documents incorporate the contractor's responsibility to plan for, implement, and maintain reasonable measures for storm water pollution prevention.</li> <li>2. Visually inspect the site on a regular basis to assess the efficiency and suitability of controls implemented by the contractor.</li> <li>3. Report suspected ineffective controls to the contractor so the contractor can implement corrective action as appropriate; and inform EHS of such.</li> <li>4. Immediately report to EHS any release to the environment of any quantity of any hazardous material, including petroleum, at the construction site.</li> </ol>
UNL EHS Personnel	<ol style="list-style-type: none"> <li>1. Follow-up and report releases to the environment of hazardous substances to appropriate regulatory agencies, as required.</li> <li>2. Conduct random inspections of construction sites and related outfalls to assess the efficiency and appropriateness of controls implemented by the contractor. Maintain associated records in support of UNL's SMS4 permit.</li> <li>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.</li> </ol>

### General NPDES Permits for Construction Sites of 1 Acre or More

Larger construction sites are subject to individual permits (NPDES Permit for Storm Water Discharges from Construction Sites), as well as UNL's SMS4 Storm Water

Management Program/Plan. Copies of the General Construction Permit and application forms are found on NDEQ's website (<http://www.deq.state.ne.us/>) under Publications, Forms – Grants in the Water Quality Section.

Before any dirt is moved, the contractor must submit a complete and accurate NPDES Form CSW-NOI to NDEQ a minimum of seven (7) calendar days prior to commencing work. The permit is self-issuing seven days following the postmark on the application. NDEQ will notify the applicant of the permit authorization in writing.

Note that the NOI process at UNL is different than that for work done at other places within the City of Lincoln. The City of Lincoln has collaborated with the Lower Platte South Natural Resources District (LPSNRD). Their NOI procedure includes a 'Notice of Start' form that must be submitted to LPSNRD prior to the start of construction. The 'Notice of Start' form is not required by NDEQ and is not necessary for construction projects at UNL.

A storm water permit cannot be terminated until the site has reached final stabilization. Since UNL Landscape Services performs the final grading, seeding, etc. on construction sites, a contractor must transfer the storm water permit to UNL using a CSW – Notice of Transfer (CSW-NOT) form. UNL must then submit its own Notice of Intent (NOI) to NDEQ to show that UNL is responsible for the site. With regard to storm water compliance, UNL Project Manager and Project Inspector responsibilities end once the site has been transferred to UNL. UNL Landscape Services will ensure compliance with the permit until final stabilization has been reached.

Once the site has reached final stabilization, UNL must submit a CSW-End to the NDEQ. ***In addition to the activities and responsibilities described in the SMS4 Permit Requirements section and table above,*** the following activities and responsibilities apply to large construction sites:

<b>Summary of Additional Responsibilities for Large Construction Sites</b>	
UNL Construction Contractors	<ol style="list-style-type: none"> <li>1. Apply for and obtain a General NPDES Permit Authorizing Storm Water Discharges from Construction Sites to Waters of the State of Nebraska (General NPDES Permit Number NER110000).</li> <li>2. Maintain copies of the following on site:               <ol style="list-style-type: none"> <li>a. Permit and related documents;</li> <li>b. Site-specific Storm Water Pollution Prevention Plan (SWPPP) with current site diagram;</li> <li>c. Notice of Intent (NOI);</li> <li>d. NDEQ permit authorization;</li> <li>e. Routine inspections conducted, at a minimum of once every 14 calendar days; and</li> <li>f. Inspections conducted following each 0.5 inch or greater precipitation event.</li> </ol> </li> <li>3. Initiate Notice of Transfer (CSW-NOT) and provide copies to the PM.</li> <li>4. Submit completed CSW-NOT to NDEQ.</li> </ol>
UNL Construction Project Managers (PM)	<ol style="list-style-type: none"> <li>1. Serve as the liaison between contractors and EHS or other affected UNL departments as it relates to responsibilities of various storm water pollution prevention issues.</li> <li>2. Ensure that construction plans adhere to the City of Lincoln Drainage Manual and</li> </ol>

	<p>incorporate feasible Storm Water Quality Best Management Practices (BMPs).</p> <ol style="list-style-type: none"> <li>Obtain and file copies of the NOI, permit correspondence, SWPPP, and NOT associated with the General NPDES Permit NER110000. Submit copies, including SWPPP amendments, to Landscape Services and EHS.</li> <li>Ensure that construction activities do not commence until a SWPPP has been developed and implemented for the site and a NOI has been submitted. See the checklist of information to provide to EHS in Appendix A.</li> <li>Participate in storm water pollution prevention awareness and training activities initiated by EHS.</li> <li>Receive and respond to storm water pollution prevention concerns by working with contractors. Notify EHS of corrective actions implemented.</li> </ol>
UNL Construction Project Inspectors (PI)	<ol style="list-style-type: none"> <li>Ensure that the contractor is maintaining copies of the following at the site: SWPPP and NOI; BMP and post-precipitation inspection and maintenance records. Verify efficacy of BMPs through regular visual inspection of the site. Work with contractors to maintain and/or modify BMPs as necessary to achieve the goals of the SWPPP.</li> <li>Participate in storm water pollution prevention awareness/training activities initiated by EHS.</li> <li>Receive and respond to EHS-forwarded or other complaints by working with contractors.</li> </ol>
UNL Landscape Services (LS)	<ol style="list-style-type: none"> <li>Review and complete NOT and submit it to EHS for certification.</li> <li>Assume SWPPP, inspections, and recordkeeping responsibilities from the contractor.</li> <li>Maintain the permit, SWPPP (including amendments) and associated records at a readily accessible location.</li> <li>Notify EHS when final stabilization has been reached.</li> <li>Participate in storm water pollution prevention awareness and training activities initiated by EHS.</li> </ol>
UNL EHS Personnel	<ol style="list-style-type: none"> <li>Arrange and conduct awareness/training sessions, as appropriate.</li> <li>Receive and notify PM/PI of storm water pollution prevention concerns, document and maintain records of follow up for purposes of SMS4 permit recordkeeping and reporting.</li> <li>Certify Notice of Transfer (NOT) and distribute to LS, PM, and contractors.</li> <li>Following the contractor's NOT, complete Notice of Intent (NOI) for UNL, submit to NDEQ, and copy LS and PM.</li> <li>Complete CSW – End, submit to NDEQ, and copy LS and PM.</li> </ol>

## Storm Water Pollution Prevention Plans (SWPPPs)

The Lower Platte South Natural Resources District (LPSNRD) provides guidance on potential sources of storm water pollution at construction sites and the types of BMPs/controls that should be included in SWPPPs. This guidance can be found at <http://www.lpsnrd.org/docs/Stormwater/stormwater.htm>. Additional guidance can be found in EPA's guidance document, ***Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites***, available at [http://www.epa.gov/npdes/pubs/sw\\_swppp\\_guide.pdf](http://www.epa.gov/npdes/pubs/sw_swppp_guide.pdf). In general, SWPPPs and BMPs at any given construction site should address the following topics:

- Management/staging of general refuse, construction/demolition wastes, hazardous wastes, and special wastes.
- Sanitary and septic wastes generated at the site.
- Fueling of construction vehicles and equipment.
- Stabilization of site entrances/exits.
- Stabilization/protection of slopes and stockpiles.

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- Sediment control (i.e., silt fences, sediment traps/basins, diversion ditches/berms, etc.).
- Site dewatering.

SWPPPs are recognized as dynamic plans. While they are initially developed prior to commencement of earth-disturbing activities, they are subject to change. SWPPPs should be modified as needed to achieve the ultimate goal of protecting the quality of nearby surface waters. As site characteristics change throughout the life cycle of the construction activity, it may be appropriate and desirable to add, delete, or modify the BMPs identified in the original plan. Changes should be determined, made, and documented by the contractor, along with the rationale for the change. Documentation must be done within 7 calendar days of the change with copies submitted to the Project Manager, the person who developed the original SWPPP, and EHS. The Project Manager, developer of the original SWPPP, and EHS will review the changes and follow up as needed.

### **Regulatory Oversight**

Construction sites may be inspected by representatives of the NDEQ, and/or EPA. At large construction sites, UNL and the contractor are jointly responsible to regulatory authorities for compliance with the terms of the General Permit, regardless of contract agreements. Therefore, UNL Project Management personnel and EHS are obligated to take an active role to ensure that contractors are meeting their obligations under the permit. Once the site has been transferred to UNL, Landscape Services and EHS are responsible for compliance with the terms of the General Permit.

At smaller construction sites, UNL is solely responsible for ensuring compliance with the terms of the SMS4 permit. Again, this underscores the need for Project Management personnel, and EHS to take an active role to ensure that contractors are maintaining effective storm water pollution prevention controls.