

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System (NPDES)  
General NPDES Permit Number NER110000  
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 for authorization 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 authorization 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 Number: NER110000**

This permit shall become effective on **January 1, 2008**.

This permit and the authorization to discharge shall expire at midnight, **December 31, 2012**

Pursuant to a Delegation Memorandum dated January 12, 1999 and signed by the **Director**, the undersigned hereby executes this document on behalf of the **Director**.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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Patrick W. Rice  
Assistant Director

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## ATTACHMENTS

**Attachment # 1** Construction **Storm Water** Notice of Intent Form (CSW-NOI)

**Attachment # 2** Construction **Storm Water** Transfer Form (CSW-TRANSFER)

**Attachment # 3** Construction **Storm Water Notice of Termination** Form (CSW-NOT)

*Terms written in **BOLDFACE** in this permit are defined in the Definitions section of Part VII.*

## PART I. COVERAGE UNDER THIS PERMIT

### A. Introduction

This permit is required and shall apply to **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 part of a larger **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** 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 activity**, as designated by the **Director**, where the designation is made based on the potential for an excursion of a water quality standard or for significant contribution of pollutants to **waters of the state**. The goal of this permit is to reduce or eliminate **storm water** pollution from **construction activity** by requiring implementation of appropriate pollution control practices to protect water quality.

### 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.3 of this permit.

### C. Eligibility

Permit eligibility is limited to discharges from **construction activity** as defined in Part VII or as otherwise designated by the Director. This general permit contains eligibility restrictions, as well as permit conditions and requirements. In such cases, you must continue to satisfy those eligibility provisions to maintain permit authorization. If you do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if you do not comply with the requirements of the general permit, you may be in violation of the general permit for your otherwise eligible discharges.

#### 1. Allowable Storm Water Discharges

Subject to compliance with the terms and conditions of this permit, you are 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*;
- c. Discharges composed of allowable discharges listed in Part I.C.1.a and Part I.C.1.b commingled with a discharge authorized 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) 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 the discharges from the **support activity** areas;

## 2. Allowable Non-Storm Water Discharges

You are authorized for the following non-**storm water** discharges, provided the non-**storm water** component of the discharge is in compliance with Part III.D:

- a. Discharges from fire-fighting activities;
- b. Fire hydrant flushings;
- c. Waters 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 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;
- h. Uncontaminated air conditioning or compressor condensate;
- i. Uncontaminated ground water or spring water;
- j. Foundation or footing drains where flows are not contaminated with process materials such as solvents; and
- k. Landscape irrigation.

## 3. 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 your submission of the **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 any temporary **support activity**. 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, NDEQ may notify you that an individual permit application is necessary in accordance with Part IV.A. However, NDEQ may authorize your **coverage** under this permit after you have included appropriate controls and implementation procedures in your **SWPPP** designed to bring your discharge into compliance with water quality standards.
- e. Storm water runoff from construction activity within the limits of any tribal lands under the jurisdiction of the United States Government, dependent tribal communities within the borders of the United States, or other tribal allotments;

- f. Non-point source agricultural and silvicultural discharges;
- g. Those storm water discharges for which storm water effluent guideline limitations apply;
- h. Those from an operating landfill;
- i. Storm water runoff from field activities or operations, including construction, associated with oil and gas exploration, production, processing or treatment operations or transmission facilities as dictated by NDEQ Title 119, Chapter 10.
- j. Storm water runoff that may adversely impact critical habitat of aquatic related, threatened or endangered species as designated by Nebraska Game and Parks Commission ([www.ngpc.state.ne.us](http://www.ngpc.state.ne.us)) or the U.S. Fish and Wildlife Service ([www.fws.gov](http://www.fws.gov)).
- k. Storm water runoff that may adversely affect properties listed or eligible for listing in the National Register of Historic Places ([www.nebraskahistory.org](http://www.nebraskahistory.org)) or affecting known or discovered archeological sites; or
- l. Those that the Director determines would be more effectively regulated with a site specific, area specific, or a basin specific permit.

#### 4. Period of Coverage

- a. This permit is effective as of the issued date and is effective for five years.
- b. Coverage shall commence at the time discharge authorization is granted and shall continue for a period lasting at least 180 days after final stabilization and **Notice of Termination** is received for the site.
- c. 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

To obtain **coverage** under this general permit, you must prepare and submit a complete and accurate construction **storm water Notice of Intent (CSW-NOI)**, as described in this Part. Discharges are not authorized if your **CSW-NOI** is incomplete or inaccurate or if you were never eligible for permit **coverage**.

### A. Authorization to discharge date

1. If you submit a **CSW-NOI** after the issuance date of this permit you are authorized to discharge **storm water** from construction activities under the terms and conditions of this permit seven (7) calendar days after submittal to NDEQ of a complete and accurate **CSW-NOI** (i.e., 7 days from date of postmark), except as noted in Part II.A.2. The Department will notify you of the permit authorization in writing.
2. The **Director** may delay your authorization based on eligibility considerations of Part I.C. In these instances, you are not authorized for **coverage** under this permit until you receive notice from NDEQ of your eligibility.

### B. CSW Notice of Intent Contents

You must use the **CSW-NOI** form provided in *Attachment 1* (or a photocopy thereof or electronic **CSW-NOI** form that may become available during the term of this permit provided by NDEQ), You must provide the following information on the **CSW-NOI** form:

1. Project/Site name, address, county or similar governmental subdivision, and latitude/longitude of your construction project or site;
2. The **certifying official's** legal name, address and phone number;
3. The **SWPPP** designer name, company, address 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** (i.e., project start and completion dates);
8. Total acreage (to the nearest quarter acre) to be disturbed for which you are requesting permit **coverage**;
9. Any state or federally-listed threatened or endangered species, or state or federally-designated critical habitat are in your project area to be covered by this permit.
10. A certification statement, signed and dated by an **certifying official** as defined in Part VI.D.

### C. Submission Deadlines

1. New Projects: To obtain **coverage** under this permit, you must submit a complete and accurate **CSW-NOI** and be authorized consistent with Part II.A.1 prior to commencement of construction activities.
2. Permitted Ongoing Projects (only applicable for first 90 days after this permit is issued): If you previously received authorization to discharge for your project under the 1997 Construction Storm Water General Permit (CSW-1997) and you wish to continue **coverage** under this permit:
  - a. Submit an **CSW-NOI** within 90 days of the issuance date of this permit, and
  - b. Until you are authorized under this permit consistent with Part II.A, comply with the terms and conditions of the CSW-1997 general permit under which you were previously authorized.
  - c. If you meet the termination of **coverage** requirements in accordance with Part V.A within 90 days of the issuance date of this permit (e.g., construction will be finished and **final stabilization** achieved) you must:
    - 1) Submit an CSW-NOT using the form provided in Attachment #3, and
    - 2) Until coverage is no longer required, comply with the terms and conditions of the CSW-1997 general permit under which you were previously authorized.
3. Late Notifications:

You are not prohibited from submitting a **CSW-NOI** after initiating clearing, grading, excavation activities, or other construction activities. When a late **CSW-NOI** is submitted, authorization for discharges occurs 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.

### D. Where to Submit

Original applications and forms (no photocopies or faxes) for **NPDES** General Permit NER110000 shall be submitted to the following address:

**Water Quality Division**  
**Storm Water**  
Suite 400, The Atrium  
1200 'N' Street  
PO Box 98922  
Lincoln Nebraska 68509-8922

### E. 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 whether 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**, applicants shall concurrently submit a copy of NPDES form **CSW-NOI** to the **operator** of the **municipal separate storm sewer system** through which they discharge. Appendix B has a listing of those municipalities that are permitted under the **Municipal Separate Storm Sewer program**.
3. Other government agencies (e.g. US Army Corps of Engineers, Local City/County 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 a qualified individual such as a Professional Engineer, Certified Landscape Architect, and /or Certified Professional in **Erosion and Sediment Control**.
2. The **SWPPP** must:
  - a. Identify all potential sources of pollution which 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 practices 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**, you may mark this on your **SWPPP** and no further **SWPPP** or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally **stabilized**, one mile of a roadway or pipeline project is done and finally **stabilized**, etc).
4. You must implement the **SWPPP** as written 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 disturb soils at the site;
  - c. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas; and
  - d. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and **waters of the state** within one mile of the site.
2. The **SWPPP** must contain 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 soil disturbance and areas that will not be disturbed;
  - c. Locations of major structural and nonstructural **Best Management Practices (BMPs)** identified in the **SWPPP**;
  - d. Locations where stabilization practices are expected to occur;
  - e. Locations of off-site 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. Areas where **final stabilization** has been accomplished and no further construction-phase permit requirements apply.
3. The **SWPPP** must describe and identify the location and description of any **storm water** discharge associated with industrial activity other than construction at the site. This includes **storm water** discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit.

### C. Pollution Prevention Plan Contents: Controls to Reduce Pollutants

1. The **SWPPP** must include a description of all pollution control measures (i.e., **BMPs**) that will be implemented as part of the **Construction Activity** to control pollutants in **storm water** discharges. For each major activity identified in the project description the **SWPPP** must clearly describe appropriate control measures and the general sequence during the construction process in which the measures will be implemented.
2. The **SWPPP** must include a description of interim and permanent stabilization practices for the site including a schedule of when the practices will be implemented.
3. The following records must be maintained as part of the **SWPPP**:
  - 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.
4. The **SWPPP** must include a description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site.
5. The **SWPPP** must include a description of all post-construction **storm water** management measures that will be installed during the construction process to control pollutants in **storm water** discharges after construction operations have been completed. Such measures must be designed and installed in compliance with applicable federal, state, and local requirements. Maintenance plans of permanent management measures must be included in the **SWPPP**.
6. The **SWPPP** must describe measures to prevent the discharge of solid materials, including building materials and cement truck washout to **waters of the state**, except as authorized by a permit issued under section 404 of the CWA.
7. The **SWPPP** must describe measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
8. The **SWPPP** must include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The **SWPPP** must also include a description of controls, including storage practices, to minimize exposure of the materials to **storm water**, and **spill prevention control and countermeasure** practices.
9. The **SWPPP** must include a description of pollutant sources from areas other than construction (including **storm water** discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

### 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 fire fighting 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. Maintenance of Controls

1. All erosion and **sediment control** measures and other protective measures identified in the **SWPPP** must be maintained in effective operating condition. If site inspections required by Part III.I identify **BMPs** that are not operating effectively, maintenance must be performed within seven days and before the next storm event whenever practicable to maintain the continued effectiveness of **storm water** controls.
2. If existing **BMPs** need to be modified or if additional **BMPs** are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If implementation 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.
3. Sediment from sediment traps or sedimentation ponds must be removed when design capacity has been reduced by 50 percent.

## F. 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 you regarding listed species and critical habitat, including any notification that delays your 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 maintain eligibility for **coverage** under this permit.

## G. Copy of Permit Requirements

Copies of this permit and of the signed and certified **CSW-NOI** form that was submitted to NDEQ must be included in the **SWPPP**. Also, upon receipt, a copy of the letter from the NDEQ notifying you of their receipt of your administratively complete **CSW-NOI** must also be included as a component of the **SWPPP**.

## H. Applicable State, or Local Requirements

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

## I. Inspections

1. Inspections must be conducted at least once every fourteen (14) calendar days, and within 24 hours of the end of a storm event of 0.5 inches or greater. Any delay in the replacement or maintenance of non-functional **BMPs** beyond seven (7) calendar days shall be documented in the **SWPPP** with sufficient detail as to explain the reason for the delay.
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**). “Qualified personnel” means a person knowledgeable in the principles and practice of erosion and **sediment controls** who possesses the skills to assess conditions at the construction site that could impact **storm water** quality and to assess the effectiveness of any erosion and **sediment control** measures selected to control the quality of **storm water** discharges from the **construction activity**.
4. Inspections must include all areas of the site disturbed by **construction activity** and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the **storm water** conveyance system. Erosion and **sediment control** measures identified in the **SWPPP** must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether control measures are effective in preventing significant impacts to **waters of the state**, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
5. Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described above. Inspection of these areas could require that vehicles compromise temporarily or even permanently **stabilized** areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected on the same frequencies as other construction projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.
6. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:
  - a. The inspection time and date;
  - b. Names, titles, and qualifications of personnel making the inspection;
  - c. Weather information for the period since the last inspection (or since commencement of **construction activity** if the first inspection) including a best estimate 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 for a particular location;
  - h. Monitoring results if requested;
  - i. Records of the last grading activity;
  - j. Location(s) where additional **BMPs** are needed that did not exist at the time of inspection; and
  - k. Corrective action required including any changes to the **SWPPP** necessary and implementation dates.

A record of each inspection and of any actions taken must be retained as part of the **SWPPP** for at least three 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.

## J. 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. The **SWPPP** must be amended if during inspections or investigations by site staff, or by local, state, or federal officials, it is determined that the **SWPPP** is ineffective in eliminating or significantly minimizing pollutants in **storm water** discharges from the construction site.
3. Based on the results of an inspection, the **SWPPP** must be modified as necessary to include additional or modified **BMPs** designed to correct problems identified. Revisions to the **SWPPP** must be completed within seven (7) calendar days following the inspection. Implementation of these additional or modified **BMPs** must be accomplished as described in Part III.E.

## K. Signature, Plan Review and Making Plans Available

1. A copy of the **SWPPP** (including a copy of the permit), **CSW-NOI**, and the letter from **NDEQ** notifying you of the receipt of the complete and accurate **CSW-NOI** must be retained at the construction site or other location 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**.
2. A sign or other notice must be posted conspicuously near the main 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. 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. If the location of the **SWPPP** or the name and telephone number of the contact person for scheduling **SWPPP** viewing times has changed (i.e., is different than that submitted to **NDEQ** in the **CSW-NOI**), the current location of the **SWPPP** and name and telephone number of a contact person for scheduling viewing times. For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road).

## L. Management Practices

1. All control measures must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the **operator** must replace or modify the control for site situations as soon as practicable.
2. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts. Sediment escaping the construction site indicates there may be insufficient **BMPs** to control runoff.
3. Litter, construction debris, and construction chemicals that could be exposed to **storm water** must be prevented from becoming a pollutant source in **storm water** discharges.
4. Except as provided below, stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the **construction activity** in that portion of the site has temporarily or permanently ceased.
  - a. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
  - b. Where **construction activity** on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the site.

- c. In semiarid and drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within 14 days after **construction activity** has temporarily or permanently ceased, final vegetative stabilization measures must be initiated as soon as practicable.
5. Velocity dissipation devices must be placed at discharge locations and along the length of any **outfall** channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

## M. Final Stabilization

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**.

1. **Coverage** under this permit is normally terminated 180 calendar days after:
  - a. All soil disturbing **construction activity** has been completed;
  - b. 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;
  - c. All permanent drainages, constructed to drain water from the site, has been **stabilized** to prevent erosion;
  - d. All **temporary erosion protection** and **sediment control BMPs** have been removed without compromising the permanent erosion protection and **sediment control BMPs**;
  - e. 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.
  - f. Responsibility for long-term maintenance of permanent BMPs must be assigned.
  - g. **Construction activity** conducted on or through agricultural or silvicultural land shall be considered finally **stabilized** upon return to the preexisting agriculture or silviculture use;
  - h. **Construction activity** conducted at new 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**.

## PART IV. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, OTHER NON-NUMERIC LIMITATIONS

### A. Requiring an Individual Permit or an Alternative General Permit

1. NDEQ may require you to apply for and/or obtain either an individual **NPDES** permit or an alternative **NPDES** general permit. Any interested person may petition NDEQ to take action under this paragraph. If NDEQ requires you to apply for an individual **NPDES** permit, NDEQ will notify you 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 you are 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 you, **coverage** under this general permit will automatically terminate. Applications must be submitted to NDEQ. NDEQ may grant additional time to submit the application upon your request. If you are covered under this permit and you fail to submit in a timely manner an individual **NPDES** permit application as required by NDEQ, then the applicability of this permit to you is automatically terminated at the end of the day specified by NDEQ as the deadline for application submittal.

2. You may request to be excluded from the **coverage** of this general permit by applying for an individual permit. In such a case, you must submit an individual application in accordance with the requirements of NDEQ Title 119, with reasons supporting the request to NDEQ. The request may be granted by issuance of an individual permit or an alternative general permit if your reasons are adequate to support the request.
3. When an individual **NPDES** permit is issued to you, who are otherwise subject to this permit, or you are authorized to discharge under an alternative **NPDES** general permit, the applicability of this permit to you 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 you, who are otherwise subject to this permit, are denied an individual **NPDES** permit or an alternative **NPDES** general permit, the applicability of this permit to you is automatically terminated on the date of such denial, unless otherwise specified by NDEQ.

## B. Oil and Hazardous Substances/Spill Notification

The discharge of hazardous substances or oil in **storm water** discharges from the construction site must be prevented or minimized in accordance with the **SWPPP**. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site 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.

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, occurs during a 24-hour period:

1. **Permittee** shall immediately notify the **Department** of a release of oil or hazardous substances. During office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the **Department** at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free).
2. When NDEQ cannot be contacted, the **Permittee** shall report to the Nebraska State Patrol for referral to the NDEQ Emergency 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.
3. **Permittee** must modify the **SWPPP** as required under Part III.J within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. Plans must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

## C. Attainment of Water Quality Standards After Authorization

1. You must select, install, implement and maintain **BMPs** at your 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, your **SWPPP** developed, implemented, and updated consistent with Part III is considered as stringent as necessary to ensure that your 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 your **storm water** discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, NDEQ will require you 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.

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. Discharges 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 which 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 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. You must comply with all applicable state, and local laws concerning the protection of historic properties and places, your discharge authorization under this permit is contingent upon this 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** is 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 their 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 you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until reissuance or replacement of this permit, at which time you must comply with the conditions of Part II C.2; or

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

You 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 you are responsible;
2. Another **operator** has assumed control according to Part VI.D.6 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 at midnight of the day the **CSW-NOT** is signed.

## B. Submitting a Notice of Termination

It is your responsibility to submit a complete and accurate **Notice of Termination (CSW-NOT)** form *Attachment #3*. If NDEQ notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other **CSW-NOT** form options (e.g., electronic submission), you may take advantage of those options to satisfy the requirements of Part V.

1. After one or more of the **Notice of Termination** Requirements in Part V.A has been met, 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 on all portions of the site for which the **permittee** is responsible; another **operators/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 **Certifying Official's** legal name, address and phone number;
  - d. 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
  - e. 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 submit a completed Notice of Transfer, *Attachment #2*, that is signed in accordance with Part VI.D.6 of this permit.

1. The Notice of Transfer (CSW-Transfer), *Attachment # 2*, 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 the CSW-Transfer shall be included in the **SWPPP**.
  - c. A **CSW-NOI** shall be submitted to 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 the transferred property is less than one 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.

## D. Where to Submit

All paperwork must be submitted to the following address:

**Water Quality Division**  
**Storm Water**  
Suite 400, The Atrium  
1200 'N' Street  
PO Box 98922  
Lincoln, Nebraska 68509-8922

## 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 his appointed representative, upon the presentation of his identification and at a reasonable time:

- a. To enter upon the **permittee's** premises where a 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 or 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

1. 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, that 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 such 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 non-compliance 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 the non-compliance. A written follow-up shall be submitted within five (5) days of reporting the non-compliance. 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 dates 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 the 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** who meets the following criteria:
  - 1) For a corporation: a **responsible corporate officer**;
  - 2) For a partnership or sole proprietorship: by a general partner or 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 a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. The discharge monitoring reports and other information may be signed by the **certifying official**.
- c. The **certifying official** designates 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 fine and imprisonment for knowing violations."*

## **E. Monitoring and Records Requirements**

1. 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 ground 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 years as set forth in NDEQ Titles 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 of the permit.

### 2. 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, (Cum. Supp. 1992) and NDEQ Title 115, Chapter 4.

### 3. Permit Actions

This permit may be modified, suspended, revoked or reissued, in part or in whole, in accordance with the regulations set forth in NDEQ Titles 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), 307(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.

## PART VII. DEFINITIONS

**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**.

**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 or designated area-wide planning agencies.

### **Certifying Official**

- 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 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):** Is defined as a collection system that collects both **Storm Water** and sanitary wastewater with **outfalls** discharging directly into the **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 State** or urban drainage systems. **Construction Activity** includes the disturbance of less than one acre of total land area that is a 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:** Nebraska Department of Environmental Quality.

**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 limited 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 (such as riprap, gabions, or geotextiles) measures have been employed.

**Impervious Surface:** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to flow off the surface in greater quantities and at an increased rate of flow than

prior to development (such as streets, sidewalks, parking lots, roofs, and in some cases highly compacted soil).

**Large Construction Activity:** Is the clearing, grading and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five 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 acres. Large Construction Activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

**Municipal Separate Storm Sewer System (MS4)** is 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 Censuses 1990 Decennial Censuses.

**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 C.F.R. Title 33, Sections 1317, 1328, 1342, and 1345.

**Notice of Termination (CSW-NOT):** Notice to terminate **Coverage** under this permit after construction is completed, the site has undergone **Final Stabilization**, and maintenance agreements for all permanent facilities have 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 plans 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 into **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 identified as the lease holder; or the contracting 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 conditions of this permit.

**Receiving Waters:** A general term used to describe all **Waters of the State**. **Responsible Corporate Officer:** means 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 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 law as 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 discharged 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:** Is the clearing, grading, and excavation that result in land disturbance of equal to or greater than one acre and less than five acres including disturbance of less than one 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 equal to or greater than one and less than five acres. **Small Construction Activity** does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

**Spill Prevention Control and Countermeasure (SPCC):** Federal regulation set forth in 40 CFR 112 requiring a **SPCC Plan** to be developed for facilities that store fuels and hazardous substances that meet the following criteria:

- Above ground fuel storage with the capacity for at least 660 gallons.
- Two or more above ground fuel storage tanks with the capacity for at least 1,320 gallons.
- Below ground fuel storage tanks with the capacity for at least 42,000 gallons.

**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.

**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 off-site, non-point source pollution.

**Support Activity:** Associated **Construction Activity** that is directly related to the construction site (such as concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, 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.

## Appendix 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:** *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**

**SPCC:** Spill Prevention, Control, and Countermeasures

**SWPPP:** Storm Water Pollution Prevention Plan

**TMDL:** Total Maximum Daily Load

**Appendix B: Listing of the Nebraska Municipal Separate Storm Sewer System NPDES Permits**

**Cities**

Beatrice  
Bellevue  
Boys Town  
Columbus  
Dakota City  
Fremont  
Grand Island  
Hastings  
Kearney  
La Vista  
Lexington  
Norfolk  
North Platte  
Omaha  
Papillion  
Ralston  
Scottsbluff  
South Sioux City

**Counties**

Douglas  
Dakota  
Sarpy

**Federal Facility**

Offutt Air Force Base

**State of Nebraska Facilities**

Nebraska Department of Roads  
University of Nebraska – Lincoln



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

### Readiness to Apply (Circle “yes” or “no” as it applies to this project)

Does a reasonable potential exist for permit authorization to be limited? [Part I.C.3] YES NO  
*If the answer to this question is Yes, contact NDEQ at 402-471-4220 before proceeding with this CSW-NOI.*

### 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] has 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

*If any questions in Storm Water Pollution Prevention Plan (SWPPP), “a – h” above, have been answered No, complete those requirements before proceeding with this CSW-NOI.*

### Construction Activity Information

*For new construction sites, complete Sections A and C. Sites that are currently permitted under the 1997 Construction Storm Water permit, complete sections B and C.*

#### A. New Construction Site Description

- a. **Project Name:** \_\_\_\_\_
- b. **Physical Address and County** (Indicate general location description if no address is available):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- c. **Project Type:** Residential \_\_\_ Commercial/Industrial \_\_\_ Linear \_\_\_ Other \_\_\_\_\_
- d. **Project Size:** Total Area (acres): \_\_\_\_\_ Area to be disturbed (acres): \_\_\_\_\_
- e. **Identify surface waters within ½ mile of project boundary that will received storm water or discharge from permanent storm water management system.**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



f. **Name of Receiving Waters** (Add attachments if more than two (2) bodies of water and/or Outfalls): \_\_\_\_\_  
**Waterbody Type** \_\_\_\_\_ (ditch, pond, stream, river etc.).

g. **Legal Description** <sup>(1)</sup>: \_\_\_\_\_ **Quarter of the** \_\_\_\_\_ **Quarter,**  
 \_\_\_\_\_ **Section** \_\_\_\_\_, **Township** \_\_\_\_\_ **N, Range** \_\_\_\_\_ **(E or W)**

(1) Applicants may enter a legal description in terms other than those requested. For example: N1/2, Section 8, Township 8 N, Range 6 W.

h. Include a general location map with enough detail to identify the location of the construction site and waters of the state within one mile of the site. Has the map been included? **YES NO**  
 (e.g., USGS 7.5 minute quad map, a portion of a city or county map, or equivalent map)

i. **SWPPP Designer, company, address and phone number:**

_____	_____
First and Last Name	Company Name
_____	_____
Mailing Address	City, State, Zip Code
_____	_____
Phone Number	Email

j. **SWPPP Location:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

k. **Project start date** (approximate): \_\_\_\_\_

l. **Project end date** (estimated): \_\_\_\_\_

m. List any state or federally-listed threatened or endangered species, or state or federally-designated critical habitat that is in your project area to be covered by this permit.

\_\_\_\_\_  
 \_\_\_\_\_

**B. Existing Construction Site Project Description**

- a. Are these changes in the construction site activity previously authorized? **YES NO**
- b. Is this Notice of Intent being completed for a construction site that is part of a larger common plan of development? **YES NO**

*If either of the previous questions has been answered as YES provide the following information:*

c. **NPDES General Permit Number NER110000:** Permit Authorization No. NER1 \_\_\_\_ \*  
 \*This is the Permit Authorization Number assigned to the previously authorized construction site.

d. **Project Name:** \_\_\_\_\_

e. **Physical Address and County of the Site** (Indicate general location description if no address is available): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. **Project Size: Total Area** (acres): \_\_\_\_\_ **Area to be disturbed** (acres): \_\_\_\_\_

g. **Project Type:** Residential \_\_\_ Commercial/Industrial \_\_\_ Linear \_\_\_ Other \_\_\_\_\_

h. **Name of Receiving Waters** (Add attachments if more than two (2) bodies of water and/or Outfalls): \_\_\_\_\_ **Waterbody Type** \_\_\_\_\_ (ditch, pond, stream, river etc.).

**C. Certification**

The appropriate individuals must sign information submitted on this **CSW-NOI** form as required in **NPDES** General Permit NER110000 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 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.

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 (if more than one, submit multiple copies of this page):

*"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: \_\_\_\_\_ / \_\_\_\_\_

**Certifying Official, company name, address, and phone number:**

_____	_____
First and Last Name	Company Name/Applicant
_____	_____
Phone Number	Title
_____	_____
Mailing Address	City, State, Zip Code

**Authorized Representative, company name, address, and phone number:**

_____	_____
First and Last Name	Company Name
_____	_____
Phone Number	Title
_____	_____
Mailing Address	City, State, Zip Code

Submit this form to:

**Water Quality Division**  
**Storm Water**  
Suite 400, The Atrium  
1200 'N' Street  
PO Box 98922  
Lincoln NE 68509-8922



# Construction Storm Water Notice of Transfer (CSW-Transfer)

*These prerequisite requirements must be completed prior to completing the CSW-TRANSFER form.*

**1. Transfer Prerequisites:**

- a. Has the current **owner** of the **Construction Activity** provided the new **owner** with a copy of the **NPDES** General Permit Number NER110000? **YES NO**
- b. Has the new **owner** been made aware that they must submit a Notice of Intent (CSW-NOI) to the **Department** and a copy of the CSW-NOI to the Municipality whose jurisdiction they are within? (See Appendix B for a list of municipalities to whom this is relevant) **YES NO**
- c. Has the new **owner** been made aware of their responsibility to fulfill all requirements of the permit? **YES NO**
- d. Have all violations of this permit authorization been disclosed to the new **Owner**? **YES NO**

*If "NO" has been answered to any of the above, fulfill these requirements before submitting the completed CSW-TRANSFER.*

**2. Permit & Property Description for Authorization Transfer**

- a. **Construction Storm water General Permit Authorization Number** site is currently operating under: NER1 \_\_\_\_\_ .
- b. **Current Project Name** (as submitted on the CSW-NOI):  
\_\_\_\_\_
- c. **Transfer Portion Information** - Identification of the transferred portion (such as a single lot, lot size, lot number, utility right of way, easement, etc.):  
\_\_\_\_\_  
\_\_\_\_\_
- d. **Property Transfer Size:** Total Acres \_\_\_\_\_; Acres remaining after transfer: \_\_\_\_\_
- e. **Current Applicant Name:** \_\_\_\_\_  
**Certifying Official Name:** \_\_\_\_\_  
*(These must be the same as on the original CSW-NOI listed in 2.a, b)*
- f. **Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_  
**Telephone Number:**(\_\_\_\_\_) \_\_\_\_\_ **(optional) E-Mail:** \_\_\_\_\_
- g. **Effective Date of Transfer:** \_\_\_\_\_

**3. Receiver of the Permit Authorization Transfer**

The Certifying Official shall provide the **Department** and the Municipality within which they operate copies of this form with the following Project Information:

- a. **Project Name:** \_\_\_\_\_
- b. **NPDES General Permit Number:** Permit Authorization Number: NER 1 \_\_\_\_\_
- c. **New Owner Information:** (For the **Owner** who is transferring authorization of the **Construction Activity** to the **New Owner**)
  - 1) **Company Name:** \_\_\_\_\_
  - 2) **Certifying Official Name** \_\_\_\_\_
  - 3) **Certifying Official's Title** \_\_\_\_\_
  - 4) **Mailing Address** \_\_\_\_\_  
\_\_\_\_\_
  - 5) **Telephone Number:** (\_\_\_\_\_) \_\_\_\_\_ (optional) **E-Mail** \_\_\_\_\_

**d. New Owner's Site Information**

- 1) The Location: (Including a map) and the nature of the **Construction Activity**;
- 2) Site Areas: The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;
- 3) Proposed Measures that include:
  - (a) **Best management practices** to control pollutant in **storm water** discharges during construction;
  - (b) A brief description of the applicable State and local erosion and **sediment control** requirements;
- 4) An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed is completed
- 5) The nature of the fill material and existing data describing the soil or the quality of the discharge; and
- 6) The name of the receiving stream.

**e. Signatures:**

For an **Owner** transferring authorization of any portion of the **Construction Activity** to **New Owner**:

- 1) **Current Certifying Official** / Date: \_\_\_\_\_ / \_\_\_\_\_
- 2) **New Certifying Official** / Date: \_\_\_\_\_ / \_\_\_\_\_

*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.*

Submit this form to:

**Water Quality Division**  
**Storm Water**  
Suite 400, The Atrium  
1200 'N' Street  
PO Box 98922  
Lincoln NE 68509-8922

Both parties must keep copies of this form. The party whom the authorization is transferred must submit the original *CSW-TRANSFER* to the **Department** and the Municipality within which the construction project is located (see *Appendix B* for a list of municipalities). Also give the new holder of the authorization a copy of the *CSW-TRANSFER*.



# 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 responsibility for long-term maintenance of permanent **BMPs** been assigned?      **YES**      **NO**
- c. Has the entire **Construction Activity** been transferred to another **Owner/Operator** who has received authorization under the conditions of a **NPDES** permit for **Storm Water** runoff? [See Part V] **OR**      **YES**      **NO**
- d. Has **Coverage** under an alternative **NPDES** permit been obtained by the same **Owner**?      **YES**      **NO**

What is the alternative **NPDES** Permit Number? NER \_\_\_\_\_

*If any of the termination prerequisite questions answered as No, complete the requirements before proceeding with this CSW-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