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PCWP General Grading Permit Terms – Effective 11/14/2022

PART I. COVERAGE UNDER THIS PERMIT

A. Introduction

Urban development causes significant changes in patterns of **stormwater** flow from land into **receiving waters**. Water quality can be affected when runoff carries sediment or other pollutants (e.g., waste materials, demolition debris, etcetera) into streams, wetlands, and lakes or into ground water. Stormwater management can help reduce these effects. Stormwater management involves careful application of site design principles, construction techniques to prevent sediments and other pollutants from entering surface and ground water, source controls, and treatment of runoff to reduce pollutants and the impact of altered hydrology. The goal of this permit is to reduce or eliminate stormwater pollution from **construction activity** in the **Papillion Creek Watershed Partnership (PCWP)** jurisdictions by requiring implementation of appropriate pollution control practices to protect water quality.

The Papillion Creek Watershed Partnership (PCWP) was created in 2001 with the mission to address issues related to surface water and stormwater quantity and quality in the Watershed by establishing goals and standards common to the region for development. One of the Partnership's goals is the standardization of the construction site soil **erosion prevention** and **sediment control** procedures and requirements. The PCWP is made up of the cities of Omaha, Bellevue, Boys Town, Gretna, La Vista, Papillion and Ralston; Sarpy County; and the Papio-Missouri River Natural Resources District (**PMRNRD**).

B. Permit Area

This permit provides **coverage** for construction and **support activity** within the Papillion Creek Watershed Partnership (PCWP) jurisdictions.

C. Eligibility

This permit is required and limited to stormwater discharges associated with construction 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**.

1. Allowable Stormwater Discharges

- a. Discharges are subject to the specific terms and conditions of the permit.
- b. This permit authorizes discharges of stormwater from construction and support activity to the **municipal separate storm sewer system (MS4)** and the **combined sewer system (CSS)** within the PCWP jurisdictions.
- c. Discharges from support activities (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) are permitted provided:

- 1) It is directly related to the construction site required to obtain a Grading Permit and a **Nebraska Department of Environment and Energy (NDEE) National Pollutant Discharge Elimination System (NPDES)** General Permit for Storm Water Discharges from Construction Sites.
- 2) The support activity is not a commercial operation serving multiple unrelated construction projects by different **Operators** and doesn't operate beyond the date of termination of the Grading Permit.
- 3) Appropriate controls and measures are identified in the **Stormwater Pollution Prevention Plan (SWPPP)**.

2. Allowable Non-Stormwater Discharges

Discharges of non-stormwater origin are allowed as long as the non-stormwater component is identified in the NDEE NPDES General Permit for Stormwater Discharges from Construction Sites and the MS4 permit of the applicable PCWP jurisdiction.

3. Prohibited Non-Stormwater Discharges

The Applicant is prohibited from discharging the following;

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

4. Limitations of Coverage

This permit does not authorize the following stormwater runoff conditions and may be the basis for denial or termination of authorization under this general permit. The **PCWP Permitting Community** shall be consulted prior to your submission of the **Grading Permit Application (GPA)** 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 stormwater discharges from industrial sites may need to be covered by a separate Industrial Stormwater Discharge permit.
- b. This permit does not authorize discharges mixed with non-stormwater. This exclusion does not apply to discharges identified in **Part I.C.2** provided the discharges are in compliance with **Part IV.D**.
- c. Those stormwater discharges for which stormwater effluent guideline limitations apply;
- d. Stormwater 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) or the U.S. Fish and Wildlife Service (www.fws.gov).
- e. The stormwater runoff that may adversely affect properties listed or eligible for listing in the National Register of Historic Places (www.nebraskahistory.org) or affecting known or discovered archeological sites; or

- f. The Director of Public Works determines that the discharge would be more effectively regulated with a site specific, area specific, or a basin specific permit.

5. Period of Coverage

The Grading Permit remains in effect from issuance until **final stabilization** and the PCWP Permitting Community has found the **Grading Permit closure requirements** fulfilled (see Part VI).

PART II. AUTHORIZATION FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITY

To obtain coverage under this general permit, you must prepare and submit a complete and accurate GPA as described in this Part. Discharges are not authorized if your GPA is incomplete or inaccurate or if you were never eligible for permit coverage.

A. Authorization to Discharge Date

1. If you submit a GPA after the issuance date of this permit you are authorized to discharge stormwater from construction activities under the terms and conditions of this permit after the PCWP Permitting Community has reviewed the required documents as complete, and the **Stripping and Grading Notification Form** has been submitted 48 hours prior to any ground disturbing activities.
2. The PCWP Permitting Community 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 the PCWP Permitting Community of your eligibility.

B. Grading Permit Application

You must use the GPA form provided by the PCWP Permitting Community available at www.omahapermix.com.

C. Submission Deadlines

1. New Projects:

To obtain coverage under this permit, you must submit a complete and accurate GPA and be authorized, consistent with **Part II.A.1** prior to commencement of construction activities.

2. Late Notifications:

You are not prohibited from submitting a GPA after initiating clearing, grading, excavation activities, or other construction activities. When a late GPA is submitted, authorization for discharges is consistent with **Part II.A**. The PCWP Permitting Community reserves the right to take enforcement action for any unpermitted discharges that occur between the commencement of construction and discharge authorization.

3. Ongoing Projects

No new application is required when the Grading Permit Terms and Conditions are updated. The SWPPP must be updated to meet the current Grading Permit Terms and Conditions when a Grading Permit Modification is made. When a new NDEE Construction Stormwater (CSW) Permit is issued, you must submit the new NOI and Authorization Letter, if applicable, when received.

D. Where to Submit

Applications and forms for the PCWP Grading Permit are available at and shall be submitted to the PCWP Erosion Control website at the following address: www.omahapermix.com.

E. Additional Requirements

1. The PCWP Permitting Community may request additional information from the **Applicant**:
 - a. To facilitate the review of the GPA;
 - 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. Applicants shall submit a copy of the NPDES **Notice of Intent (CSW-NOI) Form** and **Authorization Letter** to the MS4 or CSS entity through which they discharge via the PCWP Erosion Control website (www.omahapermix.com). Refer to **Part IV** for additional details.
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 GPA does not relieve the Applicant of responsibility to comply with the requirements of other government agencies.

PART III. CONSTRUCTION STORMWATER EFFLUENT LIMITATION GUIDELINES

1. Any new source must achieve, at a minimum, the control BMPs in this permit.
2. All construction point sources must achieve the following erosion and sediment controls:
 - a. Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
 - b. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
 - c. Minimize the amount of soil exposed during construction activity;
 - d. Minimize the disturbance of steep slopes;
 - e. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
 - f. Provide and maintain natural buffers around Waters of the United States unless the construction activity is dependent, direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges;
 - g. Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it is to be compacted; and
 - h. Preserve topsoil, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

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

PART IV. STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

A. Storm Water Pollution Prevention Plan Framework

1. A SWPPP must be prepared by a qualified professional such as a Professional Engineer, Certified Landscape Architect, and/or qualified professional in erosion prevention and sediment control.
2. The SWPPP must:
 - a. Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
 - b. Minimize erosion on disturbed areas and minimize the discharge of sediment and other pollutants in storm water runoff;
 - c. Describe controls to be used to reduce pollutants in storm water discharges from the construction site; and
 - d. Assure compliance with the terms and conditions of this permit.

3. Once a definable area has achieved final stabilization and the temporary **Best Management Practices (BMPs)** have been removed, you may mark this on your SWPPP, and no further SWPPP or inspection requirements apply to that portion of the site. For example, when earth-disturbing activities around one of three buildings in a complex is done and the area is finally **stabilized**, or one mile of a roadway or pipe line project is done and finally stabilized, etc..
4. The SWPPP must be implemented by the Applicant as written and updated for the life of the Grading Permit.
5. The SWPPP shall include:
 - a. A comprehensive **Stormwater Pollution Prevention Plan - Narrative (SWPPP-N)** developed in accordance with the PCWP and NDEE policies and procedures, and
 - b. A **Stormwater Pollution Prevention Plan Site Map (SWPPP-SM)** must be prepared according to the PCWP **SWPPP Site Map Preparation Guide**, available on the PCWP website (www.omahapermix.com). The SWPPP-SM shall serve as the basis for documenting water quantity and water quality controls on all subsequent construction. Any alterations of controls throughout the life of the Grading Permit shall be documented on the SWPPP-SM and reported to the PCWP Permitting Community.

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 phasing of the construction project including 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 permittee-controlled 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)/drawing(s) showing the entire site during grading, construction, and post-construction phases, identifying:
 - a. Direction(s) of stormwater 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);
 - d. Locations where stabilization practices are expected to occur;
 - e. Locations of material, waste, borrow or equipment storage areas, both on and off site;
 - f. Locations of all waters of the state (including wetlands);
 - g. Locations where stormwater discharges to a surface water;
 - h. Locations of the perimeter controls, if used, installed to retain sediment from storm water runoff from earth disturbing activities; and
 - i. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

3. The SWPPP must contain documentation of the following site and activity records:
 - a. Dates when major grading activities occur;
 - b. Dates when construction activities temporarily or permanently cease on a portion of the site; and
 - c. Dates when stabilization measures are initiated.

C. Pollution Prevention Plan Contents: Controls to Reduce Pollutants

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 stormwater discharges. Refer to the **Omaha Regional Stormwater Design Manual (ORS DM)** for additional detail. 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. The SWPPP must include:

1. A description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented.
2. A description of all temporary construction storm water management measures that retain/detain flows or otherwise limit runoff and the discharge of pollutants
3. A description of all post-construction storm water management measures that retain/detain flows or otherwise limit runoff and the discharge of pollutants Such measures must be designed and installed in compliance with applicable federal, state, and local requirements. A **Post Construction Stormwater Management Plan (PC SMP)** must also be submitted to the PCWP Permitting Community.
4. A description of the controls to be used to prevent the following prohibited discharges:
 - a. Wastewater from washout of concrete, unless managed by an appropriate control implemented according to industry standards;
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control implemented according to industry standards;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - d. Soaps, solvents, or detergents used in vehicle and equipment washing; and
 - e. Toxic or hazardous substances from a spill or other release.
5. A description of measures to minimize, to the extent practicable, vehicle tracking of sediments offsite onto paved surfaces and the generation of dust. The following must be included with this requirement:
 - a. Restrict vehicle use to properly designated exit points. If designated exit points are modified or added to the site, update SWPPP accordingly;
 - b. Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;
 - c. Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and

- d. Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, the deposited sediment must be removed by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day.
6. A description of construction materials, products and waste materials expected to be stored at the construction site and/or supporting areas. The description to include controls and storage practices to minimize exposure of the materials to storm water and storm water runoff.
7. If fueling and/or maintenance of equipment or vehicles at the construction site and/or supporting areas is performed, an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area must be implemented by at minimum:
 - a. Ensuring adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
 - b. Using drip pans and absorbents under or around leaky vehicles;
 - c. Disposing of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;
 - d. Cleaning up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
 - e. Not cleaning surfaces by hosing the area down.
8. Spill prevention control and countermeasure plan (SPCC), if facility possesses an SPCC plan.
9. A description of potential pollutant sources and the controls and measures to be implemented at **support activity** areas of the construction site.
10. A description of controls for discharges from stockpiled sediment or soil.
11. A description of controls to minimize dust through appropriate water or other dust suppression techniques.

D. Non-Stormwater Discharge Management

The SWPPP must identify all allowable sources of non-stormwater discharges and all applicable BMPs (i.e., those discharges listed in Part I.C.2. of the NDEE - NPDES General Permit for Stormwater Discharges from Construction Sites), except for flows from fire fighting activities that are combined with stormwater discharges associated with construction activity at the site. Non-stormwater 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-stormwater component(s) of the discharge.

E. Construction Stormwater Effluent Limitation Guidelines

The SWPPP must contain the storm water effluent limitation guidelines that are set forth in Part III of this permit. All construction point sources must achieve the erosion and sediment controls. BMPs and work practices should follow the requirements set forth in 40 CFR Part 450.

F. Maintenance of Controls

1. Stabilization measures must be initiated as soon as practicable but no later than fourteen (14) days in portions of the construction site that have temporarily or permanently ceased except as provided below:
 - a. Where snow or frozen ground conditions preclude stabilization within 14 days;
 - b. When earth disturbing construction activities will resume within 14 days;
 - c. When perennial vegetative stabilization measures are not possible within 14 days due to semiarid climates or drought stricken conditions; or
 - d. When stormwater runoff velocity dissipation features have yet to be installed along the length of an outfall channel that would protect natural physical and biological characteristics and functions such as the hydrological regime of the receiving water.
2. Installation of stabilization measures must be completed within 14 days.
3. Preserve topsoil where practicable.
4. Minimize soil compaction after final vegetative stabilization has begun.
5. Minimize the disturbance of steep slopes to prevent erosion and implement controls as needed for disturbed slopes.
6. Contaminated or turbid groundwater, accumulated storm water, or non-storm water may not be discharged unless such waters are effectively managed by controls.
7. When sediment escapes the construction site boundaries, the offsite accumulations must be removed promptly to minimize the disturbance. In addition, the erosion controls for that portion of the project must be reviewed for adequacy of design and/or implementation to prevent reoccurrence with updates or modifications to the SWPPP as appropriate.
8. Temporary Construction Control BMPs
 - a. All temporary control measures must be properly selected, installed, and maintained in accordance with relevant manufacturer specifications, good engineering practices, and applicable federal, state, and local requirements.
 - b. If periodic inspections or other information indicates a control has been installed incorrectly or if the control implemented as planned is ineffective, the operator must either correct the deficiencies of the existing control or modify that portion of the SWPPP plan and implement effective controls as soon as practicable. See Part III.J for site inspection requirements.
 - c. Corrective actions must be completed within seven (7) days or before the next storm event whichever is practicable.
 - d. If corrective actions before the next storm event is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.
 - e. Sediment from sediment traps or sedimentation basins must be removed when design capacity has been reduced by 50 percent.
 - f. Sediment traps and sedimentation basins must remain in place, as per the ORSDM, until less than five acres upstream of the sediment basin remain to be developed and modification of the SWPPP has been reviewed by the PCWP Permitting Community.

- g. Preventive maintenance must be performed on all erosion prevention and sediment control measures and stormwater management practices to ensure their proper function throughout the period of permit coverage or as long as necessary in accordance with the SWPPP.
 - h. Sediment and pollutants transported onto streets must be removed from the street surface on a daily basis, or more frequently if needed, and prior to rain events.
 - a. Sediment will be shoveled and/or swept from the street and removed in a manner, which prevents contamination of stormwater or surface water and does not violate any applicable federal, state, county, or municipal regulation.
 - b. Sediment observed to be escaping the construction site may indicate that the BMPs are insufficient to control runoff and trackout.
9. Permanent Post-Construction Controls (Permanent BMPs)
- a. All permanent control measures must be properly selected, installed, and maintained in accordance with relevant manufacturer specifications, good engineering practices and applicable federal, state, and local requirements.
 - b. Permanent post-construction BMPs put into service during construction activities must be maintained the same as temporary construction control BMPs by the operator during construction.
 - c. Groundwater infiltration must be considered a priority BMP unless recharge will impair highest beneficial use of groundwater or discharge to a designated waterbody is preferable.

G. Permit Eligibility Related to Endangered Species

The SWPPP must include documentation supporting a determination of permit eligibility with regard to Endangered Species, including:

1. Information on whether state or federally-listed endangered or threatened species, or designated critical habitat may be in the project area;
2. Whether such species or critical habitat may be adversely affected by stormwater discharges or stormwater discharge-related activities of 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**), Environmental Protection Agency (**EPA**), NDEE or others and the Applicant regarding listed species and critical habitat, including any notification that delays your authorization to discharge under this permit; and
4. A description of measures necessary to protect state and federally-listed endangered or threatened species, or state and federally-designated critical habitat. The Applicant must describe and implement such measures to maintain eligibility for coverage under this permit and the NDEE - NPDES General Permit for Stormwater Discharges from Construction Sites.

H. Copy of Permit Requirements

A copy of the signed and certified Construction Stormwater Notice of Intent (CSW-NOI) form that was submitted to NDEE must be included in the SWPPP. Also, upon receipt, a copy of the letter from the NDEE notifying the Applicant of their receipt of the administratively complete CSW-NOI must be included as a component of the SWPPP.

I. Applicable State Requirements

The SWPPP must be consistent with all applicable federal, state and local requirements for soil erosion prevention, sediment control and stormwater management, including updates to the SWPPP throughout the period of permit coverage as necessary to reflect any revision to applicable federal, state and local requirements for erosion prevention and sediment control.

J. Inspections and Inspection Reports

1. Refer to **Table 1** for required inspections. Any delay in the corrective actions required of BMPs beyond seven (7) calendar days shall be documented in the SWPPP and/or inspection report with sufficient detail as to explain the reason for the delay.
2. Inspection frequency and reporting may be reduced based upon site development and stabilization. The frequency of inspections and reporting has been categorized into Stages. Refer to **Table 2** for Reporting Period details and **Table 3** for Stage descriptions.
3. Inspections must be conducted by qualified personnel. "Qualified personnel" means a person knowledgeable in the principles and practices of erosion prevention and sediment control who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion prevention and sediment control measures selected to minimize pollutant exposure and to control the quality of stormwater discharges from the construction activity.
4. Representative inspections may be conducted on long narrow linear construction such as utility lines and pipelines construction projects when inspection vehicle access may increase the potential for erosion. In these circumstances, controls must be inspected at the permit specified frequency, and include a representational portion of the construction that extends a quarter (0.25) mile above and below access points not to exceed the reach of the project where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site.
5. The following areas at a minimum must be inspected:
 - a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization;
 - b. All storm water controls installed at the site to comply with this permit;
 - c. Material, waste, borrow, or equipment storage and maintenance areas covered by this permit that are managed by the owner and/or operator;
 - d. All areas where storm water typically flows within the site, including drainage ways designed to divert, convey, and/or treat storm water;
 - e. All points of discharge from the site, unless considered unsafe or inaccessible using the best professional judgment of the inspector; and
 - f. All locations where stabilization measures have been implemented.
6. For each required inspection, an Inspection Report must be completed. At a minimum, the Inspection Report must include:
 - a. The inspection time and date(s);
 - 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;
 - h. Monitoring results if requested;
 - i. Records of grading activity since last inspection;
 - j. Location(s) where additional BMPs are needed and are not in place at the time of inspection; and
 - k. Corrective actions that required changes to the SWPPP and the date the plan changes were implemented.
7. A record of each inspection and of any actions taken must be retained as part of the SWPPP for at least three (3) years from the date that permit coverage 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 VII.E.6 of this permit.
8. Inspection Reports consist of all information gathered during site inspections conducted within each Reporting Period. Inspection Reports must be filed at the PCWP website (www.omahapermix.com) within a maximum of six (6) calendar days after each Reporting Period's ending date.

Table 1:

REQUIRED INSPECTIONS			
Stage 1	Stage 2	Stage 3	Stage 4 (winter stage)
No rain event inspection	Within 24 hours of a storm event equal to or greater than 0.25 inches	Within 24 hours of a storm event equal to or greater than 0.25 inches	Within 24 hours of a storm event equal to or greater than 0.25 inches
Weekly Site Inspections, excluding nonbusiness hours, with no more than 7 calendar days between Site Inspections	Every other week Site Inspections, excluding nonbusiness hours, with no more than 14 calendar days between Site Inspections	Monthly Site Inspections, excluding nonbusiness hours, with no more than 30 calendar days between Site Inspections	Monthly Site Inspections, excluding nonbusiness hours, with no more than 30 calendar days between Site Inspections

Table 1: The Grading Permit allows for site specific inspection and reporting requirements.

Table 2

REPORTING PERIOD			
Stage 1	Stage 2	Stage 3	Stage 4 (winter stage)
Ends on Saturday of each week of the month	Ends the second and fourth Saturday of the month	Ends the second Saturday of each month	Ends the second Saturday of each month
Note: Within 5 calendar days after the start of any ground disturbing activity to notify the PCWP that all erosion control measures have been installed and implemented according to the conditions of the SWPPP and the Grading Permit			Note: Begins December 1 and ends March 1

Table 2: Reporting Periods correspond to the time passing between Inspection Reports.

Table 3

STAGE REQUIREMENTS			
Stage 1	Stage 2	Stage 3	Stage 4 (winter stage)
Sites that do not qualify for Stage 2, 3, or 4	Compliance with the Stage 1 requirements	Compliance with the Stage 2 requirements	Compliance with the Stage 1 requirements
Permitting Community has issued a Grading Permit for the construction site and a PCWP Stripping and Grading Notification Form has been submitted	All erosion prevention and sediment control measures have been installed and are functioning correctly	All public improvements have been installed	BMPs have been installed and are properly maintained
	All Inspection Reports are up to date and accurate	The PCWP has allowed the transition to Stage 3 Site inspection and reporting requirements	Stabilization measures have been implemented in areas of environmental sensitivity and higher erosion potential
	All site grading has been completed in accordance with the SWPPP (note: minimal utility and/or building pad excavation may be conducted)		Activities involving heavy equipment are limited or stopped
	Entire site is temporarily or permanently stabilized		Runoff is unlikely due to winter conditions (e.g., site must be covered with snow, ice, or the ground is frozen)
	The PCWP has allowed the transition to Stage 2 Site inspection and reporting requirements		The request to Stage 4 has been submitted on or before December 1. No requests will be processed after December 31 st
			The PCWP has allowed the transition to Stage 4 Site inspection and reporting requirements
			On March 1, all Stage 4 Sites shall revert to the previously assigned stage

Table 3: All sites start at Stage 1. All stage changes are made by submitting a **Stage Change Request** to the PCWP website (www.omahapermix.com). Stage Change Requests must be approved by the PCWP Permitting Community before any changes can be made to the current inspection and reporting schedule. Stage 4 (winter conditions) requests must be made before December 1 and all Stage 4 Sites revert to the previous stage on March 1.

K. Maintaining an Updated SWPPP

1. The SWPPP, including the site map(s)/drawing(s), must be updated 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 updated 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 stormwater 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 the 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 IV.F.8.b.**
4. The SWPPP must be consistent with all applicable federal, state, and local requirements for erosion prevention, sediment control and stormwater management, including updates to the SWPPP as necessary to reflect any revisions to applicable federal, state, and local requirements for sediment and erosion control.

L. Signature, Plan Review and Making Plans Available

1. A copy of the SWPPP, a copy of the CSW-NOI, a copy of the Game and Parks CERT review if applicable, and the Authorization Letter from NDEE notifying the Applicant 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 permit closure. The SWPPP and corresponding documents may be posted online, but the construction site must have internet access.
2. A sign or other notice must be posted conspicuously near the entrance of the construction site. If displaying near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of a construction project (e.g. where a pipeline project crosses a public road). The sign or other notice must contain the following information:
 - a. A copy of the completed CSW-NOI as submitted to the NDEE; and
 - b. A copy of the SWPPP, or, if the sign or notice does not contain a copy of the SWPPP, it must detail the name and telephone number of the contact person for obtaining access to the SWPPP, and the current location of the SWPPP. If the SWPPP is posted online, the sign must detail the website address, online location, or methodology to obtain the SWPPP and include the Permit Number assigned by the PCWP Permitting Community.

PART V. ADDITIONAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. Requiring an Individual Permit or an Alternative General Permit

1. The NDEE may require the Applicant to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested party may petition the NDEE to

take action under this paragraph. If the NDEE requires the Applicant to apply for an individual NPDES permit, the NDEE will notify the Applicant in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if the applicant is an existing Applicant covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the Applicant, coverage under this general permit will automatically terminate. Applications must be submitted to the NDEE. The NDEE may grant additional time to submit the application upon request. If the Applicant is covered under this permit and fails to submit in a timely manner an individual NPDES permit application as required by the NDEE, then the applicability of this permit is automatically terminated at the end of the day specified by the NDEE as the deadline for application for submittal.

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

B. Oil and Hazardous Substances/Spill Notification

Hazardous substances or oil must be prevented from contaminating storm water runoff. The SWPPP must contain a plan to prevent spills, minimize quantity released during spills, contain spills, cleanup and dispose of wastes from spills. If the facility has a SPCC plan, the SPCC will qualify. This permit does not authorize the discharge of hazardous substances or oil from an onsite spill. The Applicant shall conform to the provisions set forth in NDEE 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 Applicant 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 NDEE Title 126, 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302, occurs during a 24-hour period:

1. The Applicant shall immediately notify the NDEE 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 NDEE at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free).

2. When NDEE cannot be contacted, the Applicant shall report to the Nebraska State Patrol for referral to the NDEE Emergency Response Team at telephone number (402) 471-4545. It shall be the Applicant's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.
3. All information known about the release at the time of discovery is to be reported, such as contact information, time of occurrence, quantity and type of material, location and any corrective or cleanup actions undertaken or in process.
4. NDEE requires a final written report for all reportable releases of oil or hazardous substances. When a final written report is required, it must be submitted to NDEE within 15 days of remedial action, or, if no remedial action occurs, within 15 days of the release. A final report shall contain, at a minimum, the following information:
 - a. Date, time and duration of the release;
 - b. Location of release;
 - c. Person or persons causing and responsible for the release;
 - d. Type and amount of oil or hazardous substance released;
 - e. Cause of the release;
 - f. Environmental damage caused by the release;
 - g. Actions taken to respond, contain and clean up the release;
 - h. Location and method of ultimate disposal of the oil or hazardous substance and other contaminated materials;
 - i. Actions being taken to prevent a reoccurrence of the release;
 - j. Any known or anticipated acute or chronic health risks associated with the release; and
 - k. When appropriate, advice regarding medical attention necessary for exposed individuals.
 - l. When appropriate, the names of any waters of the state impacted by the release.
5. The Applicant must complete corrective actions as required under Part IV.F within seven (7) calendar days of knowledge of the release to prevent reoccurrence of such a release.

C. Attainment of Water Quality Standards After Authorization

1. The Applicant must select, install, implement and maintain BMPs at the permitted construction site that minimize pollutants in the discharge as necessary to meet applicable state water quality standards. In general, except in situations explained in this section, the SWPPP which has been developed, implemented, and updated consistent with Part III is considered as stringent as necessary to ensure that the discharges do not cause or contribute to an excursion above any applicable water quality standard.
2. At any time after authorization, the NDEE may determine that the site stormwater discharges may cause or have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. The reasonable potential to cause or contribute to an excursion will be determined by the NDEE using TMDL information, receiving stream parameters, and the best professional judgment of the permitting authority. If such a determination is made, the NDEE will require the Applicant:

- a. Develop a supplemental BMP action plan describing SWPPP modifications in accordance with Part III to address 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 to the NDEE according to Part V.A.
3. All written responses required under this part must include a signed certification from the certifying official.

D. Discharges Affecting Endangered or Threatened Species

This permit does not replace or satisfy any review requirements for Endangered or Threatened species from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. The Applicant 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. This Permit does not relieve or excuse the owner from compliance with the National Historic Preservation Act and all required review and coordination activities related to historic preservation, including significant anthropological sites and any burial sites, with the Nebraska Historic Preservation Officer. The Applicant must comply with all applicable state and local laws concerning the protection of historic properties and places and The Applicant's 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 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.

PART VI. TERMINATION, TRANSFER OR REASSIGNMENT OF PERMIT COVERAGE

A. Permit Closure Requirements

The Applicant may only submit a Grading Permit Closure package when one of the two conditions listed below have been met:

1. **Final stabilization** has been achieved on all portions of the site for which the Applicant is responsible. Final stabilization is achieved when:
 - 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 have been 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; and
 - h. Construction activity conducted at new or industrial facilities that will operate the site in an exposed manner (such as limestone mining and solid waste landfills) shall be considered finally stabilized upon commencement of industrial activity consistent with the industrial use and coverage under the appropriate NPDES permit for industrial storm water.
 - i. All documents required for the Post Construction Stormwater Management Plan (PCSMP) have been submitted and approved including, but not limited to, the BMP Maintenance Certification, Maintenance and Easement Agreement, and As-Built Plans. (Only for projects where the PCSMP is applicable)
2. Another Applicant has assumed control according to part **VI.C.** over all areas of the site that have not met final stabilization requirements.

B. Submitting a Grading Permit Closure Package

1. During the closure process, the SWPPP-SM will be required to reflect the current policies, procedures, and methods enforced by the PCWP Permitting Community. Read the following documents and make all necessary updates to the SWPPP-SM:
 - j. PCWP General Grading Permit Terms;
 - k. PCWP SWPPP Site Map Preparation Guide
2. The following submittals are required for closure:
 - a. PCWP Grading Permit Closure Form submitted to the PCWP website (www.omahapermix.com).
 - b. Stormwater Pollution Prevention Plan – Site Map (SWPPP-SM) – The SWPPP-SM proposed for permit termination must contain the following information:
 - 1) Existing SWPPP-SM Information—reflecting all updates/modifications accepted by the PCWP Permitting Community;
 - 2) Notes detailing the current ground cover and build out conditions within each sub-basin;
 - 3) Notes detailing the justification and date associated with the proposed closure; and
 - 4) A new signed Applicant SWPPP Certification exhibit must be placed on the SWPPP-SM.
 - c. Supporting Computation – In some cases, it may be necessary to justify the proposed closure with supporting computations. Any applicable computations should be provided.
 - d. Documentation supporting the completion of the PCSMP requirements.
 - e. Copy of the executed NDEE **Notice of Termination (CSW-NOT) Form**.
3. After the PCWP Permitting Community has found the Grading Permit Closure Package complete, the Grading Permit shall be considered closed.

C. Transfer of Permit

When responsibilities for stormwater discharges at a construction site change from one entity to another, the Applicant shall submit the applicable forms and supporting documentation to the PCWP website (www.omahapermix.com) in the Portable Document Format (PDF). Submittal and acceptance of the forms transfers responsibilities and roles from one entity to another as stipulated by the terms and conditions of this permit.

1. The **Change of Applicant Form** shall be used for transferring permit responsibility and at a minimum shall include:
 - a. PCWP Grading Permit number;
 - b. Identifying information for the project;
 - c. Identifying information for the new Applicant;
 - d. Identifying information for the current Applicant; and
 - e. Effective date of transfer.
2. Other Requirements of a Permit Transfer:
 - a. If the stormwater discharge associated with construction activity is covered by this permit, then the new Applicant(s) shall comply with all terms and conditions of this permit.
 - b. A copy of the Change of Applicant Form shall be included in the SWPPP.
 - c. A new signed Applicant SWPPP Certification exhibit must be placed on the SWPPP-SM.
 - d. For construction activity which is part of a larger common plan of development, if the Applicant transfers ownership of all or any part of property subject to this permit, both the Applicant 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 Applicant(s) agree in writing to be solely responsible for compliance with this permit for the property that has been transferred, then the existing Applicant(s) authorization shall be terminated.

D. Multiple Permits

Grading Permits may be issued to multiple lot developments (e.g., large common plans of development, subdivisions, Sanitary & Improvement Districts, etcetera.). The following guidelines apply to lots within permitted multiple lot developments:

1. Lots over one acre may obtain a separate Grading Permit. Grading Permits associated with individual lots inside a multiple lot development must follow these conditions:
 - a. The existing Grading Permit covering the multiple lot development must be modified to reflect the removal of each individual lot in question and the impact on existing control measures must be referenced. The Applicant must submit a PCWP **Grading Permit Modification Form** and supporting documentation to the PCWP website (www.omahapermix.com) in the Portable Document Format (PDF).
 - b. Each lot in question must apply for and receive an individual Grading Permit in accordance to PCWP Grading Permit Terms.

- c. Modification of the existing Grading Permit and issuance of individual Grading Permits must occur simultaneously and all of the supporting documentation must be received and reviewed by the PCWP Permitting Community before authorization is granted. Also refer to **Section VI.C - Transfer of Permit**
 - d. Applicable NDEE submittals must be included with the modifications.
2. In developments where an area has been zoned as commercial and the average lot size within the commercially zoned area is greater than 1 acre, the multiple lot permit may be closed if closure requirements are met; the individual commercial lots within the development will need to acquire a permit for the lot prior to construction activity commencing on the lot.

E. Where to Submit

All paperwork must be submitted to the PCWP website: www.omahapermix.com

PART VII. STANDARD CONDITIONS AND REQUIREMENTS

A. Inspections

1. A record of each inspection and of any actions taken must be retained as part of the SWPPP for at least three (3) years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Part VII.D.6 of this permit.

B. 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 Applicant shall allow the Director or their appointed representative, upon the presentation of his or her identification and at a reasonable time:

- a. To enter upon an Applicant's premises where regulated construction activity is located or conducted, or records are required to be kept under the terms and conditions of this permit;
- b. To have access to and copy any records required to be kept under the terms and conditions of this permit;
- c. To inspect any facilities, equipment (including monitoring and control), practices or operations regulated or required in this permit; and
- d. To sample or monitor any substances or parameters at any location.

3. Changes in Discharge

Any revision in the size of construction activity (such as the addition of disturbed acres not previously identified under the original CSW-NOI form), which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the Applicant 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. Minor changes to the permit do not need to submit a CSW-NOI:

- a. Change in engineer
- b. Change in SWPPP designer and/or SWPPP changes
- c. Adding a new contact personal
- d. Less area being disturbed

Permit authorization may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

C. Procedures for Modification or Revocation

Revisions to the SWPPP may be required due to differing site conditions, ineffectiveness of installed measures or other reasons identified during inspections or investigations by staff, local, state or federal representative. Changes to the SWPPP must be handled in the following manner:

1. Minor changes to the SWPPP may be made in the field if approved by the PCWP Inspector. All minor field changes must be documented on the SWPPP-SM or updated working map/drawing and documented in the Inspection Reports.
2. Major changes to the SWPPP, such as the addition or deletion of a sediment basin or land area, require the Applicant to submit a PCWP Grading Permit Modification Form and supporting documentation to the PCWP website (www.omahapermix.com) in the Portable Document Format (PDF).
3. A completed Grading Permit Modification Form must be submitted to the PCWP Permitting Community for review prior to modification.

D. Management Requirements

1. Duty to Comply:

All authorized discharges shall be consistent with the terms and conditions of this permit. The Applicant shall comply with all conditions of this permit. Failure to follow the SWPPP and/or procedures governing a Grading Permit may cause the following actions to be taken by the PCWP Permitting Community:

- a. The permit may be suspended or revoked.
- b. Public improvement plans issued for this project may be withheld by the PCWP Permitting Community.
- c. Building permit applications for this location may be denied, suspended, or revoked.
- d. Fines or penalties may be levied.
- e. Notification of the State and/or Federal Government when the site is believed to not be in compliance with NPDES Permits. The State and/or Federal Government have the right to review all sites and take enforcement action.

2. Duty to Mitigate

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

3. Duty to Provide Information

The Applicant 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 Applicant shall also furnish to the Department upon request, copies of records retained as a requirement of this permit.

4. Reporting Requirements

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

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

5. Proper Operation and Maintenance

The Applicant shall, at all times, maintain in good working order and operate as efficiently as possible, any facilities or systems of control installed by the Applicant 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, dated, 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 PCWP Permitting Community, in writing, within seven (7) days after the change, but no later than with the submission of information required by the PCWP Permitting Community 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. Recordkeeping Requirements

The following documents should be retained for at least three years from the date that the Grading Permit is closed:

1. The State of Nebraska Department of Environment and Energy National Pollutant Discharge Elimination System (NDEE-NPDES) CSW-NOI and Authorization Letter;
2. The executed Grading Permit;
3. The SWPPP along with, all supporting computations and paperwork created and approved by the SWPPP preparer, and subsequent modifications;
4. The executed PCWP Stripping and Grading Notification Form;
5. All required Inspection Reports;
6. The PCWP Grading Permit Closure Package; and
7. Copy of the executed NDEE Notice of Termination

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. 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.

3. Severability

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

4. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the Applicant to comply with other rules and regulations of the PCWP Permitting Community, federal, state, or other agency requirements.

5. Penalties

Nothing in this permit shall preclude the initiation of any legal action or relieve the Applicant from any responsibilities, liabilities or penalties under Section 311 of the Clean Water Act (CWA).

Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions.

PART VIII. GRADING PERMIT TERMS SPECIFIC TO THE CITY OF OMAHA

After a SWPPP-SM with a City of Omaha Public Works Department acceptance stamp or permit authorization letter has been issued, the following items must be submitted to the City of Omaha Permits and Inspections Division (Attention: Office Manager; City Of Omaha; Planning Department; Building & Development Division; Omaha/Douglas Civic Center; 1819 Farnam Street, Suite 1100):

1. A permitting fee in the amount of \$500.00 for a site less than 10 acres or \$1000.00 for a site equal to or greater than 10 acres.
2. A City Of Omaha **Grading Permit & Payment Form**.

PART IX. ROLES & RESPONSIBILITIES

A. Separation of Roles

It is recommended that in order to avoid conflicts of interest with permit compliance, the Applicant, Operator, and Inspector should be employed by separate companies.

B. Applicant

1. The Applicant shall be the Owner or Property Manager of the construction site. The Applicant is solely responsible for the proper, sound and adequate design of present and ultimate construction site stormwater and pollutant discharges.
2. The Applicant may identify an authorized representative to sign all required documents submitted to the PCWP Permitting Community. The Applicant's authorized representative shall be a principal executive officer of at least the level of:
 - a. Vice president, in the case of a corporation;
 - b. General partner, in the case of a partnership;
 - c. Proprietor, in the case of a sole proprietorship
3. The Applicant must ensure all Grading Permit procedures and materials conform to the following publications, and any additions or revisions thereto, for the life of the Grading Permit. The Grading Permit is issued to the Applicant and the Applicant shall enter into agreements with a Designer, Inspector, and Operator(s) to perform all applicable duties specified in the following documents:
 - a. PCWP Grading Permit Terms (this document);
 - b. ORSDM;

- c. NDEE NPDES General Permit for Stormwater Discharges from Construction Sites (CSW);
 - d. The Stormwater Pollution Prevention Plan - Site Map (SWPPP-SM) subject to review by the PCWP Permitting Community;
 - e. The Stormwater Pollution Prevention Plan - Narrative (SWPPP-N) subject to review by the PCWP Permitting Community; and
 - f. The Post Construction Stormwater Management Plan (PCSMP) subject to review by the PCWP Permitting Community.
4. The Applicant must obtain the following governmental approvals (at a minimum) before the start of construction:
- a. An executed permit from the Army Corp of Engineers will be needed for all work impacting their jurisdictional boundaries;
 - b. An executed County Street Cut Permit will be needed for each applicable location if County street connections are being proposed with these plans;
 - c. An executed State of Nebraska Department of Transportation Street Cut Permit will be needed for each applicable location, if State street connections are being proposed with these plans;
 - d. An executed Permit from the County to construct within a County controlled right-of-way (**ROW**) will be needed if work proposed to occur within the county ROW;
 - e. An executed Permit from the State of Nebraska Department of Transportation to construct within State controlled ROW will be needed if work is proposed to occur within state controlled ROW;
 - f. An executed Approval to Grade from the County will be needed if grading is proposed next to a County ROW.

All applicable approvals must be made available to the PCWP upon request.

C. Designer

1. The Designer shall prepare and submit all Grading Permit documents on the behalf of the Applicant to the respective PCWP Permitting Community via the PCWP web site (www.omahapermix.com) in the Portable Document Format (PDF):
 - a. Request for a Grading Permit Project Number;
 - b. Certified SWPPP-SM;
 - c. SWPPP-N;
 - d. PCWP GPA;
 - e. Stormwater Pollution Prevention Plan (SWPPP) design computation;
 - f. NDEE CSW-NOI and Authorization Letter; and
 - g. All supporting documentation.
2. The Designer shall also submit to the NDEE website using the online CSW-NOI form (<http://deg.ne.gov/Publica.nsf/pages/WAT012>)
 - a. A site map as described in Part IV.B.1.d of the NDEE CSW Permit;
 - b. The SWPPP as described in Part IV of the NDEE CSW Permit;

- c. A Game and Parks CERT review;
 - d. All required information on the CSW-NOI form.
3. The Designer shall:
- a. Make any corrections necessary to fulfill the overall intent of the SWPPP documents if any errors, omissions, or deficiencies are identified by the Inspector.
 - b. Make modifications to the SWPPP when necessary and if warranted, request approval from the PCWP Permitting Community by submitting the major changes to the SWPPP, such as the addition or deletion of a sediment basin, and submit the PCWP Grading Permit Modification Form and supporting documentation to the PCWP website (www.omahapermix.com) in the Portable Document Format (PDF).
4. When preparing the SWPPP, the Designer shall:
- a. Direct new storm sewer outlets to a properly designed sedimentation basin before exiting the construction site. Where it is not feasible to direct a storm sewer outlet through a sedimentation basin, other equivalent measures must be taken to control sediment at stormwater discharge points.
 - b. Follow ORSDM requirements.
 - c. Clearly show and describe all phasing.

D. Inspector

- 1. The Inspector must have the appropriate level of training, or experience with the principles and practices of sediment and erosion control. Upon request by the permitting entity the Inspector must provide their qualifications for review.
- 2. The Inspector shall be responsible for the following:
 - a. Assuring compliance with the SWPPP and Grading Permit;
 - b. Accuracy and completeness of all Site Inspections for the life of Grading Permit;
 - c. Conducting Inspections as defined in **Tables 1, Table 2, & Table 3**.
 - d. Inspections are prepared under the direction and supervision of the Inspector, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.
 - e. Preparing and submitting the PCWP Stripping and Grading Notification Form to the respective PCWP Permitting Community 48 hours prior to commencement of any ground disturbing activities.
 - f. Submitting an inspection report within five (5) days of after the start of any ground disturbing activity to notify the PCWP that all erosion prevention control measures have been installed and implemented according to the conditions of the SWPPP and the Grading Permit.
- 3. The Inspector shall ensure maintenance through inspection of all erosion control measures and stormwater management practices.
- 4. The following criteria will be evaluated by the Inspector during inspections:
 - a. Determine what controls need maintenance to function effectively to be in compliance with the SWPPP;

- b. Determine the extent of damage by sediment or other pollutants (resulting from non-compliance with the SWPPP);
 - c. Determine the impact and severity of the damage resulting from non-compliance with the SWPPP.
5. The Inspector shall provide procedures to ensure that deficiencies identified during the inspections are rectified. The procedures shall include the following:
- a. Notify the Applicant and Operator(s) in writing about deficiencies resulting in non-compliance with the SWPPP.
 - b. Recommend corrective actions with a detailed implementation schedule in the notification to the Applicant and Operator(s).
 - c. Document in subsequent inspection reports that corrective actions have been taken within seven (7) calendar days of discovery. Any delay in the replacement or maintenance of non-functional BMPs beyond seven (7) calendar days shall be documented in the inspection report with sufficient detail as to explain the reason for the delay.

E. Operator(s)

The Operator(s), for the purpose of the Grading Permit means any party associated with a construction project that meets either of the following two criteria:

- 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications;
- 2. The party has day-to-day operational control of those activities at a project, which are necessary to ensure compliance with the SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other Grading Permit conditions).

F. PCWP Permitting Community

- 1. The PCWP Permitting Community shall review all submitted items for completeness and shall issue a Grading Permit to the Applicant, Designer, and Inspector by electronically accepting the documentation submitted to www.omahapermix.com. An email notifying the Applicant and Designer will be sent after the PCWP Permitting Community's acceptance of the provided documents. Issuance of a Grading Permit does:
 - a. Not constitute a representation or warranty to the Applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the SWPPP;
 - b. Not give the authorization to begin ground disturbance activities. A PCWP Stripping and Grading Notification Form must be submitted 48 hours prior to any ground disturbing activity or construction activity;
 - c. Not guarantee that the requirements of the NDEE - NPDES General Permit for Stormwater Discharges from Construction Sites have been met.
- 2. The PCWP Permitting Community shall (PCWP Permitting Community may enter into agreements with other agencies to perform some or all of these functions):
 - a. Review all modifications requiring a Grading Permit Modification and such modifications are subject to review by the PCWP Permitting Communities before any changes are implemented;
 - b. Review inspection reports for completeness and accuracy;

- c. Inspect the site and file reports;
 - d. Review the Grading Permit Closure Package, and when found acceptable, the PCWP Permitting Community shall close the Grading Permit.
3. The PCWP Permitting Community will allow the stripping or grubbing of vegetation, grading operations, or other ground disturbance to begin only when the following have been properly executed or completed:
- a. A Grading Permit has been issued in accordance with the Permitting Community requirements;
 - b. Payment of all required fees;
 - c. The NDEE – NPDES General Permit for Stormwater Discharges from Construction Sites has been issued;
 - d. All applicable items from the PCWP Permitting Community, Douglas or Sarpy County, State of Nebraska, and United States Federal Government have been issued;
 - e. All pollution prevention measures needed and shown within the SWPPP-covered areas (e.g., stabilized construction entrances, silt fence, etcetera) have been installed; and
 - f. The PCWP Stripping and Grading Notification Form has been submitted 48 hours prior to commencement.

PART X. ACRONYMS & DEFINITIONS:

A. Acronyms

BMP	Best Management Practice
CFR	Code of Federal Regulations
CSS	Combined Sewer System
CSW	Construction Stormwater
CSW-NOI	Construction Stormwater – Notice of Intent (pertains to NDEE permit)
CSW-NOT	Construction Stormwater – Notice of Termination (pertains to NDEE permit)
CWA	Clean Water Act
EPA	Environmental Protection Agency
FWS	U.S. Fish and Wildlife Service
GPA	Grading Permit Application
MS4	Municipal Separate Storm Sewer System
NDEE	Nebraska Department of Environment and Energy
NGPC	Nebraska Game and Parks Commission
NPDES	National Pollutant Discharge Elimination System
ORSDM	Omaha Regional Stormwater Design Manual
PDF	Portable Document Format
PCSMP	Post Construction Stormwater Management Plan
PCWP	Papillion Creek Watershed Partnership
ROW	Right of Way
SPCC	Spill Prevention, Control, and Countermeasures
SWPPP	Stormwater Pollution Prevention Plan
SWPPP-N	Stormwater Pollution Prevention Plan-Narrative
SWPPP-SM	Stormwater Pollution Prevention Plan-Site Map

B. Definitions:

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

Best Management Practices (BMPs): Erosion prevention, 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.

Change of Applicant Form: Refer to www.omahapermix.com

Combined Sewer System (CSS): Is defined as a collection system that collects both stormwater 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 stormwater 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: An Applicant's status of compliant operation under the terms and conditions of this general permit once a Grading Permit Number has been obtained until that authorization is terminated.

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: Conditions where all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a minimum density of 70 percent of the native background vegetative cover has been established on all non-impervious surfaces and areas not covered by permanent structures unless equivalent permanent stabilization measures, such as riprap, gabions, and geotextiles, have been employed. All permanent drainages, constructed to drain water from the site, needs to be stabilized to prevent erosion. All temporary erosion protection and sediment control BMP's have been removed without compromising the permanent erosion protection and sediment control BMPs. All sediment build-up have been removed from conveyance 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. Construction activity conducted on or through agricultural or silvicultural land shall be considered finally stabilized upon return to the preexisting agricultural or silvicultural use. Construction activity conducted at new or industrial facilities that will operate the site in an exposed manner 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. The responsibility for long-term maintenance of permanent BMPs need to be assigned as well.

Grading Permit Closure Form: Refer to www.omahapermix.com

Grading Permit Modification Form: Refer to www.omahapermix.com

Grading Permit & Payment Form: Refer to www.omahapermix.com

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 stormwater sewer system in urbanized cities and counties as having populations of 10,000 or greater as determined by the Bureau of Censes 1990 Decennial Census.

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

Notice of Intent (CSW-NOI): Refer to NDEE's website (www.deq.state.ne.us)

Notice of Termination (CSW-NOT): Refer to NDEE's website (www.deq.state.ne.us)

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.

Stripping and Grading Notification Form: Refer to www.omahapermix.com

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.

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.

Stage Change Request: Refer to www.omahapermix.com

Stormwater: Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Pollution Prevention Plan (SWPPP): A plan for stormwater 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.

SWPPP Site Map Preparation Guide: Refer to www.omahapermix.com

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 stormwater 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.

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.