

Construction Stormwater Permit Changes in Nebraska

Pursuant to the requirements of the federal Clean Water Act, the Nebraska Department of Environmental Quality (NDEQ) has reissued the general permit that governs storm water discharges associated with construction activity. Most significantly for contractors, the new permit lowers the old 5 acre regulatory threshold to land disturbances of 1 to 5 acres, and to disturbances of less than 1 acre if part of a larger common plan of development or sale. The smaller site threshold is expected to increase the number of covered projects fourfold.

Other changes in the new permit include several to the Stormwater Pollution Prevention Plan (SWPPP) requirements. These include different requirements for site inspections and the qualifications of the persons who will conduct them, new percent cover requirements for final stabilization, and provisions relating to the transfer of permit coverage, a perennial subject of concern, especially for larger projects.

If you are covered under the existing NDEQ general permit, you will have 180 days from its date of issuance to submit a new Notice of Intent to be covered under the revised permit.