



SECTION 2.0 NPDES MINIMUM CONTROL MEASURES

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MINIMUM CONTROL MEASURES

Requirements

As a regulated Phase II MS4, NDOR is required to implement a SWMP designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The NDOR SWMP is essentially the development and implementation of several storm water discharge management controls specifically designed to comply with these requirements.

There are six Minimum Control Measures (MCM) that must be part of the SWMP. They include:

- ▶ Public Education and Outreach (Public Education)
- ▶ Public Participation and Involvement (Public Participation)
- ▶ Illicit Discharge Detection and Elimination (Illicit Discharge)
- ▶ Construction Site Runoff Control (Construction Storm Water)
- ▶ Post-Construction Runoff Control (Post-Construction Storm Water)
- ▶ Pollution Prevention/Good Housekeeping (Good Housekeeping)

The entire SWMP - included in Section 8.3 of this Work Plan - was submitted to NDEQ as Appendix B of the MS4 permit application package on August 25, 2006. NDOR has identified Best Management Practices (BMPs) and measurable goals for each of the six MCMs. This Section of the Work Plan provides details and direction necessary for accomplishing the commitments made in the SWMP. An evaluation and assessment of the selected BMPs and measurable goals must be included in periodic reports to the NDEQ once the final permit is authorized (Anticipated Authorization Date: January 1, 2007). Reports must be submitted to NDEQ annually during the first permit term; years two and four of subsequent permit terms.

Understanding and Achievement of Maximum Extent Practicable

The MS4 permit requires implementation of the six MCMs to the MEP over the life of the permit term, not to exceed five years. It is important for NDOR to understand the intention of the MEP term. The Federal Register states that, "compliance with the conditions of the [permit] and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard. Implementation of the MEP standard under the rule will typically require the permittee to develop and implement appropriate BMPs to satisfy each of the required six MCMs."¹

Beyond this general definition, state permitting authorities have been left to promulgate standards and provide clear expectations for MS4s to achieve during the permit term. "EPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting."² Individually, MS4s determine the most appropriate management practices for each

¹ Federal Register Volume 64, Wednesday, 8 December 1999, rules and Regulations Part II.H.3.a.ii.

² Ibid.

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of the six MCNs and establish measurable goals for the five-year permit term in order to implement each of the management practices.

Management practices are expected to have a primary focus placed on protecting water quality. Impaired waters of the state that receive urban storm water runoff must be identified according to their impairment in the SWMP. “If, after implementing the six minimum control measures there is still water quality impairment associated with discharges from the MS4, after successive permit terms the permittee will need to expand or better tailor its BMPs within the scope of the six MCMs for each subsequent permit. EPA envisions that this process may take two to three permit terms [10-15 years].”³ Non-impaired waters of the state that receive urban storm water runoff from the permitted boundary must be identified in the SWMP and apply the six MCMs where they are the most effective. The plan for non-impaired waters should focus on maintaining that status.

Statewide Storm Water Management Program Consistency

The NPDES permit authorizes NDOR to discharge storm water and associated pollutants to waters of the State from any property owned by NDOR that is located within the boundary of all regulated MS4s throughout the State of Nebraska (Figure 8-1). While NDOR is only liable for the conditions of the permit within these boundaries, the SWMP Work Plan will be applied to NDOR operations throughout the State. It is not practical to separate out regulated and non-regulated areas for most of the identified BMPs and measurable goals.

NDOR and the Public

The term “public” is used in the NPDES permit which requires NDOR to work with any stakeholder that has the potential to impact the quality of water discharging through the MS4. The term “public” has two meanings for a non-traditional MS4 like NDOR. In the context generally used throughout the NPDES permit and SWMP, public refers to the group of individuals who have the most influence over NDOR operations such as staff, management, consultants, and contractors. The external public – including the general population or general public – is also impacted by the Storm Water Management Program and will be included in the SWMP where appropriate.

Implementation

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Lead Division will be the central point of contact for each Program (Table 2-1), additional Divisions are expected to assist in implementation of the Program. Contact information for the SWMP is included in Section 8.1 of this Work Plan.

³ Ibid.

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Table 2-1 Division Implementation Matrix

	Designation of Responsibility for Minimum Control Measures	Communications	Human Resources	Planning/ Environmental	Construction	GIS	Roadway Design	Operations	Right-of-Way	Utilities	Government Affairs	District Engineers
Public Education	MCM 1.1	X	x	x	x	x	x					
Public Outreach	MCM 2.1	X	x	x	x	x	X					
Illicit Discharge	MCM 3.1			x	x	x	x	X	x	x		
	MCM 3.2			x				X			x	
	MCM 3.3	x		X			x	x	x			x
	MCM 3.4	X		x								
Construction Storm Water	MCM 4.1			x	X		x					
	MCM 4.2	x		X	x							
	MCM 4.3			X	x							
	MCM 4.4			x	X							
Post-Construction Storm Water	MCM 5.1			x	X		x	x				
	MCM 5.2			x	X		x	x				
	MCM 5.3			x			x	X				
Good Housekeeping	MCM 6.1		x	x	x	x		X				

Bold X represents the Division as the Lead Division for implementing the MCM
 Small x represents the Division as a participant in implementing the MCM



Section 2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

MINIMUM MEASURE DESCRIPTION/OVERVIEW

The purpose of the Public Education and Outreach (Public Education Program) Program – required by the Phase II Regulations – is to foster greater compliance with the MS4 program and to educate the public on how they can help protect storm water quality. Federal guidance for this Minimum Control Measure (MCM) encourages development of a public education program that is tailored, using a mixture of locally appropriate strategies, to target specific audiences and communities. Materials and outreach programs should be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts.

NDOR is committed to facilitating various forms of public education for the Storm Water Management Program. Formal and informal education is expected to increase the public awareness of everyone's responsibility to protect the quality of area waters. Successful implementation of public education will increase the level of support for the NDOR Storm Water Management Program BMPs that may be new, difficult, and/or unpopular to the public. The Public Education Program will be incorporated into each of the other five Minimum Control Measures.

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2.1 Public Education and Outreach – MCM #1

PROGRAM GOAL(S)/OBJECTIVES

The Public Education Program goals are focused on complying with NPDES permit requirements. NDOR will strive to inform individuals and stakeholders about the steps they can take to reduce storm water pollution and how to become involved in storm water protection efforts.

MCM 1.1

Part III.B.1 of the Permit states the objective of MCM 1.1 is to “implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.” This objective will be met through the following measurable goals:

NDOR will distribute guidance materials on reducing storm water impacts to water bodies.

- ▶ Review storm water education materials available from various sources including NDOR.
- ▶ Determine what types of materials need to be added or updated to protect specific water quality goals.
- ▶ Develop or obtain additional materials as needed.
- ▶ Distribute materials through all appropriate mechanisms.

NDOR will provide training on reducing storm water impacts to water bodies.

- ▶ Assess NDOR training opportunities according to their focus on water quality protection.
- ▶ Identify additional training needs necessary to meet the goals of the SWMP for NDOR.
- ▶ Develop and update training modules for distribution to the public.
- ▶ Develop a training matrix and schedule for storm water related training of NDOR staff.
- ▶ Implement all training modules including an erosion and sediment control certification course.

NDOR will participate in local and regional outreach efforts.

- ▶ Identify local and regional outreach agencies and MS4s to partner with.
- ▶ Incorporate local and regional education and outreach efforts where appropriate.
- ▶ Coordinate opportunities to give, receive, and track public feedback with partners.
- ▶ Install storm inlets that are stamped with storm water education messages.

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2.1 Public Education and Outreach – MCM #1

EXISTING DOCUMENTATION AND INFORMATION

The following information provides a summary of the existing documents, manuals, specifications, standard operating procedures (SOPs), databases and spatial information for this program. This list will be continually updated as the program moves forward with implementation in years 2007-2012.

Existing Documents, Manuals, Specifications, and SOPs

The NDOR Construction Manual provides general environmental guidance for NDOR construction activity and for NDOR contractors. The Manual addresses allowable discharges, best management practices to minimize construction related impacts to water bodies, and the permits that may be necessary to conduct work in NDOR ROW (e.g. Construction Stormwater Permit, dewatering permit). The Manual also provides spill containment and reporting procedures.

The NDOR Drainage Design and Erosion Control Manual provides guidance and assistance for designers, installers and other NDOR personnel in the practices and procedures for the detailed design and installation of Best Management Practices (BMPs).

The NDOR Employee Safety Handbook addresses handling, use, and storage of hazardous material during work practices. The Handbook also provides procedures for reporting spills of hazardous materials, and containment procedures to prevent spills from entering waterways.

NDOR Spill Prevention Control and Countermeasure Plans (SPCC) are developed for select NDOR maintenance facilities. The SPCC addresses handling, storage, and disposal of materials to prevent release into state waters and illicit discharges. SPCC also addresses the response procedures in the event a spill occurs.

The Employee Safety Manual, Emergency Procedures for Hazardous Material Releases for District Maintenance and Equipment Repair Personnel Policy Statement, provides emergency planning, response, and evacuation procedures for NDOR's personnel pertaining to both NDOR and non-NDOR spills and incidents.

The NDOR Waste Manual provides guidance necessary to maintain RCRA compliance at NDOR maintenance facilities. This manual includes information on: RCRA, rules for managing hazardous waste, universal wastes, special situations, and "other" waste guidance.

NDOR Roadside Chemical Usage Guidelines provides information for operations staff regarding vegetation management. The publication addresses general weed information, pesticide application guidelines, certification requirements, calibration methods, chemical information, and vegetation control uses.

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2.1 Public Education and Outreach – MCM #1

The Roadrunner is the employee newsletter of NDOR. Some articles are available on the NDOR website based of their interest to the public. Articles are periodically included that relate to NDOR's responsibility to protect storm water runoff and educate the public about specific efforts being taken.

Training

The NDOR Stormwater/Erosion Control Design workshop is designed to give attendees an overview of the importance of controlling erosion, the NPDES Permit requirements, and Erosion Control techniques.

The NDOR Surface Water Modeling System course presentation provides a balance of hydraulic theory, background of the finite element method, data requirements necessary to operate the Flo2DH module of the Finite Element Surface Water Modeling System (FESWMS) computer program and the use of Surface-Water Modeling System (SMS) in the development of input data files and the analysis of the data output.

The NDOR NEPA and Transportation Decision-making course considers FHWA's policies and procedures for applying the National Environmental Policy Act (NEPA) to the project development and decision-making processes related to transportation facilities.

Outreach

Nebraska's Adopt-a-Highway Program is sponsored by NDOR. The program allows local stakeholder groups to help keep trash and debris out of the right-of-way along many miles of highway in Nebraska. The program includes the Great Nebraska Trash Off which has involved as many as 477 different groups at one time to clean up large amounts of trash annually in April. These activities keep large quantities of trash and debris out of Nebraska's waterways and educate travelers and volunteers on the importance of not littering.

NDOR facilitates a Wetland Bank Training and wetland planting initiative with students and volunteers. These activities educate students about the importance of wetlands on the landscape and promote the protection of water resources.

The NDOR Website provides a wide range of transportation related information to the public and staff. The opportunity to provide education and outreach through the website have been identified and are communicated through the Website Technical Memorandum (Section 4.0).

Databases

NDOR can monitor performance of the Public Education Program using existing database tracking systems while trying to identify ways to increase efficiency in data tracking. Existing databases include Enterprise Asset Management System and District Incident Reporting Knowledgebase (DIRK). A more detailed description of each database and its specific features/attributes has been summarized in Section 3.0 of this Work Plan.

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

ADDITIONAL REGULATORY INFORMATION

The following information documents Federal, State, and/or local regulatory requirements that impact the implementation of the Public Education Program.

Federal

The Federal NPDES regulations for Public Education Program requirements follows [40 CFR part 122.34(b)(1)]:

(i) You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

Additional information on the Public Education Program is provided in EPA Fact Sheet 2.3⁴ which outlines the Phase II Final Rule requirements and offers general guidance on how to address them.

Currently, there are no additional Federal regulations pertaining to the provision of public education and outreach. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

State

The State NPDES regulations for Public Education and Outreach are specified in Title 119, Chapter 10 002.12C. They are consistent with the Federal language.

Currently, there are no additional State regulations pertaining to the provision of public education and outreach. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

Local

Currently, there are no additional local regulations pertaining to the provision of public education and outreach. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

⁴ Storm Water Phase II: Public Education and Outreach Minimum Control Measure. USEPA Office of Water, EPA 833-F00-005, January 2000.

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

NDOR RESPONSIBILITIES FOR IMPLEMENTATION

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Communication Division will be the central point of contact for the Public Education Program (Table 2-1), the following Divisions are expected to assist in implementation of the Public Education Program:

Communication

- ▶ Lead the distribution of educational materials to internal and external public.
- ▶ Coordinate the tracking of all data necessary to report compliance of the Annual Metrics.

Construction

- ▶ Participate in review and development of educational materials.

GIS

- ▶ Incorporate data collected for Public Education Program into a geographical interface.
- ▶ Produce maps that display indicators of compliance for Annual Report.

Human Resource

- ▶ Assist with the development and distribution of educational materials.
- ▶ Facilitate public training efforts.

Other MCM Leads

- ▶ Ensure opportunities for public education from each MCM are coordinated with the Communication Division

Planning/Environmental

- ▶ Participate in review, development, and distribution of educational materials.
- ▶ Facilitate public education and training events.
- ▶ Coordinate regulatory interactions including Annual Reports.

Roadway Design

- ▶ Participate in review and development of educational materials.

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

CRITICAL PATH

Implementation Schedule

The schedule for implementation of the measurable goals for the Public Education Program is presented below. Any modifications or changes to the schedule need to be documented by NDOR and reported to NDEQ immediately.

Year 1 Goals (end of 2007)

- ▶ Review available storm water education materials.
- ▶ Assess/inventory additional guidance needs.
- ▶ Assess existing training opportunities.
- ▶ Identify additional training needs.
- ▶ Identify local and regional outreach agencies and MS4 facilities.
- ▶ Update NDOR Website to include storm water information.
- ▶ Investigate feasibility of having manufacturers stamp curb inlets with “no dumping.”

Year 2 Goals (end of 2008)

- ▶ Incorporate additional education information into existing material.
- ▶ Develop new material if necessary.
- ▶ Develop preliminary training matrix and schedule.
- ▶ Formulate an erosion and sediment control certification program.
- ▶ Coordinate with regional agencies and facilities, as needed.
- ▶ Develop mechanisms to receive and track public feedback.
- ▶ If feasible, establish specifications to implement and identify suppliers for curb inlets.

Year 3 Goals (end of 2009)

- ▶ Identify mechanisms to disseminate educational materials.
- ▶ Modify and create storm water training modules, as needed.
- ▶ Revise preliminary training matrix and schedule, as needed.
- ▶ Initiate erosion and sediment control certification program.
- ▶ Continue to track existing training.
- ▶ Coordinate with regional agencies and facilities, as needed.
- ▶ Implement feedback mechanisms.
- ▶ If feasible, require permanent stamp for all new curb inlets.

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2.1 Public Education and Outreach – MCM #1

Year 4 Goals (end of 2010)

- ▶ Revise and update materials, as needed.
- ▶ Provide training modules; revise and update material, as needed.
- ▶ Evaluate materials, revise and update based on needs and feedback from the public.

Year 5 Goals (end of 2011)

- ▶ Revise and update materials, as needed.
- ▶ Provide training modules; revise and update material, as needed.
- ▶ Evaluate materials, revise and update based on needs and feedback from the public.

Training Needs

Training is a key implementation tool in which NDOR will utilize to educate the public. The following section summarizes the training needs for the Public Education Program.

- ▶ Tracking public education will depend on the ability of NDOR staff to compile all appropriate education material into a central database. The Communication Division must identify the appropriate method to train staff to funnel storm water education and outreach information to the appropriate location.
- ▶ Major elements of the Public Education Program include training fulfilled by each of the other MCMs. Specifically, MCM 1.1, 3.3, 4.2, 4.3, 4.4, 5.3, and 6.1 each commit NDOR to training the public about their personal responsibilities for storm water protection and compliance with the Storm Water Management Program. Training modules with specific learning objectives will be developed, implemented, and modified over time.
- ▶ The concept of an erosion and sediment control certification program is being developed. It may be necessary for NDOR to supplement outside resources to fulfill this training need once the concept is further defined.

Priority Commitments

In order for NDOR to remain on schedule for the Public Education Program MCM, focus on accomplishment of the following commitments should take priority.

- ▶ Formulate the Internal Compliance Technical Advisory Group to provide internal ownership and direction of the SWMP.
- ▶ Coordinate a centralized method of tracking items that fulfill the Annual Report metrics identified in Section 7.0. Tracking accomplishments and commitments is the most important means of documenting compliance to regulatory authorities.
- ▶ Identify a time-line and specific individuals to review and revise storm water education and guidance materials including the feasibility of stamped curb inlets.
- ▶ Implement the recommendations of the Website Technical Memorandum included in Section 4.0 of this Work Plan.

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

ANNUAL REPORT METRICS

The following metrics will measure successful implementation of the Public Education Program MCM. Some of these mechanisms are known while others will be developed during the 5 year permit term.

A numeric summary of the NDOR education outreach efforts will include:

- ▶ Number and type (employee, contractor, consultant, volunteer) of individuals completing training modules.
- ▶ Number of quick reference manuals distributed to the public.
- ▶ Number and type of individuals receiving certification through an erosion and sediment control course.
- ▶ Number of groups/individuals participating in Wetlands Bank Training program.
- ▶ Number of groups/individuals participating in the Adopt-A-Highway program.
- ▶ Number of visitors to the NDOR Website seeking water quality protection information.
- ▶ Number of educational storm drain inlets installed.

A narrative summary of the NDOR education and outreach efforts will include:

- ▶ Summary of educational/training materials that have been reviewed/modified/created.
- ▶ Summary of the mechanisms used for distribution of articles, brochures, advertisements, and references published with storm water educational information.
- ▶ Summary of cooperative efforts within the adjacent MS4 areas (i.e. watershed groups, contractors) to provide educational materials.

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

ASSUMPTIONS

The following information provides a summary of any assumptions made during the development of the MS4 permit and SWMP.

During the first two years of the NPDES permit term, a significant amount of effort will be focused on assessing NDOR's existing educational materials, training courses, and conferences. This process will determine what information is currently unavailable to NDOR and the public. In the mean time, NDOR is relying on current educational material, training courses, and conferences to meet the permit requirements. NDOR will continue to rely on the current educational material if it adequately addresses the requirements of the NPDES permit and the Storm Water Management Plan.

As a non-traditional MS4, NDOR's primary obligation is to provide Public Education and Outreach to its internal public (employees, contractors, volunteers). Since NDOR's MS4 area is within the permitted boundary of adjacent MS4s who are providing education to their public there is minimal need to duplicate efforts. Instead, NDOR has the greatest opportunity to influence the activities of its internal public to change inappropriate behavior and protect water quality.



Section 2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

MINIMUM MEASURE DESCRIPTION/OVERVIEW

The purpose of the Public Participation and Involvement (Public Participation Program) Program – required by the Phase II Regulations – is to include the public in the development and review of the Nebraska Department of Roads (NDOR) Storm Water Management Program. Federal guidance for this Minimum Control Measure (MCM) encourages the public to be given opportunities to play an active role in both the development and implementation because an active and involved community is crucial to the success of a Storm Water Management Program.

NDOR is committed to facilitate public participation for the Storm Water Management Program to gain broad public support, shorten implementation schedules, and to coordinate multiple environmental compliance efforts. Compliance with State, Tribal and local public notice requirements will be the starting point for the Public Participation efforts. The Public Participation Program will be incorporated into each of the other five MCMs.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

PROGRAM GOAL(S)/OBJECTIVES

The Public Participation Program goals are focused on complying with NPDES permit requirements. NDOR will strive to include individuals and stakeholders in the development and review of the Storm Water Management Program.

MCM 2.1

Part III.B.2 of the Permit states the objective of MCM 2.1 is to “comply with state and local public notice requirements when implementing a public involvement/participation program.” This objective will be met through the following measurable goals:

NDOR will continue to follow established public participation policies and procedures for NDOR projects.

- ▶ Post information on the NDOR website when NDEQ places the Storm Water Management Program on Public Notice.
- ▶ Maintain a copy of the Storm Water Management Program and Annual Reports on the NDOR website along with the ability for the public to submit comments and suggestions.
- ▶ Continue to follow established Public Participation policies and procedures for NDOR projects. Opportunities for public participation are provided during all stages of each project including planning, project development, final design, right-of-way, and construction.

NDOR will engage public in environmental stewardship programs relating to storm water and water quality protection.

- ▶ Engage the public in the Adopt-A-Highway program to clean up roadside conveyances that transport pollutants to waters of the state.
- ▶ Engage the public in the Wetlands Bank Education program to demonstrate ways to reduce the potential for water quality pollution from storm water runoff.
- ▶ Identify other appropriate environmental stewardship programs that NDOR can use to engage the public in storm water protection.

NDOR will develop a process for tracking public involvement in the Storm Water Management Program.

NDOR will amend standard language for Engineering Statements to reference erosion control plans for distribution at public hearings.

- ▶ Review standard materials and amend standard language.
- ▶ Track comments made on the requirements for erosion control plans to determine the need for increased public education or revision of the standards.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

EXISTING DOCUMENTATION AND INFORMATION

The following information provides a summary of the existing documents, manuals, specifications, standard operating procedures (SOPs), databases and spatial information for this program. This list will be continually updated as the program moves forward with implementation in years 2007-2012.

Documents

The NDOR Adopt-A-Highway program brochure is distributed to volunteer groups that have signed on to participate in the program. The document is focused on protecting volunteer safety while they do their part to protect water quality.

NDOR Engineering Statements provide consultants and contractors with the basic project parameters necessary to submit a reliable project bid. These statements will be amended as needed to include reference to conformance with the Storm Water Management Program requirements.

Meetings

NDOR regularly participates in meetings that are open to the public. When appropriate, the following meetings will be used as a venue to solicit input from the public regarding the Storm Water Management Program.

- ▶ State Highway Commission.
- ▶ Statewide Long-Range Transportation Planning.
- ▶ Board of Public Roads Classifications and Standards.
- ▶ Nebraska Railway Council.
- ▶ Annual District Surface Transportation Program.
- ▶ Project Public Information/Open Houses/Hearings.

NEPA Process

NDOR provides public notice and public input opportunities as part of highway development efforts for most, if not all, new development projects in compliance with NEPA standards. Public meetings are a requirement of NEPA. During these meetings, public input and comments on the environmental evaluation are received and considered in choosing alternatives.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

Other Tools

The NDOR Website provides a wide range of transportation related information to the public and staff. The opportunity to provide comments and questions through the website is communicated in Section 4.0 of this Work Plan.

Databases

NDOR can monitor performance of the Public Participation Program using existing database tracking systems while trying to identify ways to increase efficiency in data tracking. These existing databases include Enterprise Asset Management System and District Incident Reporting Knowledgebase (DIRK). A more detailed description of each database and its specific features/attributes has been summarized in Section 3.0 of this Work Plan.

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2.2 Public Participation and Involvement – MCM #2

ADDITIONAL REGULATORY INFORMATION

The following information documents Federal, State, and/or local regulatory requirements that impact the implementation of the Public Participation Program.

Federal

The Federal NPDES regulations for Public Participation Program requirements follows [40 CFR part 122.34(b)(2)]:

(i) You must, at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/participation program.

Additional information on the Public Participation Program is provided in EPA Fact Sheet 2.4⁵ which outlines the NPDES Phase II Final Rule requirements and offers general guidance on how to address them.

Additional Federal regulations and guidelines include:

40 CFR part 1506.6 Other Requirements of NEPA places requirements for public involvement in the NEPA process. The lead agency for a project must

(a) make diligent efforts to involve the public in preparing and implementing their NEPA procedures

(b) provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

State

The State NPDES regulations for Public Education and Outreach were unintentionally omitted from Title 119, Chapter 10 002. The NPDES permit for NDOR is drafted with reference to the Federal requirements for this reason.

Currently, there are no additional State regulations pertaining to the provision of public participation and involvement. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

Local

Currently, there are no additional local regulations pertaining to the provision of public education and outreach. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

⁵ Storm Water Phase II: Public Participation/Involvement Minimum Control Measure. USEPA Office of Water, EPA 833-F00-006, January 2000.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

NDOR RESPONSIBILITIES FOR IMPLEMENTATION

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Communication and Roadway Design Divisions will be the central points of contact for the Public Participation Program (Table 2-1), the following Divisions are expected to assist in development and implementation of the essential elements of the Program:

Communication

- ▶ Lead the distribution of information that invites participation and involvement from the public.
- ▶ Coordinate the tracking of all data necessary to report compliance of the Annual Report Metrics.

Construction

- ▶ Participate in review and revision of Engineering Statements.

GIS

- ▶ Incorporate data collected for Public Participation Program into a geographical interface.
- ▶ Produce maps that display indicators of compliance for Annual Report.

Human Resource

- ▶ Facilitate all NDOR training efforts.
- ▶ Track employees participating in Public Participation related activities.

Other MCM Leads

- ▶ Ensure opportunities for public participation from your MCM are coordinated with the Communication Division.

Planning/Environmental

- ▶ Participate in review and revision of Engineering Statements.
- ▶ Facilitate public participation efforts into Storm Water Management Program amendments.

Roadway Design

- ▶ Lead process for review and revision of Engineering Statements.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

CRITICAL PATH

Implementation Schedule

The schedule for implementation of the measurable goals for the Public Participation Program is presented below. Any modifications or changes to the schedule need to be documented by NDOR and reported to NDEQ immediately.

Year 1 Goal (end of 2007)

- ▶ Continue to follow established Public Participation Policies and Procedures for NDOR Projects.
- ▶ Review existing environmental stewardship programs.
- ▶ Establish tracking mechanisms.
- ▶ Review Engineering Statement and propose modifications to standard language.

Year 2 Goal (end of 2008)

- ▶ Continue to follow established Public Participation Policies and Procedures for NDOR Projects; review and modify, as needed.
- ▶ Propose modifications or additional environmental stewardship programs, as needed.
- ▶ Implement tracking process.
- ▶ Adopt modifications to standard language for Engineering Statements.

Year 3 Goal (end of 2009)

- ▶ Continue to follow established Public Participation Policies and Procedures for NDOR Projects; review and modify, as needed.
- ▶ Implement modifications or additional environmental stewardship programs, as needed.
- ▶ Review and revise tracking process, as needed.
- ▶ Review and evaluate effectiveness of standard language for Engineering Statements.

Year 4 Goal (end of 2010)

- ▶ Continue to follow established Public Participation Policies and Procedures for NDOR Projects; review and modify, as needed.
- ▶ Implement modifications or additional environmental stewardship programs, as needed.
- ▶ Review and revise tracking process, as needed.
- ▶ Review and evaluate effectiveness of standard language for Engineering Statements.

Year 5 Goal (end of 2011)

- ▶ Continue to follow established Public Participation Policies and Procedures for NDOR Projects; review and modify, as needed.
- ▶ Implement modifications or additional environmental stewardship programs, as needed.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

- ▶ Review and revise tracking process, as needed.
- ▶ Review and evaluate effectiveness of standard language for Engineering Statements.

Training Needs

Training is a key implementation tool that NDOR will use to educate the public. The following information summarizes the training needs for implementing the Public Participation Program.

- ▶ Tracking public participation will depend on the ability of NDOR staff to direct public input to the appropriate individuals and tracking systems so comments and records of participation are not lost or ignored. The Communication Division must identify the appropriate way to train staff on how to deal with public comments and continually provide the training as necessary.
- ▶ Volunteers in NDOR sponsored, environmental stewardship programs will require training to ensure their activities are effective. Training opportunities need to include concepts of water quality and pollution prevention in order to take credit toward compliance with the NPDES permit.

Priority Commitments

In order for NDOR to remain on schedule for the Public Participation Program MCM, focus on accomplishment of the following commitments should take priority.

- ▶ Formulate the Internal Compliance Technical Advisory Group to provide internal ownership and direction for the Storm Water Management Program.
- ▶ Coordinate a centralized method of tracking items that fulfill the Annual Report metrics identified in Section 7.0. Tracking accomplishments and commitments is the most important means of documenting compliance to regulatory authorities.
- ▶ Identify a time-line and specific individuals to review and revise standard language for Engineering Statements to reference erosion control plans.
- ▶ Once a specific reporting mechanism is in place, send a formal announcement - from the Director - to all partner agencies, consultants, and contractors that an NPDES permit has been issued to NDOR. Communicate that a Storm Water Management Program has been established that may impact how business is conducted in the future. Recipients should be directed to a location where they can review the documents and submit comments. This process should be repeated in year four of the first permit term to collect suggestions for Storm Water Management Program revisions.

ANNUAL REPORT METRICS

The following metrics will measure successful implementation of the Public Participation Program MCM. Some of these mechanisms are known while others will be developed during the 5 year permit term.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

A numeric summary of the NDOR Public Participation Program efforts includes:

- ▶ Miles of roadway cleaned up due to the Adopt-A-Highway program.
- ▶ Number of groups/individuals participating in the Adopt-A-Highway program.
- ▶ Number of groups/individuals participating in the Wetlands Bank Training program.
- ▶ Participation in other environmental stewardship programs.
- ▶ Number of meetings held with various agencies that included elements of the NDOR Storm Water Management Program on the agenda.
- ▶ Number of comments submitted in response to participation and involvement opportunities provided by NDOR.
- ▶ Number of opportunities for public comment on storm water issues provided through the NEPA process.
- ▶ Number of requests for review of the Storm Water Management Program during the public notice period (From NDEQ and any that NDOR sends out).
- ▶ Number of groups and individuals providing comments regarding the Storm Water Management Program prior to authorization by NDEQ (From NDEQ and any that NDOR receives).
- ▶ Number of complaints submitted to NDOR related to illicit discharges, construction site runoff, post-construction storm water BMP maintenance, maintenance facilities or operational issues.

A narrative summary of the NDOR Public Participation Program efforts includes:

- ▶ Summary of information distributed by NDOR that requests or encourages participation in environmental stewardship programs.
- ▶ Summary of effectiveness of participation tracking mechanism(s) used by NDOR.
- ▶ Summary of revisions made to Engineering Statements to reflect erosion control plans.
- ▶ Summary of effectiveness of revisions to Engineering Statements to reflect erosion control plans.
- ▶ Summary of revisions considered/made to the Storm Water Management Program as the result of public comments.
- ▶ Summary of responses to complaints submitted to NDOR or to NDEQ concerning NDOR.

ASSUMPTIONS

The following information provides a summary of any assumptions made during the development of the MS4 permit and SWMP.

NDOR is committed to following the public notice requirements established by NDEQ. NDEQ will submit notice to a wide range of stakeholders during this period. Public comments received by NDEQ from the public will be submitted to NDOR for consideration. NDOR will take credit for these efforts in their Annual Report.

2.0 NPDES Minimum Control Measures

2.2 Public Participation and Involvement – MCM #2

NDOR has demonstrated its commitment to protecting environmental resources through its existing Public Participation Policies and Procedures for all projects and environmental programs. Examples of this stewardship include the Adopt-a-Highway program, Wetlands Bank Education program, and compliance with other environmental regulations. The Annual Report will take credit for these existing programs wherever possible.

NDOR included the internal public in the initial development of the Storm Water Management Program. Final authorization and future revisions will include greater opportunities for external public participation. Specifically, drafting the Storm Water Management Program for subsequent permit terms will include stakeholder meetings and perhaps public open houses.

The NDOR Website will include links, where appropriate, to other agencies providing public participation and involvement opportunities. While NDOR will not take direct credit for these programs, it will be considered a commitment to the Public Education and Outreach MCM.



Section 2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

MINIMUM MEASURE DESCRIPTION/OVERVIEW

The purpose of the Illicit Discharge Detection and Elimination (Illicit Discharge) Program - required by the Phase II Regulations - is to detect and eliminate any discharges to a Municipal Separate Storm Sewer (MS4) that is not intended to accept, process, or discharge such non-storm water flows. Exceptions to this are for discharges covered under another NPDES permit and discharges resulting from fire fighting activities and other allowable non-storm water discharges. Federal guidance for this Minimum Control Measure (MCM) encourages clear identification (mapping) and awareness (monitoring) of the MS4 system in order to determine the types and sources of illicit discharges entering the system that must be eliminated.

NDOR is committed to protect their MS4 from illicit discharges that result from direct connections (e.g. cross connections between sanitary or industrial sewers and storm sewers) or indirect connections (e.g. spills that flow into the storm drainage system from parking lots, animal feeding operations, etc.). Development of an Illicit Discharge Program will include a combination of structural and nonstructural measures focused on mapping the MS4, instituting appropriate enforcement actions, creating an Illicit Discharge Detection and Elimination Plan (IDDE), and educating the public about the Program. NDOR will create the IDDE Plan to communicate how to locate problem areas, track the source of illicit discharges, remove or correct illicit connections, and document the actions taken. The IDDE Plan will be included in Section 6.0 of this Work Plan

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

PROGRAM GOAL(S)/OBJECTIVES

The Illicit Discharge Program goals are focused on complying with NPDES permit requirements. NDOR will strive to protect receiving water quality by protecting their MS4 from illicit discharges.

MCM 3.1

Part III.B.3.a of the Permit states the objective of MCM 3.1 is to “develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls.” This objective will be met through the implementation of the following measurable goal:

NDOR will develop a map showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls.

- ▶ Establish a framework for collection, mapping, and recording of outfall inventory data.
- ▶ Gather and organize all existing information on outfall locations; including review of adjacent MS4 community data, drainage maps, and storm drain maps.
- ▶ Identify stakeholders (i.e. watershed groups, contractors, adjacent municipalities) to partner with and share outfall inventory data.
- ▶ Prioritize MS4 areas for outfall inventory by likelihood of illicit discharge.

MCM 3.2

Part III.B.3.b of the Permit states the objective of MCM 3.2 is “to the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions.” This objective will be met through the implementation of the following measurable goals:

NDOR will develop specifications to prohibit non-storm water discharges to NDOR’s MS4.

- ▶ Review any existing specification that prohibit non-storm water discharges and identify amendments necessary to ensure appropriate enforcement procedures and actions are implemented.
- ▶ Gain approval for amendments to existing specifications.

NDOR will develop a process to coordinate with adjacent MS4 communities to remove illicit discharges that flow through an NDOR outfall, but are not the result of an NDOR activity.

- ▶ Coordinate with each adjacent MS4 community to develop an illicit discharge detection and elimination process (likely through a maintenance agreement).
- ▶ Insure agreements are followed for detection, screening, and removal of illicit discharge.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

MCM 3.3

Part III.B.3.c of the Permit states the first objective of MCM 3.3 is to “develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system. “ Also, Part III.B.3.e of the Permit states that the second objective of MCM 3.3 is to “address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your SMS4:

- | | |
|---|---|
| a.) Water line flushing | j.) Springs Irrigation water |
| b.) Landscape irrigation | k.) Water from crawl space pumps |
| c.) Diverted stream flows | l.) Footing drains |
| d.) Rising ground waters | m.) Lawn watering |
| e.) Uncontaminated ground water infiltration
(as defined at 40 CFR §35.2005[20]) | n.) Individual residential car washing |
| f.) Uncontaminated pumped ground water | o.) Flows from riparian habitats and wetlands |
| g.) Discharges from potable water sources | p.) Dechlorinated swimming pool discharges |
| h.) Foundation drains | q.) Street wash water |
| i.) Air conditioning condensation | r.) Discharges or flows from fire fighting
activities are excluded from the effective
prohibition against non-storm water and
need only be addressed where they are
identified as significant sources of pollutants
to waters of the state |

For both objectives, NDOR will develop and implement an Illicit Discharge Detection and Elimination (IDDE) Plan.

- ▶ Review available guidance to develop and conduct an Outfall Screening/Inventory Program that includes:
 - ▶ inventory methodology.
 - ▶ priority locations/regions.
 - ▶ technology and data needs.
 - ▶ screening and evaluation methods to detect and trace illicit discharges.
 - ▶ response methods to report and remove illicit discharges in a timely manner after they are discovered.
- ▶ Review available guidance to develop and conduct a Dry Weather Screening Program that includes:
 - ▶ identification of potential “high-risk” sources of discharge.
 - ▶ sample location selection methods.
 - ▶ technology and data needs.
 - ▶ visual screening protocol.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

- ▶ sampling protocol.
- ▶ methods to remove and report illicit discharges in a timely manner after they are discovered.
- ▶ Implement recommendation of the IDDE Plan.

MCM 3.4

Part III.B.3.d of the Permit states the objective of MCM 3.4 is to “inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.” This objective will be met through the implementation of the following measurable goal:

NDOR will evaluate the need to update and implement adequate NDOR internal policy, guidance, and manuals.

- ▶ Inventory existing NDOR policy, guidance, and educational materials.
- ▶ Evaluate existing NDOR materials and update or incorporate additional guidance/information as needed; develop additional training materials, as needed.
- ▶ Identify stakeholders (i.e. watershed groups, contractors, adjacent municipalities) to partner with and share education material on illicit discharge detection, elimination, and reporting.
- ▶ Evaluate storm water education program effectiveness through the use of tools such as surveys and other measures; Revise education materials as needed. Identify opportunities to expand public outreach (for both internal and external public).
- ▶ Develop method to address public (internal and external) complaints of illicit discharges, including documentation.
- ▶ Evaluate need for hotline/ help desk, or weblink for questions on NDOR environmental page.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

EXISTING DOCUMENTATION AND INFORMATION

The following information provides a summary of the existing documents, manuals, specifications, standard operating procedures (SOPs), databases and spatial information for this program. This list will be continually updated as the program moves forward with implementation in years 2007-2012.

NDOR Manuals

The NDOR Construction Manual provides general environmental guidance for NDOR construction activity and for NDOR contractors. The Manual addresses allowable discharges, best management practices to minimize construction related impacts to water bodies, and the permits that may be necessary to conduct work in NDOR ROW (e.g. Construction Stormwater Permit, dewatering permit). The Manual also provides spill containment and reporting procedures.

The NDOR Employee Safety Handbook addresses handling, use, and storage of hazardous material during work practices. The Handbook also provides procedures for reporting spills of hazardous materials, and containment procedures to prevent spills from entering waterways.

NDOR Spill Prevention Control and Countermeasure (SPCC) Plans are developed for certain NDOR maintenance facilities. The SPCC plans address proper handling, storage, and disposal of materials in order to prevent releases into state waters that would be considered illicit discharges. SPCC plans also address the response procedures in the event a spill occurs.

NDOR Databases

NDOR can monitor performance of the Illicit Discharge Program using existing database tracking systems while trying to identify ways to increase efficiency in data tracking. These existing databases include Enterprise Asset Management System, District Incident Reporting Knowledgebase (DIRK), and Sitemanager. A more detailed description of each database and its specific features/attributes has been summarized in Section 3.0 of this Work Plan.

Other NDOR Tools

- ▶ Photo Log of roadway structures
- ▶ NDOR Website and Electronic Map Library of Spatial Information

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

ADDITIONAL REGULATORY INFORMATION

The following information documents Federal, State, and/or local regulatory requirements that impact the implementation of the Illicit Discharge Program.

Federal

The Federal language governing the requirements for the Illicit Discharge Program follows [40 CFR part 122.34(b)(3)]:

(i) You must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at §122.26(b)(2)) into your small MS4.

(ii) You must:

(A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;

(B) To the extent allowable under State, Tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;

(C) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and

(D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

(iii) You need to address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

Additional information regarding the Illicit Discharge Program is provided in EPA Fact Sheet 2.5⁶ which outlines the Phase II Final Rule requirements and offers general guidance on how to address them.

Additional Federal regulations and guidelines include:

- ▶ 40 CFR part 136 **Guidelines establishing test procedures for the analysis of pollutants** will be used whenever water quality tests are conducted during monitoring events.
- ▶ 40 CFR part 122 **EPA Administered Permit Program: The National Pollutant Discharge Elimination System** requires a permit to discharge any pollutant to waters of the state. Any illicit discharge found as a result of the Illicit Discharge Program will be removed or required to obtain an NPDES discharge permit by NDEQ.

State

State NPDES regulations for the Illicit Discharge Program are specified in Title 119, Chapter 10 002.12C. They are consistent with the Federal language.

Additional State regulations and guidelines include:

- ▶ NDEQ Title 126 **Rules and Regulations Pertaining to the Management of Wastes** regulates the response to illicit discharges that may occur as the result of NDOR operations and within NDOR property.

Local

NDOR is not subject, as a state agency, to local ordinances for detecting and removing illicit discharges. Adjacent MS4s implement their own ordinances and Illicit Discharge Programs in part to comply with their NPDES permit regulations. NDOR has committed to identify local concerns and, where appropriate, modify the Illicit Discharge Program to minimize conflicts between NDOR and interconnected MS4s. More specific requirements will be identified during annual reviews and incorporated into this Work Plan.

⁶ Storm Water Phase II: Illicit Discharge Detection and Elimination Minimum Control Measure. USEPA Office of Water, EPA 833-F00-007, January 2000.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

NDOR RESPONSIBILITIES FOR IMPLEMENTATION

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Communication, Planning /Environmental, and Operations Divisions will be the central points of contact for the Illicit Discharge Program (Table 2-1), the following Divisions are expected to assist in development and implementation of the essential elements of the Program:

Communication

- ▶ Lead the distribution of illicit discharge educational information.
- ▶ Participate in the creation and distribution of information about NDOR's Illicit Discharge Program and IDDE Plan.

Construction

- ▶ Assist in the identification and collection of outfall data.
- ▶ Assist in developing elements of the IDDE Plan that relate to the construction process

GIS

- ▶ Incorporate data collected for the Illicit Discharge Program and IDDE Plan into a geographical interface.
- ▶ Produce maps that display indicators of compliance for the Annual Report.

Government Affairs

- ▶ Assist in the development and authorization of inter-local agreements with adjacent MS4s.

District Engineers

- ▶ Assist with the development of the IDDE Plan.

Operations

- ▶ Lead the development of the IDDE Plan including the Outfall Screening/Inventory Program and the Dry Weather Screening Program.
- ▶ Collect field data to support the IDDE Plan.
- ▶ Follow-up on illicit discharges and ensure resolution.

Planning/Environment

- ▶ Assist in the development of the IDDE Plan including the Outfall Screening/Inventory Program and the Dry Weather Screening Program.
- ▶ Assist in the process of review and revision for specifications related to the prohibition and elimination of illicit discharges.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

- ▶ Assist in development of inter-local agreements with adjacent MS4s.
- ▶ Assist in development of educational materials related to illicit discharges and the IDDE plan.

Right-of-Way

- ▶ Assist in the collection of field data to support the Illicit Discharge Program.
- ▶ Assist in development of the IDDE Plan including the Outfall Screening/Inventory Program and the Dry Weather Screening Program.

Roadway Design

- ▶ Assist in the collection of field data to support the Illicit Discharge Program.
- ▶ Assist in development of the IDDE Plan including the Outfall Screening/Inventory Program and the Dry Weather Screening Program.

Utilities

- ▶ Assist in the collection of field data to support the Illicit Discharge Program.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

CRITICAL PATH

Implementation Schedule

The schedule for implementation of the measurable goals for the Illicit Discharge Program is presented below. Any modifications or changes to the schedule need to be documented by NDOR and reported to NDEQ immediately.

Year 1 Goal (end of 2007)

- ▶ Collect all existing outfall information from available sources.
- ▶ Prioritize MS4 areas for outfall inventory.
- ▶ Review existing specifications to prohibit non-storm water discharges.
- ▶ Draft process to coordinate with adjacent MS4 communities to remove illicit discharges.
- ▶ Review existing Outfall Screening/Inventory Program and Dry Weather Screening Program guidance and begin development of the Outfall Screening/Inventory and Dry Weather Screening Programs.
- ▶ Review available storm water education material related to illicit discharges.
- ▶ Assess/inventory additional guidance needs.
- ▶ Identify opportunities to partner with and share public education material.

Year 2 Goal (end of 2008)

- ▶ Establish framework for data collection of outfall inventory.
- ▶ Propose amendments to existing specifications to prohibit non-storm water discharges, as needed.
- ▶ Finalize process to coordinate with adjacent MS4 communities to remove illicit discharges.
- ▶ Finalize Outfall Screening/Inventory and Dry Weather Screening Programs.
- ▶ Incorporate additional illicit discharge educational information into existing material.
- ▶ Develop additional training materials.
- ▶ Identify mechanisms to disseminate materials.

Year 3 Goal (end of 2009)

- ▶ Complete mapping for two NDOR Districts, beginning with priority areas.
- ▶ Finalize specification amendments.
- ▶ Implement coordination process with adjacent MS4 communities to remove illicit discharges.
- ▶ Implement Outfall Screening/Inventory and Dry Weather Screening Programs.
- ▶ Disseminate education and training material.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

Year 4 Goal (end of 2010)

- ▶ Complete mapping for two additional NDOR Districts.
- ▶ Implement specifications.
- ▶ Review and update MS4 coordination process, as needed.
- ▶ Implement Outfall Screening/Inventory Program.
- ▶ Implement Dry Weather Screening Program.
- ▶ Evaluate education and training program and revise materials, as needed.

Year 5 Goal (end of 2011)

- ▶ Complete mapping for final two NDOR Districts.
- ▶ Update maps, as needed.
- ▶ Review and evaluate effectiveness of specification; update as needed.
- ▶ Review and update MS4 coordination process, as needed.
- ▶ Identify additional NDOR outfalls.
- ▶ Evaluate and revise Dry Weather Screening Program.

Training Needs

Training is a key implementation tool in which NDOR will utilize to educate both internal staff and the general public. The following information summarizes the training needs for implementation of the Illicit Discharge Program.

- ▶ Train internal staff on illicit discharge detection and reporting procedures, once developed. Personnel conducting outfall inventory, screening, dry weather monitoring, or illicit discharge investigations should be trained for the specific field activities they will be expected to perform.
- ▶ Train internal staff to utilize appropriate technologies during field activities once identified. Personnel collecting outfall inventory, screening, dry weather monitoring, or illicit discharge investigation data should be trained to use the appropriate technology (digital photography, GPS units, etc.).
- ▶ Adjacent MS4s and internal staff must be trained to respond to illicit discharges according to NDOR's IDDE Plan.
- ▶ Train internal staff to identify areas of "high-risk" for illicit discharge during project planning and design.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

Priority Commitments

In order for NDOR to remain on schedule for the Illicit Discharge Program MCM, focus on accomplishment of the following commitments should take priority.

- ▶ Formulate the internal Compliance Technical Advisory Group to provide internal ownership and direction for the Storm Water Management Program.
- ▶ Identify a time-line and specific individuals to review and revise specifications and agreements to include adequate provisions for eliminating illicit discharges to the MS4.
- ▶ Identify a time-line and specific individuals to develop the framework for the IDDE Plan to include:
 - ▶ Prioritization of NDOR Districts for data collection and mapping.
 - ▶ Detail required to screen outfalls conditions and dry-weather flow characteristics.
 - ▶ Technology required to screen outfalls.
 - ▶ Definition of “high-risk” locations.
 - ▶ Resources available from adjacent MS4s.
 - ▶ Annual evaluation and assessment goals.

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

ANNUAL REPORT METRICS

The following metrics will measure successful implementation of the Illicit Discharge Program MCM. Some of these mechanisms are known while others will be developed during the 5-year permit term.

A numeric summary of the NDOR Illicit Discharge Program efforts includes:

- ▶ Number of outfalls inventoried and screened .
- ▶ Percentage of permitted drainage area screened.
- ▶ Percentage complete toward development of outfall map.
- ▶ Number of outfalls monitored for dry-weather discharges
- ▶ Sampling results for both dry weather monitoring and illicit discharge investigations.
- ▶ Number of illicit discharges reported.
- ▶ Number of illicit discharges identified.
- ▶ Number of illicit discharges removed.
- ▶ Number of individuals trained to participate in implementing the IDDE Plan.
- ▶ Number of educational activities undertaken to promote public reporting of illicit discharges and improper disposal, and to promote proper management and disposal of toxic materials.

A narrative summary of the NDOR Illicit Discharge Program efforts includes:

- ▶ Summary of progress toward development and implementation of IDDE Plan.
- ▶ Summary of illicit discharge detection and removal actions.
- ▶ Summary of progress toward reviewing and modifying policy, specifications, and manuals.
- ▶ Summary of cooperative efforts within the Phase II areas (i.e. watershed groups, contractors, general public).

2.0 NPDES Minimum Control Measures

2.3 Illicit Discharge Detection and Elimination – MCM #3

ASSUMPTIONS

The following information provides a summary of any assumptions made during the development of the MS4 permit and SWMP.

As a non-traditional MS4, NDOR must be creative in developing enforcement mechanisms. Standard tools such as municipal ordinances and police injunction will not be available to NDOR. Instead, NDOR specifications, sections 39-13.39 and 39-21.05, as well as municipal maintenance agreements developed between NDOR and adjacent municipalities will be used as the enforceable means by which NDOR can require identification and removal of illicit discharges. It is assumed NDOR will continue to use the enforcement measures outlined in the specifications and agreements in order to demonstrate compliance right away. Review and revision of the specifications will help the enforcement measures become more effective during the permit term.

NDOR must demonstrate that exhaustive measures were taken to eliminate each illicit discharge to their MS4 that may not be caused by NDOR activities. Demonstration must be provided to the regulatory authority upon request and should be documented in the Annual Report. NDEQ should only be contacted for assistance after exhaustive measures have been taken without successful elimination of an illicit discharge.

NDOR is only required to eliminate illicit discharges that occur within the municipal service boundary of adjacent, regulated MS4s. Discharges that pass through NDORs drainage system outside of these boundaries are not the responsibility of NDOR. NDOR will report these discharges to NDEQ and any appropriate local authority in accordance with the IDDE plan.

NDOR may utilize a variety of information sources to develop its MS4 map. To ensure the best quality of information though, NDOR will need to collect field data that is more detailed than what is currently available from other sources. The availability of the following documents and maps will also affect the level of effort necessary IDDE Program implementation:

- ▶ Existing information pertaining to the location of outfalls in Lincoln, Omaha, South Sioux City.
- ▶ SPCC maps available for all maintenance facilities.
- ▶ Maps showing the location of bridges and structures over 20'.
- ▶ Video records of roads in 20' increments – including GPS points (of inlets).

NDOR will classify un-permitted discharge of storm water related to construction activity disturbing greater than one acre of soil to be an illicit discharge. Once a NPDES permit has been obtained from the regulatory authority, the discharge will no longer be considered illicit, but will still require management to prevent the discharge of pollutants.



Section 2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

MINIMUM MEASURE DESCRIPTION/OVERVIEW

The purpose of the Construction Site Storm Water Runoff Control (Construction Storm Water) Program – required by the Phase II Regulations – is to ensure appropriate storm water pollution prevention measures take place during construction activities. Federal guidance for this Minimum Control Measure (MCM) encourages the development of a Construction Storm Water Program that focuses on specific pollutants and water quality concerns and uses effective enforcement mechanisms to ensure the protection of receiving waters.

NDOR is committed to facilitate appropriate enforcement mechanisms, consistent site plan review, and comprehensive site inspections in a manner that is open to the public. Successful implementation of this MCM will allow NDOR to identify the scope of the impacts that their construction projects have on receiving water quality, standardize appropriate Best Management Practices (BMPs), educate and train the public how to protect construction sites from polluted runoff, and maintain compliance with NPDES permit requirements for construction sites disturbing an acre of soil or more.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

PROGRAM GOAL(S)/OBJECTIVES

The Construction Storm Water Program goals are focused on complying with NPDES permit requirements. NDOR will strive to protect receiving water quality by managing the construction process and reducing pollutants discharged from construction activities.

MCM 4.1

Part III.B.4.a of the Permit states the objective of MCM 4.1 is to develop and implement “adequate enforceable authority to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law.” This objective will be met through the implementation of the following measurable goal:

NDOR will update existing specifications and manuals to include erosion and sediment control sanctions to ensure compliance.

- ▶ Review existing specifications and manuals to identify amendments necessary to enforce sediment and erosion control practices.
- ▶ Gain approval for amendments to existing specifications and manuals.
- ▶ Consider developing a specification for Water Quality.
- ▶ Consider developing a contractor rating system to be used for use on project bid scoring.

MCM 4.2

Part III.B.4.b of the Permit states the objective of MCM 4.2 is to develop and implement “requirements for construction site operators to implement appropriate erosion and sediment control best management practices.” This objective will be met through the implementation of the following measurable goal:

NDOR will require construction site operators to implement erosion and sediment control practices.

- ▶ Develop an erosion/sediment control training and certification program.
- ▶ Create an internal Compliance Technical Advisory Group.
- ▶ Develop and distribute educational materials for NDOR personnel and contractors.
- ▶ Make educational materials available to the public.
- ▶ Utilize enforcement mechanisms created for MCM 4.1.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

MCM 4.3

Part III.B.4.c of the Permit states the objective of MCM 4.3 is to develop and implement “procedures for site plan review which incorporate consideration of potential water quality impacts.” This objective will be met through the implementation of the following measurable goal:

NDOR will develop procedures for site plan review to include consideration of water quality impacts.

- ▶ Review existing Standard Plans for erosion and sediment control and develop an Erosion Control Plan checklist for contractors.
- ▶ Evaluate existing Storm Water Pollution Prevention Plan (SWPPP) template and develop a SWPPP checklist for internal NDOR Environmental and Design Review
- ▶ Include the consideration of water quality impacts into the procedures for site plan review.

MCM 4.4

Part III.B.4.d of the Permit states the objective of MCM 4.4 is to develop and implement “procedures for site inspection and enforcement of control measures.” This objective will be met through the implementation of the following measurable goal:

NDOR will develop and implement site inspection processes.

- ▶ Review and amend existing site inspection tracking and enforcement procedures.
- ▶ Develop procedures and prioritization criteria for internal Compliance Technical Advisory Group site inspections.
- ▶ Utilize enforcement mechanisms created for MCM 4.1.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

EXISTING DOCUMENTATION AND INFORMATION

The following information provides a summary of the existing documents, manuals, specifications, standard operating procedures (SOPs), databases, and spatial information for this program. This list will be continually updated as the program moves forward with implementation in years 2007-2012.

Manuals

The NDOR Drainage Design and Erosion Control Manual provides guidance and assistance for designers, installers and other NDOR personnel in the practices and procedures for the detailed design and installation of Best Management Practices (BMPs).

The NDOR Construction Manual provides general guidance for NDOR construction activity and for NDOR personnel. The Manual addresses allowable discharges, BMPs to minimize construction related impacts to receiving waters, and the permits that may be necessary to conduct work in NDOR ROW (e.g. Construction Storm Water Permit, dewatering permit). The Manual also provides spill containment and reporting procedures.

The NDOR Employee Safety Handbook addresses handling, use, and storage of hazardous material during work practices. The Handbook also provides procedures for reporting spills of hazardous materials, and containment procedures to prevent spills from entering waterways.

Training

The NDOR Storm Water/Erosion Control Design Workshop is designed to give attendees an overview of the importance of controlling erosion, the NPDES Permit requirements, and erosion control techniques.

NDOR Databases

NDOR can monitor performance using existing database tracking systems while trying to identify ways to increase efficiency in data tracking. These include Enterprise Asset Management System, Sitemanager, Access, and Excel databases. A more detailed description of each database and its specific features/attributes has been summarized in Section 3.0 of this Work Plan.

Other Resources

NDOR can use the Website to distribute Construction Storm Water Program information. Current information located on the web includes standard SWPPP documents for download and use in the field. Completed inspection reports and photo logs are available as well.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

ADDITIONAL REGULATORY INFORMATION

The following information documents Federal, State and/or local regulatory requirements that impact the implementation of the Construction Stormwater Program.

Federal

The Federal NPDES regulations for Construction Storm Water Program requirements follows [40 CFR part 122.34(b)(4)]:

(i) You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

(ii) Your program must include the development and implementation of, a minimum:
An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality; procedures for site plan review which incorporate consideration of potential water quality impacts; procedures for receipt and consideration of information submitted by the public; and procedures for site inspection and enforcement of control measures.

Additional information regarding the Construction Storm Water Program is provided in EPA Fact Sheet 2.6⁷, which outlines the Phase II Final Rule requirements and offers general guidance on how to address them.

Additional Federal regulations and guidelines include:

40 CFR part 122 EPA Administered Permit Program: The National Pollutant Discharge Elimination System requires a permit to discharge any pollutant to waters of the state. Besides the MS4 requirements, this section promulgates the rules for construction sites to be covered by

⁷ Storm Water Phase II: Construction Site Runoff Control Minimum Control Measure. USEPA Office of Water, EPA 833-F00-008, January 2000.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

a discharge permit. NDOR has been complying with these construction site permit requirements for many years and development of the Construction Storm Water Program will strengthen efforts to protect receiving water quality from construction related pollutants.

40 CFR part 125 Criteria and Standards for the National Pollutant Discharge Elimination System will apply in any case where NDEQ establishes specific treatment requirements. Currently, the standard for treatment of MS4 storm water runoff is based on the appropriate implementation of structural and non-structural BMPs which is the basis of the Storm Water Management Program.

40 CFR part 130 Water Quality Planning And Management establishes requirements and procedures for NDEQ to create water quality standards and management plans. These plans identify water quality impairments and specific contributions from discharge sources. NDOR is required to comply with all water quality standards and will be notified by NDEQ of any discharge limitations placed on them for discharges into an impaired waterway. Section 3.0 of this Work Plan identifies all impaired streams within NDOR's MS4 coverage area.

Section 404 of the Clean Water Act regulates the discharge of dredge and fill of material into waters of the state. Construction activities that must obtain a 404 permit from the Army Corps of Engineers may also be required to obtain a NPDES permit for construction storm water runoff if the project disturbs greater than an acre of soil.

40 CFR 1501.7 Council on Environmental Quality requires any federal action (or federally funded action) to consider all significant environmental impacts that require further analysis before proceeding with the action. NDOR is required to comply with the NEPA regulations which provides the opportunity to identify and mitigate for and water quality impairments that may be associated with the action. The Construction Storm Water Program will provide a consistent framework for NDOR to mitigate potential water quality impacts associated with construction site storm water runoff.

23 CFR 650.201-211 Erosion and Sediment Control on Highway Construction Projects requires control of erosion, abatement of water pollution, and prevention of damage by sediment deposition from all construction projects funded under title 23, United States Code.

State

The State NPDES regulations for the Construction Storm Water Program are specified in Title 119, Chapter 10 002.12D. They are consistent with the Federal language.

Currently, there are no additional State regulations pertaining to the development of construction storm water controls. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

Local

NDOR is not subject, as a state agency, to local design criteria or permit requirements for construction storm water compliance on construction sites. Adjacent MS4s implement their own erosion control ordinances, design criteria, and permit requirements in part to comply with their NPDES MS4 permit regulations. NDOR has committed to identify local concerns and, where appropriate, modify the Construction Storm Water Program to minimize conflicts between NDOR and interconnected MS4s. More specific requirements will be identified during annual reviews and incorporated into this Work Plan.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

NDOR RESPONSIBILITIES FOR IMPLEMENTATION

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Construction and Planning/Environmental Divisions will be the central points of contact for the Construction Storm Water Program (Table 2-1), the following Divisions are expected to assist in development and implementation of the essential elements of the Program:

Communication

- ▶ Assist in the distribution of information for sediment and erosion control practices to the public.

Human Resources

- ▶ Assist in the facilitation of training and certification opportunities.

Construction

- ▶ Coordinate the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.
- ▶ Coordinate the development of standard site inspection procedures and quick references.
- ▶ Assist with the development of site plan review tools.
- ▶ Develop training and certification opportunities.

Planning/Environmental

- ▶ Coordinate the development of site plan review tools.
- ▶ Assist in the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.
- ▶ Assist in the development of standard site inspection procedures and quick references.
- ▶ Develop and assist with the facilitation of training and certification opportunities.

Roadway Design

- ▶ Assist in the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

CRITICAL PATH

Implementation Schedule

The schedule for implementation of the measurable goals for the Construction Storm Water Program is presented below. Any modifications or changes to the schedule need to be documented by NDOR and reported to NDEQ immediately.

Year 1 Goal (end of 2007)

- ▶ Review existing specifications to include Contractor rating mechanism for future project bids.
- ▶ Review Drainage Design and Erosion Control Manual.
- ▶ Review existing specifications to require erosion and sediment controls.
- ▶ Consider Specification for Water Quality.
- ▶ Develop Erosion/Sediment Control Certification Program.
- ▶ Create an Internal Compliance Technical Advisory Group.
- ▶ Review existing Standard Plans for erosion and sediment control.
- ▶ Review SWPPP template.
- ▶ Review existing site inspection tracking and enforcement procedures.

Year 2 Goal (end of 2008)

- ▶ Propose amendments to existing specifications and manuals, as needed.
- ▶ Implement Training and Certification Program.
- ▶ Implement Compliance Technical Advisory Group.
- ▶ Develop quick reference/pocket guide.
- ▶ Develop Erosion Control (Standard) Plan checklist for contractor.
- ▶ Develop SWPPP checklist for internal NDOR Environmental and Design review.
- ▶ Develop procedures and prioritization criteria for Compliance Technical Advisory Group site inspections.

Year 3 Goal (end of 2009)

- ▶ Finalize amendments to existing specifications and manuals.
- ▶ Implement Training and Certification Program; revise as needed.
- ▶ Distribute quick reference/pocket guide.
- ▶ Propose amendments to existing site inspection tracking and enforcement procedures.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

Year 4 Goal (end of 2010)

- ▶ Implement specifications and manuals.
- ▶ Implement Training and Certification Program; revise as needed.
- ▶ Update/revise quick reference/pocket guide, as needed.
- ▶ Update/revise checklist procedures, as needed.
- ▶ Finalize site inspection procedures.

Year 5 Goal (end of 2011)

- ▶ Review and evaluate effectiveness of specifications; update as needed.
- ▶ Implement Training and Certification Program; revise as needed.
- ▶ Update/revise quick reference/pocket guide, as needed.
- ▶ Update/revise checklist procedures, as needed.
- ▶ Implement site inspection procedures; revise as necessary.

Training Needs

Training is a key implementation tool in which NDOR will utilize to educate both internal staff and the general public. The following information summarizes the training needs for implementation of the Construction Storm Water Program.

- ▶ Tracking the use of BMPs, site inspections, violations of SWPPP conditions, and enforcement actions taken will depend on the ability of NDOR to train staff or other individuals to use the appropriate tracking systems.
- ▶ Designers must be trained on how to develop a SWPPP that conforms to NDOR standards and identify appropriate BMPs based on various site conditions.
- ▶ Inspectors and contractors must be trained on how to properly install BMPs and manage construction sites during the construction process in conformance with the SWPPP and NDOR standards.
- ▶ Inspectors must be trained on how to inspect construction activities and review SWPPP implementation for conformance with NDOR standards.
- ▶ Develop Quick Reference Guides for field use that supports training and certification requirements developed by NDOR.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

Priority Commitments

In order for NDOR to remain on schedule for the Construction Storm Water Program MCM, focus on accomplishment of the following commitments should take priority.

- ▶ Formulate the Internal Compliance Technical Advisory Group to provide internal ownership and direction for the Storm Water Management Program.
- ▶ Identify a time-line and specific individuals to review and revise specifications and manuals to include adequate erosion and sediment control practices as well as sanctions that ensure compliance.
- ▶ Define the future requirements for training and certification as well as the purpose for it.
- ▶ Develop training opportunities that are consistent with any revisions to specifications and manuals.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

ANNUAL REPORT METRICS

The following metrics will measure successful implementation of the Construction Storm Water Program MCM. Some of these mechanisms are known while others will be developed during the 5-year permit term.

A numeric summary of the NDOR Construction Storm Water Program efforts includes:

- ▶ Number of construction projects receiving NPDES Construction Stormwater Permits.
- ▶ Number of construction projects closing NPDES Construction Stormwater Permits.
- ▶ Number of construction projects reviewed using standardized BMP checklists.
- ▶ Number of construction project bid packages using a contractor rating system for sediment and erosion control compliance.
- ▶ Number of construction sites with NPDES Construction Stormwater Permit violations.
- ▶ Number of internal evaluations conducted on site inspections.
- ▶ Number of enforcement actions taken for storm water violations.
- ▶ Number of training and certification opportunities provided by NDOR.
- ▶ Number of individuals receiving training for sediment and erosion control.
- ▶ Number of individuals receiving certification for sediment and erosion control.
- ▶ Number of quick reference/pocket guides distributed.
- ▶ Summary of NDOR's process of reviewing and modifying policy, specifications, and manuals.

A narrative summary of the NDOR Construction Storm Water Program efforts includes:

- ▶ Summary of NPDES Construction Stormwater Permits and SWPPP violations.
- ▶ Summary of outcomes from site inspections and internal evaluations.
- ▶ Summary of efforts for evaluation and assessment of construction site controls.

2.0 NPDES Minimum Control Measures

2.4 Construction Site Runoff Control – MCM #4

ASSUMPTIONS

The following information provides a summary of any assumptions made during the development of the MS4 permit and SWMP.

As a non-traditional MS4, NDOR must be creative in developing enforcement mechanisms. Standard tools such as municipal ordinances and police injunction will not be available to NDOR. Instead, the specifications found in the Drainage Design and Erosion Control Manual (2006) and sections of the Construction Manual will be utilized as the enforceable means by which NDOR can require water quality and sediment and erosion control measures be designed for on projects. Measures for enforcement are currently defined within the Standard Specifications for Highway Construction. These procedures include mechanisms such as withholding of payments, stop work orders, and contractual payments for untimely project completion. These enforcement measures are currently being utilized and it is assumed NDOR will continue to use the enforcement measures outlined in the specifications in order to demonstrate compliance right away. Review and revision of the specifications will help the enforcement measures become more effective during the permit term.

NDOR has demonstrated its commitment to comply with the requirements of the NPDES Construction Stormwater Permit issued by NDEQ. It is assumed that continuation of NDOR's current permitting procedures will demonstrate compliance. Review and revision of BMP selection tools, site inspection procedures, and BMP evaluations conducted during the permit term will help the site management process become more effective in eliminating the storm water impacts of sedimentation and erosion.

Construction site storm water runoff controls implemented by NDOR will reflect specific water quality issues. It is the responsibility of NDEQ to determine all in-stream impairments and inform NDOR if any specific limitations beyond NDOR's standards are required. This will be communicated during the NPDES Construction Stormwater Permit authorization by NDEQ.

NDOR will benefit substantially from identifying the effectiveness of specific BMPs. National data is available that documents some of this information. It is assumed that NDOR will develop a program to monitor BMPs, document the results, and adjust the selection of future BMPs based on the results. The level of detail for this evaluation is not regulated by the MS4 permit and implementation will be dependant on internal direction and available resources.

Compliance with NPDES Construction Stormwater Permits issued for construction sites is only one component necessary to demonstrate compliance with the MS4 permit issued to NDOR. Comprehensive implementation of this Construction Storm Water Program will significantly aid in compliance with the NPDES General Permit for Construction Stormwater Runoff.



Section 2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

MINIMUM MEASURE DESCRIPTION/OVERVIEW

The purpose of the Post Construction Storm Water (Post Construction Storm Water) Program – required by the Phase II Regulations – is to ensure appropriate storm water pollution prevention measures take place for areas undergoing new development or redevelopment that results in land disturbance of greater than or equal to one acre. Federal guidance for this Minimum Control Measure (MCM) encourages the development of a Post Construction Storm Water Program that focuses on prior planning and design for minimization of pollutants from post-construction storm water discharges.

NDOR is committed to facilitate the appropriate enforcement mechanisms and ensure long-term operation and maintenance of controls. Successful implementation of this MCM will allow NDOR to identify and minimize the long term water quality impacts that their construction projects have on receiving water quality through the use of structural and non-structural Best Management Practices (BMPs).

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

PROGRAM GOAL(S)/OBJECTIVES

The Post Construction Storm Water Program goals are focused on complying with NPDES permit requirements. NDOR will strive to protect receiving water quality by managing the project planning process to consider post-construction storm water runoff.

MCM 5.1

Part III.B.5.a of the permit states the objective of MCM 5.1 is to “develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the SMS4.” This objective will be met through the implementation of the following measurable goals:

NDOR will develop procedures for site plan review to include consideration of structural and/or non-structural BMPs.

- ▶ Create an Internal Compliance Technical Advisory Group.
- ▶ Review existing design process for BMP selection and design.
- ▶ Review existing specifications to include structural and/or non-structural BMP implementation.
- ▶ Review Roadway Design Manual, Manual of Maintenance Procedure, and/or Drainage Design and Erosion Control Manual and propose amendments, if needed.

NDOR will establish a cooperative effort to coordinate both planning and design of structural and non-structural BMPs.

- ▶ Evaluate opportunities to coordinate with other local agencies.
- ▶ Review local specifications, manuals, and ordinances for inclusion of structural and/or non-structural BMP implementation.

MCM 5.2

Part III.B.5.b of the permit states the objective of MCM 5.2 is to “ensure that controls are in place that would prevent or minimize water quality impacts” and must include the “use of adequate enforceable authority to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law.” This objective will be met through the implementation of the following measurable goals:

NDOR will update the existing specifications, manuals, and Standard Plans to address post-construction storm water runoff form new development and redevelopment projects.

- ▶ Review existing design process for BMP selection and design.
- ▶ Review existing specifications to include structural and/or non-structural BMP implementation.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

- ▶ Review Roadway Design Manual, Manual of Maintenance Procedure, and/or Drainage Design and Erosion Control Manual.

MCM 5.3

Part III.B.5.c of the permit states the objective of MCM 5.3 is to “ensure that controls are in place that would prevent or minimize water quality impacts” and must include a “provision for adequate long-term operation and maintenance of BMPs.” This objective will be met through the implementation of the following measurable goals:

NDOR will develop a method to track BMP maintenance activities.

- ▶ Create a Work Group to evaluate maintenance needs of existing designs (staffing, equipment & budget).
- ▶ Develop a permanent BMP tracking process. The development of a permanent BMP tracking process will include the following steps:
 - ▶ Evaluate potential databases against MCM goals.
 - ▶ Select a preferred alternative and implement.
 - ▶ Populate database(s) with permanent BMPs that are constructed by NDOR.
 - ▶ Correlate permanent BMPs with standard maintenance needs to ensure adequate long-term operation and maintenance of BMPs.
 - ▶ Evaluate and update database as needed.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

EXISTING DOCUMENTATION AND INFORMATION

The following information provides a summary of the existing documents, manuals, specifications, standard operating procedures (SOPs), databases, and spatial information for this program. This list will be continually updated as the program moves forward with implementation in years 2007-2012.

NDOR Manuals

NDOR's Drainage Design and Erosion Control Manual provides guidance and assistance for designers and other NDOR personnel in the practices and procedures for the detailed design of permanent Best Management Practices (BMPs).

The NDOR Construction Manual provides general guidance for NDOR construction activity and for NDOR contractors. The Manual addresses allowable discharges, BMPs to minimize construction related impacts to receiving waters, and the permits that may be necessary to conduct work in NDOR ROW (e.g. Construction Storm Water Permit, dewatering permit).

The NDOR Employee Safety Handbook addresses handling, use, and storage of hazardous material during work practices. The Handbook also provides procedures for reporting spills of hazardous materials, and containment procedures to prevent spills from entering waterways.

Training

The NDOR Storm Water/Erosion Control Design Workshop is designed to give attendees an overview of the importance of controlling erosion, the NPDES Permit requirements, and erosion control techniques.

NDOR Databases

NDOR can monitor performance using existing database tracking systems while trying to identify ways to increase efficiency in data tracking. This includes Enterprise Asset Management System, Environmental Access Database, and Sitemanager. A more detailed description of each database and its specific features/attributes has been summarized in the Section 3.0 of this Work Plan.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

ADDITIONAL REGULATORY INFORMATION

The following information documents Federal, State, and/or local regulatory requirements that impact the implementation of the Post Construction Storm Water Program.

Federal

The Federal NPDES language governing the requirements for the Post Construction Program states [40 CFR part 122.34(b)(5)]:

(i) You must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

ii) You must:

(A) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;

(B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and

(C) Ensure adequate long-term operation and maintenance of BMPs.

Additional information regarding the Post-Construction Program is provided in EPA Fact Sheet 2.7⁸, which outlines the Phase II Final Rule requirements and offers general guidance on how to address them.

Additional Federal regulations and guidelines include:

40 CFR part 125 Criteria and Standards for the National Pollutant Discharge Elimination System will apply in any case where NDEQ establishes specific treatment requirements. Currently, the standard for treatment of MS4 storm water runoff is based on the appropriate implementation of structural and non-structural BMPs which are the basis of the Storm Water Management Program.

40 CFR part 130 Water Quality Planning And Management establishes requirements and procedures for NDEQ to create water quality standards and management plans. These plans identify water quality impairments and specific contributions from discharge sources. NDOR is

⁸ Storm Water Phase II: Post-Construction Runoff Control Minimum Control Measure. USEPA Office of Water, EPA 833-F00-009, January 2000.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

required to comply with all water quality standards and will be notified by NDEQ of any discharge limitations placed on them for discharges into an impaired waterway. The Database Technical Memorandum has identified all impaired streams within NDOR's MS4 coverage area. 40 CFR 1501.7 Council on Environmental Quality requires any federal action (or federally funded action) to consider all significant environmental impacts that require further analysis before proceeding with the action. NDOR is required to comply with the NEPA regulations, which provides the opportunity to identify and mitigate for and water quality impairments that may be associated with the action. The Post Construction Program will provide a consistent framework for NDOR to mitigate potential water quality impacts associated with post construction storm water runoff.

State

The State NPDES regulations for the Post Construction Storm Water Program are specified in Title 19, Chapter 10 002.12E. They are consistent with the Federal language.

Currently, there are no additional State regulations pertaining to the development of post construction storm water controls. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan.

Local

NDOR is not subject, as a state agency, to local design criteria or permit requirements for post construction storm water compliance. Adjacent MS4s implement their own erosion control ordinances, design criteria, and permit requirements in part to comply with their NPDES permit regulations. NDOR has committed to identify local concerns and, where appropriate, modify the Post Construction Storm Water Program to minimize conflicts between NDOR and interconnected MS4s. More specific requirements will be identified during annual reviews and incorporated into this Work Plan.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

NDOR RESPONSIBILITIES FOR IMPLEMENTATION

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Construction and Operations Divisions will be the central points of contact for the Post Construction Storm Water Program (Table 2-1), the following Divisions are expected to assist in development and implementation of the essential elements of the Program:

Construction

- ▶ Coordinate the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.
- ▶ Coordinate the development of standard site inspection procedures and quick references.
- ▶ Assist with the development of site plan review tools.
- ▶ Develop training and certification opportunities.

Planning/Environmental

- ▶ Coordinate the development of site plan review tools.
- ▶ Assist in the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.
- ▶ Assist in the development of standard site inspection procedures and quick references.
- ▶ Assist in the development and facilitation of training and certification opportunities.

Roadway Design

- ▶ Assist in the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.

Operations

- ▶ Coordinate the development of a method to track BMP maintenance activities.
- ▶ Assist in the review and amendment of design manuals and specifications that are used to ensure compliance and identify appropriate BMPs.
- ▶ Assist in the development of standard site inspection procedures and quick references.
- ▶ Assist in the development and facilitation of training and certification opportunities.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

CRITICAL PATH

Implementation Schedule

The schedule for implementation of the measurable goals for the Post Construction Storm Water Program is presented below. Any modifications or changes to the schedule need to be documented by NDOR and reported to NDEQ immediately.

Year 1 Goals (end of 2007)

- ▶ Create an Internal Compliance Technical Advisory Group.
- ▶ Review existing design process for BMP selection and design.
- ▶ Review existing specifications to include structural and/or non-structural BMP implementation.
- ▶ Review Roadway Design Manual, Manual of Maintenance Procedure, and/or Drainage Design and Erosion Control Manual.
- ▶ Review local specifications, manuals and ordinances for inclusion of structural and/or non-structural BMP implementation.
- ▶ Evaluate opportunities to coordinate with other local agencies.
- ▶ Evaluate existing Enterprise Asset Management database.
- ▶ Evaluate existing process to identify structural BMPs and maintenance routines.

Year 2 Goals (end of 2008)

- ▶ Propose amendments to existing NDOR specifications and manuals to include updated design process for BMP selection and design to address post construction stormwater runoff, if needed.
- ▶ Propose amendments to existing NDOR specifications and manuals to incorporate local agency procedure for structural and/or non-structural BMP implementation.
- ▶ Propose updates to Enterprise Asset Management database, if needed.
- ▶ Revise process to identify new structural BMPs and routine maintenance needs.
- ▶ Work Group to evaluate maintenance needs of existing designs (staffing, equipment, and budget).

Year 3 Goals (end of 2009)

- ▶ Finalize amendments.
- ▶ Identify/verify existing BMP data, as needed.
- ▶ Begin tracking new BMPs.
- ▶ Revise maintenance scheduling for BMPs, if needed.

Year 4 Goals (end of 2010)

- ▶ Implement amendments to specifications, manuals, and Standard Plans.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

- ▶ Implement process to track new BMPs.
- ▶ Monitor maintenance procedures in relation to BMP functionality.

Year 5 Goals (end of 2011)

- ▶ Review and evaluate effectiveness of specifications, manuals, and Standard Plans update, if needed.
- ▶ Develop quick reference/pocket guide for BMP maintenance.
- ▶ Revise maintenance scheduling for BMPs, if needed.

Training Needs

Training is a key implementation tool in which NDOR will utilize to educate both internal staff and the general public. The following information summarizes the training needs for the Post Construction Storm Water Program implementation.

- ▶ Tracking the use of post construction BMPs and enforcement actions taken will depend on the ability of NDOR to train staff or other individuals to use the appropriate tracking systems.
- ▶ Designers must be trained on how to develop a SWPPP that conforms to NDOR standards and identify appropriate post construction BMPs based on various site conditions.
- ▶ Site managers and contractors must be trained on how to properly install BMPs and manage construction sites during the construction process in conformance with the SWPPP and NDOR standards.
- ▶ Inspectors must be trained on how to inspect construction activities and review SWPPP implementation for conformance with NDOR standards.
- ▶ Develop Quick Reference Guides for planning and design use that support training and certification requirements developed by NDOR.

Priority Commitments

In order for NDOR to remain on schedule for the Post Construction Storm Water Program MCM, focus on accomplishment of the following commitments should take priority.

- ▶ Formulate the Internal Compliance Technical Advisory Group to provide internal ownership and direction for the Storm Water Management Program.
- ▶ Identify a time-line and specific individuals to review and revise specifications and manuals to include adequate site plan reviews of post construction BMPs as well as sanctions that ensure compliance.
- ▶ Define the future requirements for training and certification as well as the purpose for it.
- ▶ Develop training opportunities that are consistent with any revisions to specifications and manuals.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

ANNUAL REPORT METRICS

The following metrics will measure successful implementation of the Post Construction Program MCM. Some of these mechanisms are known while others will be developed during the 5-year permit term.

A numeric summary of the NDOR Post Construction Storm Water Program efforts includes:

- ▶ Number of post construction BMPs inspected and maintained.
- ▶ Number of post construction controls installed.

A narrative summary of the NDOR Post Construction Storm Water Program efforts includes:

- ▶ Summary of process toward reviewing and modifying policy, specifications, manuals, and BMP selection tools.
- ▶ Summary of database tracking efforts.
- ▶ Summary of opportunities to coordinate Post Construction BMPs with local agencies.

2.0 NPDES Minimum Control Measures

2.5 Post-Construction Site Runoff Control – MCM #5

ASSUMPTIONS

The following information provides a summary of any assumptions made during the development of the Permit and SWMP.

As a non-traditional MS4, NDOR must be creative in developing enforcement mechanisms. Standard tools such as municipal ordinances and police injunction will not be available to NDOR. Instead, the specifications found in the Drainage Design and Erosion Control Manual (2006) and sections of the Construction Manual will be utilized as the enforceable means by which NDOR can require water quality and sediment and erosion control measures be designed for on projects. Measures for enforcement are currently defined within the Standard Specifications for Highway Construction. These procedures include mechanisms such as withholding of payments, stop work orders, and contractual payments for untimely project completion. These enforcement measures are currently being utilized and it is assumed NDOR will continue to use the enforcement measures outlined in the specifications in order to demonstrate compliance right away. Review and revision of the specifications will help the enforcement measures become more effective during the permit term.

NDOR will benefit substantially from identifying the effectiveness of specific BMPs. National data is available that documents some of this information. It is assumed that NDOR will develop a program to monitor BMPs, document the results, and adjust the selection of future BMPs based on the results. The level of detail for this evaluation is not regulated by the NPDES MS4 permit and implementation will be dependant on internal direction and available resources.



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MINIMUM MEASURE DESCRIPTION/OVERVIEW

The purpose of the Good Housekeeping/Pollution Prevention (Good Housekeeping) Program – required by the Phase II Regulations – is to prevent or reduce pollutant runoff from NDOR operations. Federal guidance for this Minimum Control Measure (MCM) encourages the improvement of operation and maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls. Focus for this program is placed on highway maintenance activities, storage yards, fleet maintenance shops, salt/sand storage locations and waste transfer stations operated by NDOR.

NDOR is committed to manage, prevent, and reduce the risk of storm water pollution that can result from construction and maintenance operations. Successful implementation of this MCM will allow NDOR to identify the scope of the impacts maintenance operations can have on receiving water quality, standardize appropriate Best Management Practices (BMPs) for internal operations, and educate and train the public how to protect agency facilities from polluted runoff.

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PROGRAM GOAL(S)/OBJECTIVES

The Good Housekeeping Program goals are focused on complying with NPDES permit requirements. NDOR will strive to protect receiving water quality by properly operating and maintaining agency facilities and storm water controls.

MCM 6.1

Part III.B.6 of the Permit states the objective of MCM 6.1 is to “Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of reducing pollutant runoff from municipal operations.” This objective will be met through the implementation of the following measurable goals:

NDOR will perform internal evaluations of NDOR maintenance operation.

- ▶ Develop Inventory of Maintenance Facilities.
- ▶ Evaluate Maintenance Facilities.

NDOR will develop Operation and Maintenance Standard Operating Procedures (SOPs) for reducing pollutants in storm water runoff from Agency operations.

- ▶ Review and evaluate existing maintenance SOPs.
- ▶ Propose amendments to existing SOPs, as needed.
- ▶ Incorporate amendments into existing SOPs, as needed.
- ▶ Review and evaluate effectiveness of SOPs.

NDOR will establish a process to track permanent BMPs

- ▶ Evaluate existing databases.
- ▶ Evaluate existing process to identify existing structural BMP and maintenance routines.
- ▶ Update process to identify new structural BMPs and track their maintenance needs.
- ▶ Monitor process for effectiveness.

NDOR will ensure existing maintenance agreements between NDOR and adjacent MS4 communities address the goal of reducing pollutant runoff from municipal operations.

- ▶ Review of existing maintenance agreements and statutes. NDOR will identify any legal agreements, such as inter-governmental agreements, where another entity, such as a municipality, will share maintenance operations or have been delegated long-term operation and maintenance responsibilities.
- ▶ Proposal of any amendments to existing maintenance agreements and Statutes, as needed.
- ▶ Incorporation of amendments to maintenance agreements and Statutes, as needed.
- ▶ Review and evaluate the effectiveness of maintenance agreements and Statutes.

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NDOR will develop Quick Reference Guides for maintenance employees regarding storm water responsibilities.

- ▶ Review of existing NDOR education and outreach materials.
- ▶ Incorporate additional information into existing materials, if available, to include Pollution Prevention/Good Housekeeping information.
- ▶ Develop and distribute quick reference guides to address general pollution prevention, materials handling and storage, and waste management maintenance and operations activities.
- ▶ Evaluate the need for development of additional internal NDOR education/outreach guidance and materials to train and educate NDOR staff, as needed.

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EXISTING DOCUMENTATION AND INFORMATION

The following information provides a summary of the existing documents, manuals, specifications, standard operating procedures (SOPs), databases and spatial information for this program. This list will be continually updated as the program moves forward with implementation in years 2007-2012.

Manuals

The NDOR Waste Manual provides guidance necessary to maintain RCRA compliance at NDOR maintenance facilities. This manual includes information on: RCRA, rules for managing hazardous waste, universal wastes, special situations, inspection protocols for NDOR facilities that generate hazardous waste, and “other” waste guidance all of which support an effective Good Housekeeping Program.

The NDOR Drainage Design and Erosion Control Manual provides guidance and assistance for designers, installers and other NDOR personnel in the practice and procedures for the detailed design and installation of Best Management Practices (BMPs). The Manual includes some basic information regarding the need to properly maintain storm drain system structures and structural BMPs.

The NDOR Construction Manual provides description of standard methods related NDOR construction activities. The Manual addresses allowable discharges and provides contractors with language related to the proper use and disposal of materials, use of technology to track material management, permits that may be necessary to conduct work and spill containment and reporting procedures.

Standard Operating Procedures

The NDOR Roadside Chemical Usage Guidelines provide guidance on the careful management and control of roadside vegetation (ground cover, shrubs, brush, and trees). Guidance that is applicable to the Good Housekeeping Program includes the identification of the certification requirements for NDOR maintenance personnel and contractors that are responsible for applying non-restricted use chemicals, restricted use chemicals, and/or insect control. This manual also provides guidance on the proper techniques for insect, tree, stump, and other vegetation control.

The NDOR Employee Safety Handbook addresses handling, use, and storage of hazardous materials during work practices. The Handbook also provides procedures for reporting spills of hazardous materials, and containment procedures to prevent spills from entering waterways.

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Documents

NDOR complies with Spill Prevention, Control, and Countermeasure (SPCC) regulations (40 CFR 112) by developing SPCC Plans for all facilities that manage substantial quantities of oil (including petroleum, fuel oil, and used oil) that is located in an area where a release to a navigable waterway could be expected. SPCC plans identify appropriate BMPs for potential oil pollutants as well as response and reporting procedures that must be followed in the case of a spill. NDOR facilities in operation before August 2002 must assure that their SPCC plans are amended by October 31, 2007 to be in compliance with the amended 2002 SPCC rule.

Databases

NDOR can monitor performance of the Good Housekeeping Program using existing database tracking systems while trying to identify ways to increase efficiency in data tracking. These existing databases include Enterprise Asset Management System, District Incident Reporting Knowledgebase (DIRK), and Sitemanager. A more detailed description of each database and its specific features/attributes has been summarized in Section 3.0 of this Work Plan.

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ADDITIONAL REGULATORY INFORMATION

The purpose of this section is to identify and document other Federal, State, and/or local regulatory requirements that impact the implementation of the Good Housekeeping Program.

Federal

The Federal language governing the requirements for the Good Housekeeping Program follows [40 CFR 122.34(b)(6)]:

(i) You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.”

Additional information regarding the Good Housekeeping Program is provided in EPA Fact Sheet 2.8⁹, which outlines the Phase II Final Rule requirements and offers general guidance on how to address them.

Additional Federal regulations and guidelines include:

40 CFR 260 to 265 Resource Conservation and Recovery Act (RCRA) regulates solid wastes, which includes garbage, refuse, trash, and industrial and hazardous wastes. NDOR will continue to comply with the RCRA requirements in the storage, handling, record keeping, transportation, and disposal of hazardous wastes in order to protect storm water runoff.

40 CFR 112 Spill Prevention and Countermeasure Control (SPCC) regulations apply to NDOR facilities that manage oil (including petroleum, fuel oil, and used oil) and are designed to prevent discharges to navigable waters of the U.S. All NDOR facilities handling oil must prepare a plan if they are located in an area where a release to a navigable waterway could be expected. This includes an evaluation of the potential to cause substantial harm to the environment in the event of a discharge of oil.

⁹ Storm Water Phase II: Pollution Prevention/Good Housekeeping Minimum Control Measure. USEPA Office of Water, EPA 833-F00-010, January 2000.

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State

State regulations for the Good Housekeeping Program are specified in Title 119, Chapter 10 002.12F. They are consistent with the Federal language.

Additional State regulations and guidelines include:

- ▶ NDEQ Title 126 **Rules and Regulations Pertaining to the Management of Wastes** regulates the response to spills that may occur as the result of NDOR operations and within NDOR property.
- ▶ NDEQ Title 128 **Nebraska Hazardous Waste Regulations** regulates the state components of RCRA including permit requirements for transfer, storage, and disposal of hazardous waste generators.
- ▶ NDEQ Title 198 **Rules and Regulations Pertaining to Agriculture Chemical Containment** regulates the design, installation, and maintenance of containment systems for certain bulk chemicals.
- ▶ Nebraska Department of Agriculture Title 25 **Nebraska Pesticide Act** regulates use of pesticide chemicals and the certification requirements necessary to apply them.
- ▶ Chapter 39-1339 and 39-2105 of **Nebraska Highway and Bridge Law** defines the ongoing responsibility of highway maintenance within the boundary of adjacent MS4 communities.

Local

Adjacent MS4 communities have entered into signed agreements with NDOR to comply with Chapter 39-1339 and 39-2105.

Currently, there are no additional local regulations pertaining to the development of a Good Housekeeping Program. Any additional requirements will be identified during annual reviews and incorporated into this Work Plan

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NDOR RESPONSIBILITIES FOR IMPLEMENTATION

The NDOR SWMP is a multi-faceted program requiring various NDOR Divisions to interact and coordinate for effective permit implementation. While the Operations Division will be the central point of contact for the Good Housekeeping Program (Table 2-1), the following Divisions are expected to assist in development and implementation of the essential elements of the Program:

Construction

- ▶ Assist with review and modification of existing maintenance operating procedures.
- ▶ Assist in developing storm water education materials related to reduction of pollution risk and proper management of materials during the construction process.

GIS

- ▶ Incorporate data collected for the Program into a geographical interface.
- ▶ Produce maps that display indicators of compliance for Annual Report.

Human Resources

- ▶ Facilitate education and training opportunities covering good housekeeping and pollution prevention to NDOR employees.

Operations

- ▶ Facilitate the development and distribution of updated procedures related to the Program.
- ▶ Evaluate maintenance needs and maintain permanent storm water BMPs.
- ▶ Assist in the review and update of municipal maintenance agreements with adjacent MS4s.

Planning/Environmental

- ▶ Facilitate the storm water evaluation of all District maintenance facilities.
- ▶ Facilitate the development of education materials related to good housekeeping and pollution prevention.
- ▶ Facilitate the process to review and update municipal maintenance agreements with adjacent MS4s.

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CRITICAL PATH

Implementation Schedule

The schedule for implementation of the measurable goals for the Good Housekeeping Program is presented below. Any modification or changes to the schedule need to be documented by NDOR and reported to NDEQ immediately.

Year 1 Goal (end of 2007)

- ▶ Develop inventory of maintenance facilities.
- ▶ Evaluate maintenance facilities in two Districts.
- ▶ Review and evaluate existing maintenance SOPs.
- ▶ Evaluate existing databases.
- ▶ Evaluate existing process to identify existing structural BMP and maintenance routines.
- ▶ Review existing maintenance agreements and Statutes.
- ▶ Review existing storm water education materials.

Year 2 Goal (end of 2008)

- ▶ Evaluate maintenance facilities in two additional Districts.
- ▶ Propose amendments to existing SOPs as needed.
- ▶ Propose updates to database, as needed.
- ▶ Revise process to identify new structural BMP and routine maintenance needs.
- ▶ Propose amendments to maintenance agreements and Statutes, as needed.
- ▶ Incorporate additional information into existing materials, if available, to include new storm water information.
- ▶ Develop Quick Reference Guides for operations staff on storm water responsibilities, as needed.

Year 3 Goal (end of 2009)

- ▶ Evaluate maintenance facilities in two additional Districts.
- ▶ Incorporate amendments into existing SOPs, as needed.
- ▶ Monitor structural BMP and maintenance identification process and modify, as needed.
- ▶ Incorporate amendments to maintenance agreements and Statutes, as needed.
- ▶ Distribute Quick Reference Guides.

Year 4 Goal (end of 2010)

- ▶ Develop schedule of ongoing evaluations of maintenance facilities.
- ▶ Review and evaluate effectiveness of SOPs, as needed.
- ▶ Monitor structural BMP and maintenance identification process and modify, as needed.
- ▶ Review and evaluate effectiveness of maintenance agreements and Statutes.

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- ▶ Review and update Quick Reference education materials, as needed.

Year 5 Goal (end of 2011)

- ▶ Implement schedule of internal evaluations.
- ▶ Review and evaluate effectiveness of SOPs, as needed.
- ▶ Monitor structural BMP and maintenance identification process and modify, as needed.
- ▶ Review and evaluate effectiveness of maintenance agreements and Statutes.
- ▶ Continue to review and update Quick Reference education materials, as needed.

Training Needs

Training is a key implementation tool in which NDOR will utilize to educate both internal staff and the general public. The following information summarizes the training needs for implementation of the Good Housekeeping Program.

- ▶ Tracking the installation and maintenance needs of permanent storm water BMPs will require staff training on the use of appropriate tracking systems.
- ▶ Maintenance staff require training that covers the correct frequency and techniques for various storm water BMPs maintenance.
- ▶ Applicators of chemical require training and certification to reduce the risk of inappropriate use of materials and potential contamination of the environment.
- ▶ Maintenance facility staff will require training on how to conduct self-evaluations of their building, grounds, and management of materials.

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Priority Commitments

In order for NDOR to remain on schedule for the Good Housekeeping Program MCM, focus on accomplishment of the following commitments should take priority.

- ▶ Formulate the Internal Compliance Technical Advisory Group to provide internal ownership and direction for the Storm Water Management Program.
- ▶ Identify a time-line and specific individuals to review existing education materials, maintenance SOPs, and municipal maintenance agreements.
- ▶ Develop a standard maintenance evaluation format and determine NDOR personnel responsible for conducting periodic self-evaluations.
- ▶ Contact adjacent MS4s to discuss the use of current or amended municipal maintenance agreements as a Good Housekeeping Program tool.
- ▶ Determine how BMP location and maintenance information is currently collected within each District and identify ways to streamline the process.
- ▶ Streamline process to track the location and maintenance needs of BMPs located within adjacent MS4 boundaries.

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ANNUAL REPORT METRICS

The following metrics will measure successful implementation of the Good Housekeeping Program MCM. Some of these mechanisms are known while others will be developed during the 5 year permit term.

A numeric summary of the NDOR Good Housekeeping Program efforts includes:

- ▶ Number of maintenance facilities inventoried.
- ▶ Number of maintenance facility evaluations conducted.
- ▶ Number of facilities with SPCC plans or Facility Runoff Control plans.
- ▶ Number of facilities updating SPCC or Facility Runoff Control plans.
- ▶ Number of NDOR quick reference guides distributed to maintenance staff.
- ▶ Number of personnel (total and new) trained to apply pesticides and other chemicals.
- ▶ Number of municipal maintenance agreements in place with adjacent MS4s.
- ▶ Number of structural BMPs maintained.

A narrative summary of the NDOR Good Housekeeping Program efforts includes:

- ▶ Summary of findings and recommendations made during facility evaluations.
- ▶ Summary of revisions to existing SOPs, maintenance agreements, and educational materials.

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ASSUMPTIONS

The following section provides a summary of any assumptions made during the development of the MS4 permit and the SWMP.

NDOR currently complies with all pertinent RCRA and SPCC requirements. Compliance activities conducted for these requirements will be reported as compliance activities for the Storm Water Management Program where appropriate.

NDOR will continue to rely on established agreements for roadway maintenance with adjacent MS4 communities as one component of the Good Housekeeping Program.

The same database systems that are used by NDOR to complete the outfall inventory for the Illicit Discharge Detection and Elimination Plan should support the tracking of BMP maintenance needs as well.

Training for the Good Housekeeping Program will be conducted through various methods. Informal training will be conducted during district facility evaluations and through the distribution of quick reference guides and other educational material to staff. NDOR provides on-going, informal training on the proper handling of materials.

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Insert next section
