

2009

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION APPROVING NPDES PERMIT REAPPLICATION

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 1997), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 1997), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County of Sarpy is required to seek a permit concerning storm water runoff in the Papio Creek Basin pursuant to the National Pollutant Discharge Elimination System (NPDES), Phase II storm water regulations; and

WHEREAS, the existing NPDES Permit concerning storm water runoff in the Papio Creek Basin is required to be renewed by January 31, 2009, 180 days prior to the expiration of the existing NPDES Permit; and

WHEREAS, Rebecca Horner, Planning Director has prepared a report regarding the NPDES Permit Reapplication documents, which is attached hereto and incorporated by reference in Exhibit A, which Exhibit A includes the Planning Director Report, the NPDES Permit Reapplication, the NPDES Phase II Storm water Management Plan, and the Sarpy County Receiving Waters map.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the NPDES Permit Reapplication, as required by the National Pollutant Discharge Elimination System, Phase II storm water regulations, as presented to this Board is hereby approved.

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

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NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the NPDES Permit Reapplication, as required by the National Pollutant Discharge Elimination System, Phase II storm water regulations, as presented to this Board is hereby approved.

BE IT FURTHER RESOLVED that the Chair, Joni Jones is hereby designated the Cognizant Official and that Rebecca Horner, Planning Director, is hereby designated the Authorized Representative for the purposes of said NPDES Permit Reapplication, and the Chair, the County Clerk and Planning Director are hereby authorized to execute said NPDES Permit Reapplication on behalf of Sarpy County, Nebraska and to take such other actions as may be necessary under the terms of said Reapplication.

Dated this 27th day of January, 2009.

Moved by Rich Jansen seconded by Rusty Hike, that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

none

none

[Signature]
[Signature]
Joni Jones
[Signature]
Patrick J. Thomas

ABSTAIN:

none



[Signature]
County Clerk

Approved as to form:

[Signature]
County Attorney

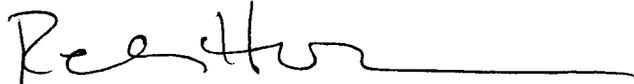
Sarpy County Board of Commissioners Report
January 27, 2009

Subject	Type	By
NPDES Permit Renewal	Resolution	Rebecca Horner, Planning Director

This is a request for approval of the application of intent to renew for the NPDES Permit and associated Storm Water Management Plan.

- NPDES Permit
 - The existing NPDES Permit needs to be renewed by January 31, 2009, which is 180 days prior to the expiration of the existing permit. Staff is currently in the process of reporting the work performed under the existing permit. The annual report on the NPDES permit is due on April 1st each year.
 - The proposed permit renewal will be from July 31, 2009 through July 31, 2014.
- Natural Resources
 - The Papio-Creek Watershed Partnership worked collectively to draft the storm water management plan for each of the Phase 2 partnership communities to incorporate into their intent to renew application.
 - Sarpy County is one of seven Phase 2 communities in the watershed, which is determined by population.
- Recommendation
 - I recommend the application is signed and the NPDES permit storm water management plan be attached to the application of intent to renew.

Respectfully submitted by:



Rebecca Horner
Planning Director

Attachments: Intent To Renew application, storm water management plan and Sarpy County Receiving Waters map.



Nebraska Department of Environmental Quality

Municipal & Industrial Section • The Atrium Building, Suite 400, 1200 N Street • P. O. Box 98922
Lincoln, NE 68509-8922 • Tel. (402) 471-4220 • Fax (402) 471-2909

NPDES Permit Reapplication for Small MS4s

(January 15, 2009)

This form is designed for use by cities, counties and other governmental bodies seeking NPDES permits for a Small *Municipal Separate Storm Sewer System* (MS4) pursuant to 40 CFR Part 122.33 (a.k.a. the NPDES Phase II storm water regulations).

Existing NPDES sMS4 authorization number: NER200007 Facility ID number: 998976

1) Identification of Applicant and Designation of Cognizant Official*

Name of Applicant: Sarpy County

Cognizant Official: * Joni Jones

Title of Cognizant Official: Chair of County Board

Mailing Address: 1210 Golden Gate Drive
Papillion, NE 68046

Telephone: (402)539-4155

* The Cognizant Official will need to sign on page 4 of this application, and must meet the qualifications set forth below:

"All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

2) Designation of Authorized Representative**

Completion of this section is not required if the Cognizant Official is to be the sole contact concerning this application.

Name of Authorized Representative: Rebecca Horner

Title of Authorized Representative: Planning Director

Employer of Authorized Representative (if not the applicant): _____

Mailing Address: 1210 Golden Gate Dr.
Papillion, NE 68046

Telephone: (402)593-1555

Email/Alternate contact: _____

** The "authorized representative" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 10.002:

"All other correspondence, reports and DMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director."

3) Identification of MS4 Area

A. Attach a map (or maps) of the MS4 that shows the location of all receiving waters for which stormwater from the MS4 is discharged. The receiving waters may be identified either on the map or in an associated map index or attachment. *Include and identify any previously unidentified water bodies that receive discharges from the MS4.*

B. Have there been any significant additions to the MS4 or additional receiving waters identified since the initial authorization? Y ___ N X

If YES, please describe these additions. _____

C. What is the approximate size of the MS4 area in square miles? n/a

D. Provide an explanation (below or in the map or associated index/attachment) as to the extent to which the map identifies all storm water discharge receiving waters. See examples below.

E. Has a program been implemented to increase the accuracy of information on storm drainage infrastructure for the purposes of Illicit Discharge Detection and Elimination? Y ___ N ___

Example 1: It is believed that the attached map identifies all water bodies receiving discharges from the MS4.

Example 2: The attached map identifies all water bodies receiving discharges from the MS4 from storm sewer discharge points constructed since 1950, and all known water bodies receiving discharges from the MS4 discharge points that were constructed prior to 1950. There may be unidentified outfalls in the older areas of the city and if such discharges exist the water bodies receiving discharges from the MS4 will be identified as part of the Illicit Discharge Detection and Elimination efforts to be carried-out under the permit.

4) Shared Responsibilities

Check the appropriate statement below. Only one may be checked.

Completion of this section does not preclude the applicant from changing plans relative cooperative agreements or shared permit implementation efforts. If such a change occurs, the applicant (or a representative of the cooperative group) needs to provide the NDEQ with a written notification of the change.

- A. At this time, the applicant anticipates implementing all provisions and requirements of the NPDES permit without entering any cooperative agreements with other public or private entities.
- B. At this time, the applicant is considering the possibility of implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no commitments have been made.
- C. At this time, the applicant anticipates implementing the provisions and requirements of the NPDES permit in a conjunction with the other public entities identified below, but no formal interagency agreement has been established.
- D. The applicant has entered into an inter-local agreement to facilitate permit implementation with the public entities identified below.
- E. Other - Provide explanation below (See Additional Information).

Cooperative Partners: If B, C or D were checked, identify the cooperative partners or potential partners.

The applicant is a member of the Papillion Creek Watershed Partnership (PCWP) through an inter-local agreement. Cooperative partners in the agreement are Douglas County, Sarpy County, Bellevue, Bennington, Boys Town, Gretna, La Vista, Omaha, Papillion, Ralston and Papio Missouri River Natural Resources District.

Summary of Changes to Cooperative Partners since initial authorization:

Additional Information: Provide any other information that may be pertinent.

If E was checked, provide explanation below.

The Annual Report, in which the activities undertaken to comply with the Measurable Commitments & Implementation Schedule set forth in the SWMP (attached) will be submitted by April 1st of each year for the duration of the permit.

5) Storm Water Management Plan (SWMP) and Monitoring Plan Implementation

Include the following information as an attachment to this application. The existing SWMP and annual reports should be utilized to evaluate program direction. Focus should be on maintenance and improvement of programs.

- A. Identify the best management practices (BMPs) or SWMP elements that are proposed for implementing each of the Minimum Control Measures set forth in 40 CFR Part 122.34(b)(1) through(6). ***
- B. Establish measurable goals for each of the BMPs or SWMP elements (Examples of measurable goals: Pass local regulations establishing construction site erosion control requirements; Paint "No Dumping" signs on 20% of curb inlets each year; Hold public information meetings on storm water protection once each year; Conduct a stream/lake-side clean-up day each year).
- C. Provide a proposed implementation schedule for the BMPs or SWMP elements. Implementation needs to be completed within the 5-year permit term.
- D. Provide a proposed wet-weather monitoring plan for representative storm water outfalls and/or in-stream water quality monitoring. ****

*** A copy of this regulation 40 CFR Parts 122.34(b)(1) through(6) is provided as an attachment to this application.

**** The monitoring plan may be used to supplement proposed measurable goals. Alternatively, justification may be provided for using measurable goals proposals in lieu of wet-weather monitoring.

6) Certification

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. (See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.)


Cognizant Official's Signature *****

1/27/2009
Date Signed

Joni M. Jones
Cognizant Official's Printed Name

Chairman, Sarpy County Board of Commissioners
Cognizant Official's Title

***** The Cognizant Official identified in Section 1 of this application must sign above.

Completeness Review:

- Have sections 1 thru 5 been completed?
- Was the proper signature provided in Section 6?
- Is a map of the MS4 as required in Section 3 attached?
- Is the SWMP and Monitoring Plan information as required in Section 5 attached?



Regulatory Attachment for NPDES Permit Application for Small MS4s

(Revised 12/11/02)

40 CFR Part 122.34(b)

40 CFR Part 122.34 - As an operator of a regulated small MS4, what will my NPDES MS4 storm water permit require?

.....

(b) Minimum Control Measures

(1) *Public education and outreach on storm water impacts.*

- (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.
- (ii) **Guidance:** You may use storm water educational materials provided by your State, Tribe, EPA, environmental, public interest or trade organizations, or other MS4s. The public education program should inform individuals and households about the steps they can take to reduce storm water pollution, such as ensuring proper septic system maintenance, ensuring the proper use and disposal of landscape and garden chemicals including fertilizers and pesticides, protecting and restoring riparian vegetation, and properly disposing of used motor oil or household hazardous wastes. EPA recommends that the program inform individuals and groups how to become involved in local stream and beach restoration activities as well as activities that are coordinated by youth service and conservation corps or other citizen groups. EPA recommends that the public education program be tailored, using a mix of locally appropriate strategies, to target specific audiences and communities. Examples of strategies include distributing brochures or fact sheets, sponsoring speaking engagements before community groups, providing public service announcements, implementing educational programs targeted at school age children, and conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups. In addition, EPA recommends that some of the materials or outreach programs be directed toward targeted groups of commercial, industrial, and institutional entities likely to have significant storm water impacts. For example, providing information to restaurants on the impact of grease clogging storm drains and to garages on the impact of oil discharges. You are encouraged to tailor your outreach program to address the viewpoints and concerns of all communities, particularly minority and disadvantaged communities, as well as any special concerns relating to children.

(2) *Public involvement/participation.*

- (i) You must, at a minimum, comply with State, Tribal and local public notice requirements when implementing a public involvement/ participation program.
- (ii) **Guidance:** EPA recommends that the public be included in developing, implementing, and reviewing your storm water management program and that the public participation process should make efforts to reach out and engage all economic and ethnic groups. Opportunities for members of the public to participate in program development and implementation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts. (Citizens should obtain approval where necessary for lawful access to monitoring sites.)

40 CFR Part 122.34(b) - Continued

(3) Illicit discharge detection and elimination.

- (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 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).
- (iv) Guidance: EPA recommends that the plan to detect and address illicit discharges include the following four components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; procedures for removing the source of the discharge; and procedures for program evaluation and assessment. EPA recommends visually screening outfalls during dry weather and conducting field tests of selected pollutants as part of the procedures for locating priority areas. Illicit discharge education actions may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials.

(4) Construction site storm water runoff control.

- (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, at a minimum:
 - (A) 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;
 - (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
 - (C) 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;

40 CFR Part 122.34(b) - Continued

(D) Procedures for site plan review which incorporate consideration of potential water quality impacts;

(E) Procedures for receipt and consideration of information submitted by the public, and

(F) Procedures for site inspection and enforcement of control measures.

(iii) Guidance: Examples of sanctions to ensure compliance include non-monetary penalties, fines, bonding requirements and/or permit denials for non-compliance. EPA recommends that procedures for site plan review include the review of individual pre-construction site plans to ensure consistency with local sediment and erosion control requirements. Procedures for site inspections and enforcement of control measures could include steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality. You are encouraged to provide appropriate educational and training measures for construction site operators. You may wish to require a storm water pollution prevention plan for construction sites within your jurisdiction that discharge into your system. See § 122.44(s) (NPDES permitting authorities' option to incorporate qualifying State, Tribal and local erosion and sediment control programs into NPDES permits for storm water discharges from construction sites). Also see § 122.35(b) (The NPDES permitting authority may recognize that another government entity, including the permitting authority, may be responsible for implementing one or more of the minimum measures on your behalf.)

(5) *Post-construction storm water management in new development and redevelopment.*

(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.

(iii) Guidance: If water quality impacts are considered from the beginning stages of a project, new development and potentially redevelopment provide more opportunities for water quality protection. EPA recommends that the BMPs chosen: be appropriate for the local community; minimize water quality impacts; and attempt to maintain pre-development runoff conditions. In choosing appropriate BMPs, EPA encourages you to participate in locally-based watershed planning efforts which attempt to involve a diverse group of stakeholders including interested citizens. When developing a program that is consistent with this measure's intent, EPA recommends that you adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures. In developing your program, you should consider assessing existing ordinances, policies, programs and studies that address storm water runoff quality. In addition to assessing these existing documents and programs, you should provide opportunities to the public to participate in the development of the program. Non-structural BMPs are preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage

40 CFR Part 122.34(b) - Continued

infill development in higher density urban areas, and areas with existing infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas. Structural BMPs include: storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches. EPA recommends that you ensure the appropriate implementation of the structural BMPs by considering some or all of the following: pre-construction review of BMP designs; inspections during construction to verify BMPs are built as designed; post-construction inspection and maintenance of BMPs; and penalty provisions for the noncompliance with design, construction or operation and maintenance. Storm water technologies are constantly being improved, and EPA recommends that your requirements be responsive to these changes, developments or improvements in control technologies.

(6) Pollution prevention/good housekeeping for municipal operations.

- (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.
- (ii) Guidance: EPA recommends that, at a minimum, you consider the following in developing your program: maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from your separate storm sewers; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations; procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices. Operation and maintenance should be an integral component of all storm water management programs. This measure is intended to improve the efficiency of these programs and require new programs where necessary. Properly developed and implemented operation and maintenance programs reduce the risk of water quality problems.

NPDES Phase II Stormwater Management Plan

#1: Public Education & Outreach

BMP #	SWMP Element Description	Measurable Commitments & Implementation Schedule
1.A	The applicant individually or as a member of the Papillion Creek Watershed Partnership (PCWP) will distribute informational brochures on the proper disposal of household hazardous wastes and the availability of the Household Hazardous Waste facility.	Year 1 – 5: Print and distribute brochures. Include the following in Annual Report: <ul style="list-style-type: none"> • the quantity of waste received at the drop-off facility; • a summary list of the distribution outlets used for brochures; • an estimate of the brochures distributed each year.
1.B	The applicant individually or as a member of the PCWP will issue public service announcements related to storm water protection on local TV, radio or print outlets.	Year 1 – 5: A summary of the activities will be included in the Annual Report.
1.C	The applicant individually or as a member of the PCWP will continue existing drain marking program to improve public awareness concerning illegal dumping utilizing volunteer services (e.g. Boy Scouts) which will address TMDL pollutants of concern.	Year 1 – 5: Mark approximately 1,000 inlets annually and include a summary in the Annual Report.
1.D	The applicant as a member of the PCWP will hold a Sediment and Erosion Control Seminar for the developers, builders, engineers, vendors, and graders which will address TMDL pollutants of concern.	Year 1 – 5: Annual Sediment and Erosion Control Seminar. Include a summary of the approximate number of participants in Annual Report.
1.E	The applicant individually or as a member of the PCWP will work collaboratively with other community organizations to develop a campaign aimed at picking up pet waste which will address TMDL pollutants of concern.	Year 1: Develop outreach material and partnerships. Year 2 - 5: Distribute information. Provide an estimate of number of brochures distributed and activities targeted.
1.F	The applicant individually or as a member of the PCWP will develop materials and displays associated with BMP demonstration projects installed with Stormwater Management Program Plan funds from NDEQ.	Year 1 -5: Provide a narrative and examples of materials developed in annual report.
1.G	Develop a PCWP Stormwater Program Web Site, including but not limited to storm water related information and provide educational information targeted for residents, children, and industries which will address TMDL pollutants of concern.	Year 1-5: Develop, operate and maintain a PCWP Stormwater Web site. Include a narrative in the Annual Report describing the functions of the website.

1.H	The applicant individually or as a member of the PCWP will utilize the cooperative efforts of the Lower Platte Weed Management Area to address water quality issues associated with purple loosestrife and phragmites where possible.	Year 1-5. Provide a narrative in the annual report that reflects the current infestations and control efforts.
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2: Public Participation and Involvement

BMP #	SWMP Element Description	Measurable Commitments & Implementation Schedule
2.A	The applicant individually or as a member of the PCWP will operate a stormwater hotline and web based complaint system for Watershed (general information, complaints, reports of illegal dumping, etc.).	Years 1 - 5: Maintain system operation and include summary of received calls/emails in the Annual Report.
2.B	The applicant individually or as a member of the PCWP will participate in organizing and hold open houses on Papillion Creek Watershed Partnership activities.	Years 1 - 5: A summary of activities will be included in the Annual Report.
2.C	The applicant individually or as a member of the PCWP will continue to implement a stream Cleanup Day. Utilize Keep Omaha Beautiful to identify stream segments in need of cleanup and recruit volunteers from the local area, public groups, and representatives from local area business and developments.	Years 1 - 5: Conduct one clean-up day each year. A summary of the clean-up day activities will be included in the Annual Report.
2.D	The applicant individually or as a member of the PCWP will provide tours of UndertheSink, household hazardous waste facility, for schools and neighborhood organizations to learn about the proper way to manage household chemicals and about stormwater treatment systems installed at the site.	Year 1 - 5: Provide a summary of the tours conducted on an annual basis for the annual report. Document when BMPs are installed and included in the tour.
2.E	The applicant as a member of the PCWP will hold World O! Water Festival focused on elementary school aged children to celebrate Clean Water and engage in water quality related activities.	Year 1-5: Hold event annually. Report estimated number of participants in Annual Report.
2.F	The applicant individually or as member of the PCWP will participate in community organizations, conferences, workshops, and web casts related to water quality and stormwater management.	Year 1- 5: Report number of staff attending, dates, location, and description of events.

3: Illicit Discharge Detection and Elimination

BMP #	SWMP Element Description	Measurable Commitments & Implementation Schedule
3.A	The applicant will perform dry-weather inspections including Physical Characteristics Examinations of storm water outfalls 72" or greater and any outfalls with documented complaints.	Year 1 – 5: Inspect and record observations. Include a count of outfalls inspected in the Annual Report.
3.B	The applicant will investigate and seek resolution concerning any dry weather discharges by notifying the source that they must discontinue discharging, and initiate enforcement action consistent with adopted ordinance which will also address any TMDL pollutants of concern. Any source that the applicant feels constitutes an immediate health or safety threat will be reported immediately to the NDEQ.	Year 1 – 5: The following information will be included in the Annual Report: <ul style="list-style-type: none"> • the number of process or potentially polluted wastewater sources found; • the number of above resolved at local level; and • the identity of any referred and/or unresolved discharge sources.
3.C	The applicant will perform dry weather inspection of storm water outfalls, including smaller outlets and those that discharge to lesser tributaries or other storm conduits, in response to suspect conditions and/or complaints.	Year 1 – 5: Inspect and record observations. Included a count for outfalls inspected in the Annual Report.
3.D	The applicant will enforce existing ordinances/regulations prohibiting illicit discharge connections to storm sewers.	Year 1 -5: Summarize code violations and enforcement actions taken in annual report.
3.E	The applicant will maintain and prevent instances of sanitary sewer leakage into MS4 or waters of the state.	Year 1 -5: Summarize investigations of leakage and actions taken in Annual Report.
3.F	The applicant will maintain and update a sewer map of major storm water outfalls and identify the names of respective receiving waters.	Years 1 - 5: Map will be maintained electronically on City or County GIS.
3.G	The applicant will prevent, contain and respond to spills in the MS4. Review, as necessary, interdepartmental SOPs with respects to spills, dumping and illegal disposal that impacts the MS4.	Year 1-5: Summarize number of reports of spills and actions taken in Annual Report. Identify respective Department SOP and review date in Annual Report.

4: Construction Site Runoff Control

BMP #	SWMP Element Description	Measurable Commitments & Implementation Schedule
4.A	Maintain the PCWP construction site inspection and reporting web site and continue to make enhancements.	Year 1-5: Include a narrative in the annual report about major web site upgrades and the date implemented.
4.B	The applicant as a member of the PCWP will maintain a construction site inspection program that includes procedures for reporting, resolving deficiencies, and taking appropriate enforcement action consistent with adopted ordinances.	Years 1-5: The Annual Report will contain the following information relative to this commitment: 1) the number of inspections conducted in each of the following size categories: < 5 acres and > 5 acres 2) the number of sites receiving enforcement actions.
4.C	The applicant individually or as a member of the PCWP will maintain regulations and design specifications for controlling erosion, sediment loss, and other TMDL pollutants of concern from construction sites that disturb areas of 1 acre or more.	Year 1 -5: Provide a narrative description of any changes implemented in sediment and erosion control regulations or design specifications in the annual report.
4.D	The applicant individually or as a member of the PCWP will maintain a program for performing review of Grading Permit applications to ensure compliance with applicable regulations and design specifications.	Year 1 -5: Summarize the number of grading permit issued on an annual basis.

5: Post-construction Runoff Control

BMP #	SWMP Element Description	Measurable Commitments & Implementation Schedule
5.A	The applicant individually or as a member of the PCWP will develop a guidance document for Post-Construction Stormwater Management Plan.	Year 2: Develop guidance document for Post Construction Storm water Management Plan Year 2-5: Revise as necessary.
5.B	The applicant individually or as a member of the PCWP will develop a database of existing structural BMPs (private and public) that reduce the impact of urbanization on storm water run-off and improve water quality and enhance other amenities and activities such as green space, parks and recreation, urban planning, aesthetics, and public safety.	Year 2: Coordinate with engineering firms and the NRD to identify existing BMPs and their location. Year 3: Develop a database and GIS map of BMPs.
5.C	The applicant will inspect annually and maintain (as necessary) the MS4 owned storm water BMP structures.	Year 1 -5: List BMPs inspected and summarize maintenance activity in Annual Report.
5.D	The applicant will revise stormwater BMP maintenance and inspection plan as needed.	Year 1-5: Review maintenance plan annually and include new structures. Make revisions as necessary. Report revisions and new structures in Annual Report.
5.E	The applicant individually or as a member of the PCWP will implement strategies, which include a combination of structural and or non-structural BMPs appropriate for the watershed, which will address potential TMDL pollutants of concern. Non-structural BMP's, including improved planning and site design, shall be a priority. Evaluate these strategies and implement changes as necessary to improve water quality and address potential TMDL pollutants of concern.	Year 1 -5: Summarize strategies in the Annual Report.

6: Pollution Prevention/Good Housekeeping for Municipal Operations

BMP #	SWMP Element Description	Measurable Commitments & Implementation Schedule
6.A	The applicant will maintain Stormwater Pollution Prevention Plans (SWPPP) for all the MS4's maintenance facilities to identify BMPs implemented. Review SWPPP annually and update as necessary. If facilities can certify no exposure, review annually to verify no exposure condition exists and document that a SWPPP is not required. Inspect all facilities annually.	Year 1 -2: Develop SWPPP for maintenance facilities. Year 3-5: Review and Revise SWPPP. Summarize efforts in Annual Report.
6.B	The applicant will inspect storm sewer conduits, channels and catch basins and remove and properly dispose of sediment and debris as needed to maintain an efficient system within permitted area.	Year 1 - 5: Report maintenance activities in the Annual Report.
6.C	The applicant individually or as a member of the PCWP will provide training for employees to prevent pollutant runoff from municipal operations at the applicant's maintenance facilities.	Years 1 – 5: Provide training for employees and include summary in Annual Report of when training was held and number of attendees.
6.D	The applicant will provide for street cleaning in the following areas: <ul style="list-style-type: none"> • Residential • Business • Major Streets • Other areas in conjunction with special projects 	Year 1 – 5: Summarize street cleaning activities in Annual Report.
6.F	The applicant's staff that apply pesticides will be trained in a certification program that complies with FIFRA regulations.	Year 1 -5: Report total number of Staff certified each year in the Annual Report.
6.G	The applicant will continue to minimize pesticide and fertilizer use on publically maintained properties.	Year 1 -5: Summarize efforts in Annual Reports.

#8: Storm Water Monitoring Plan

SWMP Element #	SWMP Element Description	Measurable Commitments & Implementation Schedule
8.A	<p>The applicant as a member of the PCWP will conduct in-stream water quality monitoring of named creeks in the Papillion Creek Watershed. Collect samples from at least 4 sites located in the Papillion Creek Watershed. Samples will be collected from May through August one day a week and analyzed for the following parameters: BOD5, TSS, ammonia nitrogen, nitrate-nitrogen, total nitrogen, soluble and total phosphorus, turbidity, pH, E coli, and Physical Characteristic Examinations. The purpose of the monitoring will be to evaluate the effectiveness of storm water management practices in the Papillion Creek watershed as they relate to potential TMDL pollutants of concern.</p> <p>List of potential sites: 170 and Highway 36 (Big Papio) 77th and L Street (Big Papio) 76th and L Street (Little Papio) Ft. Crook Road – USGS station (Papillion Creek)</p>	<p>Year 1- 5: Conduct monitoring The following information shall be included in the Annual Activity Report:</p> <ul style="list-style-type: none"> • The monitoring data; • A summary report on the findings relative to SWMP efforts; • Any modifications of monitoring locations or procedures.
8.B	<p>The applicant as a member of the PCWP will develop an assessment monitoring plan for demonstration BMPs. Evaluate the effectiveness of the selected BMPs to treat storm water for the TMDL pollutants of concern and other water quality benefits. Consider implementation of refinements to the BMPs, which would improve their effectiveness.</p> <p>One aspect of the monitoring plan will include the collection stream samples on the segment that runs through Orchard Park to establish baseline conditions for BMP assessment purposes.</p> <p>Additionally, the plan will address how the applicant proposed to use stream samples collected in dry weather and wet weather, as described in 8.A above, to estimate the pollutant masses discharged on an event basis and an annual basis.</p>	<p>Year 1 – 2: Visually document and monitor the installation of the demonstration BMPs. Installation is expected to be complete by the end of Year 2. Provide a narrative to report progress in Annual Report.</p> <p>Year 2: Develop the BMP assessment monitoring plan and submit to NDEQ for approval as an attachment to the Annual Report.</p> <p>Years 3 - 5: Conduct monitoring. The following information shall be included in the Annual Activity Report:</p> <ol style="list-style-type: none"> 1) the location of the monitoring site 2) the intensity and duration of the storm event monitored; 3) the timing of sampling in comparison to the occurrence of the storm event and to the discharge of peak storm water flows; 4) the monitoring data; and 5) a summary report on the findings of the removal rates of the constituents monitored for the BMPs.

Deb Houghtaling

Sarpy County Clerk

1210 Golden Gate Drive, Suite 1118
Papillion, Nebraska 68046-2895

Phone: (402) 593-2105
Fax: (402) 593-4360

Fred Uhe
Chief Deputy

January 30, 2009

Mr. Blayne Renner
Nebraska Department of Environmental Quality
1200 "N" Street, Suite 400
PO Pox 98922
Lincoln, Nebraska 68509

Dear Mr. Renner:

Action by the Sarpy County Board of Commissioners on January 27, 2009 is as follows:

Resolution: Authorize Chairman to sign the National Pollutant Discharge Elimination System (NPDES) Permit Reapplication. (2009-023)

MOTION: Resolved by Jansen, seconded by Hike, to approve the permit reapplication for National Pollutant Discharge Elimination System (NPDES) MS4 Permit for a Small Municipal Separate Storm Sewer System (MS4) as required by the NPDES Phase II storm water regulations and that Chairman Joni Jones, is designated the Cognizant Official and Planning Director Rebecca Horner is the Authorized Representative for the purposes of said reapplication and the Chairman, County Clerk and Planning Director are authorized to execute said Reapplication on behalf of Sarpy County, Nebraska and to take such other actions as may be necessary under the terms of said Reapplication. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

Please find enclosed the Permit Reapplication.

Sincerely,



Debra J. Houghtaling
Sarpy County Clerk

Enclosure (1)

ec: Mark Wayne, County Administrator
Brian Hanson, Fiscal Administrator
Rebecca Horner, Planning Director
Mike Smith, County Attorney