



ENVIRONMENTAL BULLETIN

SPRING 2009

This bulletin will be distributed quarterly to provide Project Managers and district environmental staff with current permit requirements and other environmental information.

STORMWATER PERMITS

With construction season in bloom, here are some important things to keep in mind regarding your stormwater permits:

- Are stormwater inspection records current and complete? Stormwater inspections should be completed every two weeks and after every ½ rain or more rain event.
- Are corrective measures being completed within 7 days of the inspection report? *If this doesn't occur due to a special circumstance, be sure to document the reason why in the SWPPP.*
- Remember the golden 14 Day Rule. If sites will be exposed for more than 14 days and are not being actively worked they, will need to be stabilized with some type of erosion control BMP such as mulch, cover crop, tackifier etc. Be sure to get cover crop planted as quickly as possible to allow the grass time to establish and provide protection. *Having seed on the ground will not meet the cover requirement unless the vegetation is at least 70 percent established.*
- Ensure that the following items are documented:
 - When major grading activities occur.
 - When BMPs are installed in an area.
 - When construction activities temporarily/permanently cease on a portion of the site.

Please contact the Roadside Stabilization Office with any questions or concerns.

Contact Information: Gabe Robertson – (402) 479-4685 & Ron Poe – (402) 479-4499

EROSION AND SEDIMENT CONTROL

Restricted Areas - Project managers, inspectors, and contractors will see a new dashed line in construction plans and a note referring to "restricted areas". Restricted areas apply to all 404 permitted locations and any other areas where sediment could be discharged to a waterway or wetland. The intention of this new designation is to protect waters of the state from sediment and non-stormwater discharges. Restricted areas do not interfere with construction activities, but do limit the storage of excavated or stockpiled materials. For example, when working on a culvert, the contractor shouldn't pile dirt next to the stream; it should be at least 20' back from the edge of a streambank or wetland with a temporary silt fence or other sediment control BMP protecting it. The goal is to avoid having stockpiles right next to the drainageway areas like the one pictured on the right.



Sanitary facilities, fuel, and trash piles are all examples of materials that could become non-stormwater discharges in the event of flash stream flows following a heavy rain. These materials should not be stored in restricted areas. Even if an area adjacent to a wetland or a culvert is not designated, contractors and NDOR employees have a responsibility to keep areas adjacent to streams, rivers, springs, wetlands, and any 404 permitted areas free of potential contaminants.

Dewatering - Dewatering is necessary to work in the dry. But the practice should be managed to prevent sediment or other contaminants from entering a waterway. Discharge hoses should be placed directly downstream of the activity to route it around the work. If that isn't possible they should be placed in mature vegetation to prevent scour. If the flow or force is heavy enough to erode stable vegetation or there is no stable vegetation, then use a clean plastic sheet or tarp shaped to direct the discharge to a waterbody or recharge area. *Important note: If the dewatering discharge contains sediment, it must be directed to a sediment control BMP prior to discharging to a waterbody. An example would be running your discharge hose into a pile of slash mulch or wood chips to help filter out sediment.*



Contact Information: Alison Krohn – (402) 479-3642 & Ron Poe – (402) 479-4499

VEGETATION MANAGEMENT

Is it time for a vegetation inspection? Closing the Construction Stormwater Permit requires the project to have 70 percent vegetation cover (compared to the pre-project vegetation). To determine whether this requirement is met, contact either Ron Poe or Carol Wienhold of NDOR's Roadside Stabilization Unit. They will schedule a trip to see your project or will ask for photographs of the project's seeded areas. Generally, evaluating the vegetation can happen from May through October.

Things that Carol will be looking at during the inspection include:

- Photos from before the project began, if they are available - - or looking at the vegetation near the ends of the project will work, too.
- Is the vegetation cover uniform throughout the project, or are there significant bare spots?
- Are the plants the perennial ones in the permanent seed mixture, or are they mostly cover crop or weeds?
- Are there areas where erosion is occurring?
- Carol will use a small frame to take some data points, and will take a bunch of pictures. This information serves as documentation of the vegetation cover.

If the vegetation MEETS the permit requirement (photo on right), then Carol will start the Notice of Termination signature process, and inspections need to continue monthly for 180 more days. The Project Manager will receive a signed copy of the Notice of Termination. After that period is complete, then you can stop inspecting and send the SWPPP manual to the Roadside Stabilization Unit in the Central Complex for archiving.



If the vegetation DOES NOT MEET the permit requirement (photo on right), then inspections must continue monthly AND after any 0.5 inch rain event - - until the vegetation cover improves. If the grasses aren't establishing well, Carol and Ron may recommend further actions to help.



Contact information: Carol Wienhold – (402) 479-3917 & Ron Poe – (402) 479-4499

WETLANDS and SECTION 404 PERMITS

The game is the same but the rules continue to change??? – Will we ever get to the point when the rules remain the same so we can go out and build a project knowing all the Clean Water Act rules and limitations....and be HAPPY? It probably won't happen anytime soon. The new emphasis this year is that we will need to begin covering rip-rap placed on creek banks with soil and then seed with a native grass mix. The Corps of Engineers state in their permit authorization letters the following:

The broken concrete or riprap shall be covered, from the top of the structure down to the annual ordinary high water line with a minimum of six inches of soil compacted into the voids of the riprap and immediately seeded with an annual rye grass (nurse crop) plus a mixture of native grass species. The Corps must be notified that this has been completed with photo documentation and seed tags.

There has been some confusion concerning this special condition in the past so let's break it down to provide some clarification.

1. **The broken concrete or riprap shall be covered, from the top of the structure down to the annual ordinary high water line with.....**The word "structure" in this sentence refers to the rip-rap itself (e.g. the rip-rap bank stabilization structure), not the actual bridge or culvert structure. This use of the word structure in this context comes from another Nationwide Permit (NWP 13) where placement of rip-rap is considered a "bank stabilization structure."

Rip-rap that is placed from the top of the high bank shall be covered with soil down to the ordinary high water line, also referred to as the ordinary high water mark (OHWM). Rip-rap placed at the bridge abutments above the stream high bank does not need to be covered with soil and seeded, unless the abutments are directly adjacent to the high bank or it is specified in the plans.

The OHWM is the stream channel area that is generally free of vegetation. Quite often there is a visible impression or scour line on the bank that is a general indication of the OHWM. The OHWM is generally below the 2-year channel forming storm event.

2. **...a minimum of 6 inches of soil compacted into the voids of the rip-rap and.....** If we attain an average of 6 inches of soil covering the rip-rap we will be in compliance with the special conditions. Project Managers, you may have to place more than 6 inches of soil to end up with 6 inches as the final result. Below is a special provision the Construction Division wrote to address these requirements.

SALVAGING AND PLACING TOPSOIL ON RIPRAP (NDOR Special Provision)

Section 207 in the Standard Specifications is amended to include the item "Salvaging and Placing Topsoil on Riprap". This work shall include salvaging the topsoil as described in Section 207 and compacting the topsoil into the voids of the riprap so that when completed there is a minimum of 6 inches of topsoil covering the riprap. The topsoil shall be compacted to meet the requirements of Class I or Class II embankment as prescribed in Subsection 205.03. Once the topsoil is placed, the area shall be immediately seeded with Seeding Type _____. The seeding is included in the quantity shown in the plans.

The 6 inches of topsoil compacted into the voids of the riprap will be measured and paid for by the square yard for the item "Salvaging and Placing Topsoil on Riprap". The price paid shall be considered full compensation for all work required to furnish and compact the topsoil.

3. **...immediately seeded with an annual rye grass (nurse crop) plus a mixture of native grass species.....** If the plans do not show a designated grass mix for the rip-rap area, use the Type A seed mix designated for the rest of the project. We encourage placement of an erosion control blanket after seeding, which you will eventually see specified in future plans in the erosion control section. Immediately seeded means within the “Golden 14 Day Rule.” Please keep in mind that this is within a highly erosive area and that seed and erosion control blankets should be placed as soon as possible upon completion of the soil placement.

The Environmental Permits Unit (EPU) and Roadside Stabilization Unit (RSU) have contacted the Corps about adding wheat and oats to the list of cover crop grasses that can be used. We will continue to use the current NDOR wheat and oats cover crop specification for these areas until the Corps confirms that it absolutely must be annual rye grass that is used as the cover crop.

4. **The Corps must be notified that this (soil placement and seeding) has been completed with photo documentation and seed tags.** This requirement has been around for a long time (at least the seed tag portion) and is probably the most ignored of the special conditions. As documentation of what we do becomes more important, please remember to complete the documentation needed to comply with this part of the special condition. A simple email note with the date the seeding and erosion control work was completed, photographs of each applicable area and a copy of the seed tags should suffice. The EPU would encourage the district (Project Manager), as the holder of the permit document, to send this information directly to the Corps permit manager responsible for the project. The responsible Corps permit manager is generally listed in the last paragraph of the Section 404 permit authorization letter.

Please copy the NDOR EPU project manager as well, so we can document to the FHWA that all the permit special conditions have been complied with upon final acceptance of the project.

5. What is not clearly stated in this special condition is that we do not need to cover the rip-rap between the high bank and OHWM that is directly below the bridge. Soil cover of drip line riprap is not required unless specified in the plans. The soil cover and seed shall be placed from the edge of the drip-line protection outward. Placement of soil and seed under the bridge structure may occur in rare circumstances such as when we would have a very high bridge structure. If so, this would be called out on the plans.

Compliance with this special condition may be a “learn as we go” kind of thing. As issues arise, please drop Jason Jurgens (or one of the EPU project managers), Bill Hitzeman, or Ron Poe an email note or phone call so we discuss the issues you are experiencing and hopefully provide further clarification.

Contact Information: Jason Jurgens – (402) 479-4418.

THREATENED AND ENDANGERED SPECIES

The Birds are Back! - The primary nesting season has started in Nebraska and will run from now until around September 1 for tree nesting species, and can extend until October 1 for swallows, which especially like our box culverts and bridge structures for nesting. Dionne Gioia and Eric Zach are ready to help if you have any questions or need surveys completed. We strongly encourage you to request a survey anytime you're working on clearing and grubbing as well as on bridge or box culverts during the nesting season. Also if the contractor has questions about installing netting on structures or just needs a qualified biologist to conduct a survey, Dionne or Eric can do that too.

Threatened and Endangered Species Surveys - Lots of animals are moving about this time of year be it with migration or just shaking off their winter slumber. For those projects that require surveys, please complete them in timely manner and report appropriately.

Contact Information: Eric Zach – (402) 479-4766, Dionne Gioia – (402) 263-2123

UPCOMING TRAINING

Over the past two years, LTAP and NDOR have teamed up to develop and administer NDOR Certified Erosion and Sediment Control Inspector program. Nearly 700 people across Nebraska have taken the “Erosion and Sediment Control Basics for Inspectors” course and achieved certification through the program.

Beginning with projects in the May 2009 letting, individuals that inspect or oversee the installation of erosion and sediment control devices will be required to have obtained the certification. We are actively trying to reach out to Contractors (both AGC and non-AGC members), to let them know about these upcoming requirements and the availability of the classes.

Our next courses are scheduled for **June 17th in Omaha and June 18th in Lincoln.**

Contact Ron Poe at (402) 479-4499 or Dennis Smith with LTAP at (402) 472-0976 for more information on enrolling in these courses.