

*Illicit Discharge Detection and Elimination  
(IDDE) Operations Manual  
City of Kearney Public Works Department*



**Prepared by the  
City of Kearney  
Public Works Department  
10/5/10**

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## Introduction

The Nebraska Department of Environmental Quality (NDEQ) under direction of the EPA required permit application under the National Pollutant Discharge Elimination System (NPDES) program for Small Municipal Separate Storm Sewer Systems in the state of Nebraska (SMS4). The NPDES regulations provide the regulatory requirements for the State's Stormwater permitting programs. The City of Kearney's permit application was submitted and became active on January 1<sup>st</sup>, 2006 at which time the city began its development of programs to satisfy permit requirements under NPDES NER300000 programs. As a part of the NPDES permit requirements an Illicit Discharge Detection and Elimination (IDDE) program has been developed and is currently in operation within the Public Works Department. In an effort to continually improve programs developed under the City of Kearney's Stormwater Management Program this manual was assembled to provide specific direction and layout to the IDDE program operations and goals. The goal of the manual is to provide a clear understanding of processes, operating procedures, records keeping, enforcement procedures and reporting. In addition, individuals new to the program, program tracking, and compliance officials will be able to read the manual and follow the program clearly.

## Chapter 1: City of Kearney's Program Rational Statement

The City of Kearney's IDDE program has and will continue to be developed as a comprehensive program that will cover all permit requirements. The goal for this program is to provide clear guidance on pollution control and allow the city enforceable authority in the removal of pollutant sources. Overall, providing a cleaner, healthier and safer community for the citizens we serve. The following rational system will provide a further descriptive look into the specific rational requirements of the permit.

The City of Kearney storm sewer mapping program has been a continual processes and has proven to be an resource intensive effort. Prior to the NPDES program development the city GIS department had started general mapping of the storm sewer system by means of compiling available as-built data from past projects. This left many gaps in the system layout and a somewhat spotty overall map. Following this a data dictionary was developed under the stormwater program for the use with Trimble GPS technology. Collections were done not only in-house by city staff but survey consultants were brought in on certain high traffic areas. At this point the mapping program is expected to be close to completion and the end of the first permit term. Future additions to the storm sewer systems will be added to the GIS database using GPS location technology. The specific collection and processes will be explained later in this document under Chapter 7 Kearney MS4 mapping program.

In the early stages of development it was clear a means of enforcing the IDDE program would be needed. Consideration was given to all existing nuisance ordinance within the City of

Kearney codes. Many of these ordinances applied to the overall goal of eliminating and/or removing pollutant discharge into the SMS4. After review of the existing codes of ordinance it was determined that there may be some gaps in regulatory control for the overall program. A new ordinance was developed specific to the goals of the IDDE program and on January 13<sup>th</sup>, 2009 the Kearney City Council voted and passed "*Ordinance No. 7500, Article 15. City of Kearney Illicit Discharge Detection and Elimination Code.*" A major component of this ordinance was the ability to enforce the programs. The City of Kearney feel the ordinance addresses all permit requirements and expectations under the NPDES program. A copy of this ordinance can be found in Chapter 5 City of Kearney IDDE Ordinance No. 7500 within this document.

As part of the IDDE programs multiple programs had to be developed directed to the location, tracking and removal of illicit discharges. The goal of this manual is to further explain and layout all of these programs. To date our best resource for finding illicit discharges has been knowledge from our VacCon employees. Their experience with the systems has allowed us to remove five cross connection in the early stages of our program. Secondly, the Stormwater Hotline and the Access Kearney site has provided many reports of minor illegal dumping issue that can be addressed on a case by case basis.

The training programs will continue to and have focused on many areas of pollution prevention. In the past, specific businesses have been directly targeted due to their potential to cause pollutant discharges. Examples of these

are the food industry, auto repair shops, auto body shops and lawn care providers. In addition the program has produced billboards, distributed fliers, and produced radio PSA, taught at environmental education events and TV commercials targeting the harmful effects of illicit discharges. The goal to reach a majority of the Kearney audience has been the focus of the education programs. Public employees will continue with annual training on the NPDES Stormwater programs as a whole, along with reducing pollutant discharge from our own operations. The education portion of the is program is discussed in detail under Chapter 16:

Educational Activities; within this document.

This program will be managed by the Public Works Department, Stormwater Program Manager. At such time the responsibility to oversee a specific BMP is transferred to another entity this will be added to this manual with specifics. The evaluation of the overall program will be in a sense a continual process. If the need arises for changes to any part of the program it will at that time be evaluated for its benefit. However, the program will be evaluated as a whole at least once a permit terms for needed amendments.

## Chapter 2: City of Kearney IDDE Program Overview

The purpose of the Illicit Discharge Program required under Part IV.B.3. of permit NER 300000, “Illicit Discharge Detection and Elimination,” is to identify and eliminate any discharge to a municipal separate storm sewer (MS4) that is not composed entirely of Stormwater except the following: discharges specifically authorized by a Industrial Storm Water Discharge Permit NER000000 and allowable non-stormwater discharges.

As a requirement of the permit, the City of Kearney shall continue to implement an ongoing program to detect and remove (or advise the discharger to the MS4 to obtain a separate Industrial permit for) illicit discharges and improperly disposed materials into the MS4, in accordance with NPDES regulations.

The City of Kearney began the development of the IDDE programs with a broad scope in mind. Since discharges from MS4s often include wastes and wastewater from non-stormwater sources. Illicit discharges enter the MS4 through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the MS4 from cracked sanitary systems, spills, or paint or used oil dumped directly into a drain). The result is untreated discharges that contribute high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses, and

bacteria to waters of the state. The big picture goal of the City of Kearney IDDE program is to provide a cleaner, healthier environment for its citizens and the surrounding community. For that reason many parts of the program was developed with a broad range of contributing factors in mind. We are currently not looking for specific pollutants. Rather, we are scouring the systems for the largest contributors (if any) to the degradation of our surface waters. It is expected that over time it will become clear what pollutants are more common within our city. At that time we will tailor the education, inspection and testing programs to reduce these types of pollutants to the maximum extent practical. Beings that the City of Kearney’s programs are new we felt this to be the best approach during the early stages of our efforts to provide a cleaner, healthier and safer environment.

This manual was developed to provide direct overview of how the programs are intended to be operated. Sections of the manual will provide operations procedures, tracking procedure, investigation procedures, complaint response procedures, reporting procedures and record keeping procedures. With an overall goal that anyone needing to learn about or investigate elements of the City of Kearney IDDE programs will be able to do so by simply picking up one manual to find any answers about the program necessary.

## Chapter 3: NDEQ MS4 Permit Requirements

### Illicit Discharge Detection and Elimination

#### a. *Permit requirements:*

- 1) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in NDEQ Title 119, Chapter 10 002.02D2 into your Small Municipal Separate Storm Sewer Systems (SMS4);
- 2) 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;
- 3) 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;
- 4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;
- 5) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- 6) 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 Municipal Separate Storm Sewer Systems (SMS4):
  - (a) Water line flushing
  - (b) Landscape irrigation
  - (c) Diverted stream flows
  - (d) Rising ground waters
  - (e) Uncontaminated ground water infiltration (as defined at 40 CFR §35.2005[20])
  - (f) Uncontaminated pumped ground water
  - (g) Discharges from potable water sources
  - (h) Foundation drains
  - (i) Air conditioning condensation
  - (j) Irrigation water
  - (k) Springs
  - (l) Water from crawl space pumps
  - (m) Footing drains
  - (n) Lawn watering
  - (o) Individual residential car washing
  - (p) Flows from riparian habitats and wetlands
  - (q) Dechlorinated swimming pool discharges
  - (r) Street wash water
  - (s) 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.
- 7) You may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit



discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions you have established for allowing these discharges to your Small Municipal Separate Storm Sewer System (SMS4) (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your SMS4.

b. *Decision process.*

You must document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale statement must address your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) How you will develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information you used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.
- 2) The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the Small Municipal Separate Storm Sewer System (SMS4) and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
- 3) Your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.
- 4) Your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. Your plan must also address on-site sewage disposal systems that flow into your storm drainage system. Your description must address the following, at a minimum:
  - (a) Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
  - (b) Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
  - (c) Procedures for removing the source of the illicit discharge;
  - (d) Procedures for program evaluation and assessment.
  - (e) How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
  - (f) Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
  - (g) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

## Chapter 4: Prohibiting Illicit Discharges

As the NPDES permit specifies, a municipal ordinance or other regulatory mechanism must be created to comply with Phase II regulations and must include a *prohibition* of illicit discharges and an enforcement mechanism. Note that it is also essential for the city to establish legal authority to inspect properties suspected of releasing contaminated discharges into the MS4. The City of Kearney has created and adopted an ordinance that will prohibit illicit discharges to our MS4, as well as enforce the elimination of any illicit discharge that may occur. Prohibiting Illicit Discharges within the City of Kearney will be done in multiple ways. Our program will focus on three sectors of the community; neighborhoods, likely generating sites, and municipal operations. The actions to prevent illicit discharges from these areas are being addressed by a number of programs and through the legal regulatory mechanisms provided in this document.

### 4.1 Neighborhood Focus Areas

Public Education: Billboards, Flyers, TV Commercials, Promoted at public events  
 Storm Drain Stenciling Program and distribution of educational flyers  
 Public Reporting Hotline and Email  
 Street Sweeping and Storm Sewer System Cleaning  
 Household Recycling Program  
 Used oil, paint, batteries, etc. Recycling Stations  
 Utility Department provides neighborhood clean up dumpsters twice a year.

**4.2 Generating Sites** (commercial, industrial, and institutional)  
 Public Education and Outreach  
 Spill Response  
 Site Inspections to Reported Pollution Issues

### 4.3 Municipal Operations

Annual Stormwater Training  
 Storm Sewer and Storm Drain Cleaning  
 Street Sweeping  
 Hot Spot Facility Evaluations  
 Provide Recycling Services to Citizen's

### 4.4 Permit to work within ROW

The City of Kearney Development Services Department requires that all individuals that will perform work within the ROW obtain a permit to do so. Along with that permit inspections will be done in association with some of the activities. These activities may include curb cuts, sidewalks, and most importantly connections to the storm sewer system. Any allowable connections will be inspected to insure they are not brining and illicit discharges into the system along with the proper connection procedures. Although this is a rare occurrence when they do happen the Stormwater Program Manager must be contacted if the connection will be difficult to locate in the future. At that time it will be located using GPS collections and entered into the GIS system.

## Chapter 5: City of Kearney IDDE Ordinance

### ORDINANCE NO. 7500

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA TO AMEND THE CODE OF THE CITY OF KEARNEY BY ADDING A NEW ARTICLE 15 ENTITLED "CITY OF KEARNEY ILLICIT DISCHARGE DETECTION AND ELIMINATION CODE" TO CHAPTER 9 "PUBLIC WORKS" PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROHIBITING ILLEGAL DISCHARGES AND ILLICIT CONNECTIONS; PROVIDING WATERCOURSE PROTECTION; PROVIDING FOR DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY; PROVIDING REQUIREMENTS TO PREVENT, CONTROL AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES; PROVIDING REQUIREMENTS TO ELIMINATE ILLEGAL DISCHARGES; PROVIDING STREAM BANK PROTECTION; PROVIDING REQUIREMENTS TO MONITOR AND ANALYZE; PROVIDING NOTIFICATION OF SPILLS; ALLOWING RIGHT OF ENTRY; AUTHORIZING SAMPLE AND TESTING; PROVIDING FOR ENFORCEMENT; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF KEARNEY; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

**Section 1.** The Code of the City of Kearney, Nebraska, is hereby amended by adding a new Article 15, "City of Kearney Illicit Discharge Detection and Elimination Code" to Chapter 9 "Public Works" which reads as follows:

#### ARTICLE 15. CITY OF KEARNEY ILLICIT DISCHARGE DETECTION AND ELIMINATION CODE

##### DIVISION I. ILLICIT DISCHARGE GENERAL PROVISIONS

###### 9-1501 TITLE.

This Article shall be known, referred to, and cited as the "City of Kearney Illicit Discharge Detection and Elimination Ordinance."

###### 9-1502 PURPOSE AND INTENT.

The purpose of this Article is to protect the public health, safety, environment and general welfare of the citizens of Kearney through the regulation of non-storm water discharges to the storm sewer system to the maximum extent practicable required by federal and state law. This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are:

- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges from any user.
- (2) Prohibit Illicit Connection and Discharges to the municipal separate storm sewer system.
- (3) Prevent non-storm water discharges, generated as a result of spills, inappropriate dumping or disposal, to the City of Kearney's separate storm sewer system.
- (4) Establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Article.

###### 9-1503 JURISDICTION

These regulations shall apply to all land located within the City of Kearney, referred to as City.

**9-1504 CITY POINT OF CONTACT.**

The City's primary point of contact will be the Director of Public Works or his/her designated representative

**9-1505 DEFINITIONS.**

Accidental Discharge: A discharge prohibited by this Article which occurs by chance and without planning or thought prior occurrence.

Authorized Enforcement Agency: Employees or designees of the City of Kearney designated to enforce this Article.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving water, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and subsequent amendments thereto.

Construction Activity: Activities subject to the NPDES Construction Permits. Currently, these include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavation and demolition.

Hazardous Materials: Any material, including any substance, waste, or combination thereof which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 9-1521 of this Article.

Illicit Connections: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City of Kearney or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City of Kearney.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA or by a State under authority delegated pursuant to 33 USC 1342 (B) that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, sediments, or other discarded or abandoned objects,

and accumulations, so in the same may cause or contribute to pollution; floatables, excessive pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking areas.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, and drainage consisting entirely of uncontaminated water from any form of natural precipitation, and resulting from such precipitation.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**9-1506 APPLICABILITY**

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Kearney

**9-1507 REFERENCE TO; CONFLICTS**

In addition to the rules of construction and definitions specified in this Article, the following rules shall be observed in the construction of this Code:

A. All references to Chapters, Articles or Sections are to the Chapters, Articles and Sections of this Code unless otherwise specified.

B. If the provisions of different Chapters of this Code conflict with or contravene each other, the provisions of each Chapter shall prevail as to all matters and questions growing out of the subject matter of such Chapter.

C. If conflicting provisions are found in different sections of the same Chapter, the provisions of the section which is last in numerical order shall prevail unless such construction would be inconsistent with the meaning of such Chapter.

**9-1508 RESPONSIBILITY FOR ADMINISTRATION**

The City Manager or his/her designee shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the City of Kearney may be delegated in writing by the City Manager of the City of Kearney to persons or entities acting in the beneficial interest of or in the employ of the City

**9-1509 SEVERABILITY OF PARTS**

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code

**9-1510 HOLD HARMLESS**

The standards set for herein and promulgated pursuant to this Article are minimum standards; therefore this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States caused by said person. The owner shall indemnify and hold harmless the City of Kearney and its agents, officers, and employees for any and all claims, damages, losses, or expenses, including reasonable attorneys fees, that arise out of or allegedly arise out of the design, construction, or maintenance of the systems and facilities described in this agreement that are not due to negligence or omission on the part of the City, its agents, officers, and employees.

**9-1511 – 9-1520 RESERVED**

**DIVISION II. DISCHARGE PROHIBITIONS**

**9-1521 PROHIBITION OF ILLEGAL DISCHARGES.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standard, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this Article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (If dechlorinated – typically less than one (1) PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the City of Kearney as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the City of Kearney prior to the time of test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**9-1522 PROHIBITION OF ILLICIT CONNECTIONS.**

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**9-1523 WATERCOURSE PROTECTION.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the United States, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, excessive sediment, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper covered waste receptacles for the purpose of collection are exempted from this prohibition. All waste containers must be solid and able to retain all accumulated liquids. The discharge of accumulated liquids onto paved surfaces is prohibited. Waste receptacles shall be equipped with covers to prevent rainwater accumulation.

**9-1524 DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORM WATER DISCHARGE PERMIT.**

Any person subject to an industrial or construction activity, NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Kearney prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**9-1525 – 9-1535 RESERVED.**

**DIVISION III. REGULATIONS AND REQUIREMENTS****9-1536 REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

If requested, the City of Kearney will provide guidance on Best Management Practices applicable to common activities, operations or facilities which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or water courses through the use of these structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial with the provisions of this section. These BMP's shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

**9-1537 REQUIREMENT TO ELIMINATE ILLEGAL DISCHARGES.**

The City of Kearney may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Article; and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

**9-1538 STREAM BANK PROTECTION**

Every person owning property, through which a watercourse passes, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actual necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

**9-1539 REQUIREMENT TO MONITOR AND ANALYZE**

The City of Kearney may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the United States, to undertake at said person's expense such monitoring and analyses and furnish such reports to the City of Kearney as deemed necessary to determine compliance with this Article.

**9-1540 NOTIFICATION OF SPILLS**

Notwithstanding other requirements of the law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of pollutants or non-storm water discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into storm water, the City's storm sewer system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. Said person shall notify the City of Kearney in person, by phone or by facsimile no later than twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works or his/her designee within three (3) business days of the phone call or by personal notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

9-1541 – 9-1550 RESERVED.

**DIVISION IV. INSPECTION AND MONITORING**

**9-1551 RIGHT OF ENTRY.**

Where it is necessary to make an inspection to enforce the provisions of this Article, or where the City of Kearney has reasonable cause to believe that there exists a condition which is contrary to or in violation of this Article and may contribute to pollution, the City of Kearney or its designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Article, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the City Engineer shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Director of Public Works shall have recourse to the remedies provided by law to secure entry.

**9-1552 AUTHORITY TO SAMPLE AND TEST.**

During any inspection as provided herein, the City of Kearney or its designee may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

9-1553 – 9-1560 RESERVED.

**DIVISION V. ENFORCEMENT**

**9-1561 NOTICE OF VIOLATION.**

Whenever the City of Kearney finds that a person has violated a prohibition or failed to meet a requirement of this Article, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) The violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Director of Public Works and the expense thereof shall be charged to the violator pursuant to Section 9-1567 of this Article.

**9-1562 APPEAL.**

Notwithstanding the provisions of Section 9-1565 of this Article, any person receiving a Notice of Violation under Section 9-1561 of this Article may appeal the determination of the City Engineer to the Director of Public Works. The notice of appeal must be received by the Director of Public Works within five (5) days from the date of the Notice of Violation. Hearing on the appeal before the Director of Public Works or his/her designee shall take place within fifteen (15) days from the date of City's receipt of the notice of appeal. The decision of the Director of Public Works or his/her designee shall be final.

**9-1563 ABATEMENT BY CITY.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under Section 9-1562 of this Article, within ten (10) days of the decision of the Director of Public Works upholding the decision of the City Engineer, then the City or a contractor designated by the Director of Public Works shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner or agent in possession of any premises to refuse to allow the City or its designated contractor to enter upon the premises for the purposes set forth above.



**9-1564 CHARGING COST OF ABATEMENT/LIENS.**

Within fifteen (15) days after the City of Kearney taking action to abate a violation, the owner or party in possession of the property will be notified of the cost of abatement, including administrative costs incurred in curing the violation. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days to the City of Kearney. If the amount due is not paid within thirty (30) days of the decision of the City of Kearney or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this Article shall become liable to the City by reason of such violation, at which time the City may file civil action to collect said costs, plus interest and reasonable attorneys fees.

**9-1565 URGENCY ABATEMENT.**

The Director of Public Works is authorized to require immediate abatement of any violation of this Article that constitutes an immediate threat to the health, safety or well-being of the public or the environment. If any such violation is not abated immediately as directed by the Director of Public Works, the City of Kearney is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City of Kearney shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this Section shall not prevent the City from seeking other and further relief authorized under this Article.

**9-1566 VIOLATION DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

**9-1567 PENALTY FOR VIOLATION.**

Any person who shall violate any provision of Article 15 adopted by the provisions listed within the above paragraphs shall be deemed guilty of a misdemeanor, and shall be punished as provided by Section 1-111 of this Code. Each day such violation continues shall be deemed a separate offense.

**Section 2.** It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Kearney, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

**Section 3.** That all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by the authority of the City Council.

**INTRODUCED BY COUNCIL MEMBER** Burkhalter  
**PASSED AND APPROVED THIS 13TH DAY OF JANUARY, 2009.**

**ATTEST:**  
Michelle E. Trembly  
**MICHAËLLE E. TREMBLY**  
**CITY CLERK**

Stanley A. Clouse  
**STANLEY A. CLOUSE**  
**PRESIDENT OF THE COUNCIL**  
**AND EX-OFFICIO MAYOR**

## Chapter 6: Location of Priority Areas

### 6.1 Identifying Priority areas

The City of Kearney staff will develop priority areas that are considered to be likely sources of illicit discharges. The following guidelines are considered while identifying priority areas for the city:

- **Commercial/industrial areas.** These areas have been found in some communities' IDDE programs to (a) have significant numbers of illicit connections and/or (b) have discharges with a high potential to affect water quality (Tuomari, 1999 and Pitt et al., 1993). Specific business sectors can be prioritized (e.g., businesses subject to waste water pretreatment rules, businesses falling under certain Standard Industrial Classification [SIC] codes, or business sectors with a record of enforcement actions). A large portion of the cities industrial areas are contained within one common drainage area. The discharge point for the oldest commercial/industrial area in Kearney has been part of the water sampling program for three years now. It is not foreseen that many additional high risk areas under this category will be found. However, other smaller commercial/industrial areas may be candidates for a priority area.
- **Older areas of the Town.** Older development may predate more stringent construction codes regarding illegal connections and may have deteriorating sanitary sewer and/or storm sewer infrastructure that can lead to infiltration problems.

- **Areas where there have been repeated complaints.** Areas where illegal dumping or apparently contaminated discharges have been reported are obvious priority targets. The Access Kearney system will assist with evaluating areas where repeated complaints occur.
- **Locations identified from public complaint or areas staff knows to have frequent illicit discharge issues.** The locations of high levels of particular contaminants (e.g., bacteria) can help to target priority outfalls. Good resources for this information are the periodic water quality assessment reports ("305(b) reports") and lists of impaired water ("303(d) lists") that the CWA requires each state to prepare and submit to the EPA. As a part of city staff many of the individuals that operate the storm sewer cleaning, street sweepers and are constantly working throughout the community have a vast knowledge of the possible areas illicit discharges may be likely. These areas have been evaluated and any cross connection was removed.

### 6.2 Priority areas identified by the City of Kearney

Using the guidelines provided above, the City of Kearney staff identified the following priority areas within the cities Phase II Permit boundaries:

- Commercial/Industrial area between Highway 30 and 39<sup>th</sup> St., and from Ave. N and Antelope Ave. This area drains to the twin 60" outfall located at the NE corner of Antelope and Highway 30. This outfall has been

- monitored as part of the sampling program.
- Downtown commercial area located from 2<sup>nd</sup> Ave to Ave. B, and from 25<sup>th</sup> St. to Railroad St. West.
  - Residential area located from 25<sup>th</sup> St. to 29<sup>th</sup> St. and from 2<sup>nd</sup> Ave. to 9<sup>th</sup> Ave.

## Chapter 7: Municipal Separate Storm Sewer System Mapping

### 7.1 Introduction

As part of the NPDES Phase II MS4 permit, permittees, are required 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 that receive discharges from those outfalls.” The map is to be used to assist permittees in completing the illicit discharge detection and elimination minimum control measure as outlined by the Environmental Protection Agency (EPA) and the Nebraska Department of Environmental Quality (NDEQ).

Permittees need to identify the locations of storm sewer pipes, culverts, inlets, outfalls, ditches, and swales. Some areas already have outfalls recorded that we use for storm water conveyance operations. Some data is stored in a non-digital format.

Since past projects have added to the current created outfall database and storm sewer atlases, there is little chance that all databases will be consistent. As part of the City of Kearney IDDE program we anticipate modifying all of the different datasets that have been created into a GIS format. The main objective of the program is to ensure that all future mapping efforts complete the mapping database and do so with similar features.

### 7.2 Data Collection

The City of Kearney IDDE program will consolidate all the information that has been gathered by City of Kearney staff and other entities. This will include outfall points, inlets, and storm sewer

pipes. The consolidation process will not be an attempt to convert the data to a single database, but instead be an activity in housing the different databases into one master geodatabase. The creation of the map will be a collaborative process utilizing all available knowledge. Once this map has been completed it will be maintained by City of Kearney and utilized in the illicit discharge monitoring program. City of Kearney will maintain the outfall point database and continued maintenance of the storm sewer atlases. City of Kearney will take receipt of new projects utilizing the storm sewer conveyance systems and incorporate them into the program.

### 7.3 Outfall Map Creation

City of Kearney has begun the process of identifying discharge points throughout our drainage conveyance system. We are outlining the methods that were used in this collection process and the information we will be including in our storm sewer system database.

City of Kearney has created a preliminary NPDES outfall map. The map was created using a variety of different methods. The remainder of the system in our watershed shall be mapped by the use of Trimble GPS units and a review of historical City of Kearney storm sewer data. In anticipation of the inadequacies of the initial storm sewer outfall map we envision the following process to take place:

City of Kearney will be responsible for updating the master NPDES outfall map to reflect any changes that have been agreed upon. City of Kearney will remove all outfalls that

are verified non-existent. City of Kearney will also add any outfalls not represented in the database.

As the completeness of the municipal maps will not be consistent, field crews will walk a portion of the system in an attempt to locate unknown or new outfalls. This work should be complete after the first 3 years of the program.

In addition to the outfall database, City of Kearney will begin developing a comprehensive storm sewer atlas. This atlas will assist in the tracking of illicit discharges and assist with enforcement measures.

The following section will outline the procedures City of Kearney will follow in creating, maintaining, sharing, and updating their outfall database. It will provide recommended procedures as to how the permittees and City of Kearney will coordinate database maintenance. In addition to outlining the plan for managing the outfall database, this will outline the recommended standards when creating, maintaining, sharing, and updating storm sewer maps.

**7.4 Outfall Database**

City of Kearney will house and maintain an NPDES outfall database. The

database will be in an ESRI geodatabase format and include all known outfalls throughout City of Kearney. The database will be tied to City of Kearney’s ASIST database, where all inspection, fines, and reporting information will be tied to the outfall location. The database will consist of a point feature class with each point representing a location where stormwater discharges into a waterway.

City of Kearney has adopted a numbering system that can be used by all municipalities throughout the County. The numbering system relies on the geographic coordinates of the outfalls. The NAD 83 State Plane coordinate Northing and Easting values are concatenated together to create a unique id. The common digits are removed and the number is limited to one significant decimal. Presuming that there should be no outfalls within a tenth of a foot of each other, each outfall is thus coded with a unique id.

**7.5 Data to Collect**

The following is a list of the attributes that City of Kearney will collect or verify for each inlet, manhole, conveyance structures, ditches, and outfalls. Some of these attributes will be done in the office utilizing GIS.

**7.6 Storm Sewer Outfall Data Dictionary**

<b>Inlet</b>	Point Feature, Label 1 = Type, Label 2 = Marker affixed
-Type	Menu, Normal, Normal
Curb Default	
Grate	
FES	
Area	
-Outflow Pipe Size	Menu, Normal, Normal
12	
15	
24	
36	
48	

56	
60	
-Outflow Pipe Direction	Menu, Normal, Normal
North	
South	
East	
West	
NW	
NE	
SE	
SW	
-Pipe material	Menu, Normal, Normal
RCP	
Clay	
PVC	
Other	
-Marker affixed	Menu, Normal, Normal
Yes	
No	
-Opening size	Menu, Normal, Normal
4	
6	
8	
10	
12	
15	
2 X 2	
4 X 4	
other	
-Comments	Text, Maximum Length = 100 Normal, Normal
-Date	Date, Auto generate Create and Update, Day-Month-Year Format Normal, Normal
-Time	Time, Auto generate Create, 24 Hour Format Normal, Normal
-Evidence of Illicit	Menu, Normal, Normal
Yes	
No	
Need Investigation	
<b>Outfall</b>	Point Feature, Label 1 = Size, Label 2 = Quantity
-Size	Menu, Normal, Normal
4	
6	
8	
12	
15	

18		
24		
36		
48		
60		
-Quantity		Menu, Normal, Normal
Single	Default	
Twin		
Triple		
-Receiving Water		Text, Maximum Length = 100
		Normal, Normal
-Date		Date, Auto generate Create and Update, Day-Month-Year Format
		Normal, Normal
-Time		Time, Auto generate Create and Update, 24 Hour Format
		Normal, Normal
-Material		Menu, Normal, Normal
RCP	Default	
PVC		
Steel		
Clay		
Plastic		
Other		
-Evidence of Illicit		Menu, Normal, Normal
Yes		
No		
Need Investigation		
<b>Manhole</b>		Point Feature, Label 1 = Lid type, Label 2 = structure material
-Lid type		Menu, Normal, Normal
Solid	Default	
Vented		
No dump lid		
-Structure material		Menu, Normal, Normal
Brick		
Precast		
Cast in place		
-Outflow size		Menu, Normal, Normal
12		
15		
24		
36		
48		
56		
60		
-Outflow direction		Menu, Normal, Normal
North		
South		
East		

West	
NW	
NE	
SE	
SW	
-Pipe material	Menu, Normal, Normal
RCP	
Clay	
PVC	
Other	
-Rim to FL depth	Text, Maximum Length = 30 Normal, Normal
-Date	Date, Auto generate Create and Update, Day-Month-Year Format Normal, Normal
-Time	Time, Auto generate Create and Update, 24 Hour Format Normal, Normal
-Number of Inflows	Menu, Normal, Normal
1	Default
2	
3	
-Evidence of Illicit	Menu, Normal, Normal
Yes	
No	
Need Investigation	
<b>Conveyance Structure</b>	Point Feature, Label 1 = Structure Description
-Structure Description	Text, Maximum Length = 100 Normal, Normal
<b>Open Channel</b>	Line Feature, Label 1 = Average bottom width, Label 2 = Average top width CL when possible
-Average bottom width	Numeric, Decimal Places = 0 Minimum = 0, Maximum = 100, Default Value = 0 Normal, Normal
-Average top width	Numeric, Decimal Places = 0 Minimum = 0, Maximum = 100, Default Value = 0 Normal, Normal
-Date	Date, Auto generate Create, Day-Month-Year Format Normal, Normal
-Time	Time, Auto generate Create, 24 Hour Format Normal, Normal

### 7.7 Numbering System

Currently, new features are added to the system in a sequential order. There is nothing specific in regard to the location of the feature. The numbering system is

however broken into numbering sets to specify the differences between feature items (e.g., inlets, outfalls, manholes). For example inlet features being with 5000 series numbers. We believe this



will be a suitable system, if the current numbering system does not seem suitable we will need to discuss other methods.

### 7.8 Storm Sewer Atlas

In addition to knowing the locations of all known outfalls, a storm sewer atlas will be necessary to locate the source of a discharge more efficiently. If the associated pipe network upstream of an outfall is not known, it will become very costly to locate the offending violator. The storm sewer atlas will help determine the extent of the discharge and the possible sources of the discharge. This atlas will become a critical piece of the program once an illicit discharge is detected.

In order to cost effectively trace illicit discharges, City of Kearney will require asbuilts for all new construction be added to the database as soon as possible. It is required that all storm sewer information provided to City of Kearney be in a GIS compatible digital format. If shapefiles or feature classes are provided they must be in the NAD\_1983\_StatePlane spatial reference system. Once data is received from the development, the City of Kearney will integrate the data into a master database. The update will be given to City of Kearney at project completion.

City of Kearney will simply store the storm sewer data received from the community. The consolidation of all storm sewer atlases will help City of Kearney locate illicit discharges. In addition, this information will help pinpoint the offending discharger. The

communities will lay claim to all said storm sewer data.

### 7.9 Record Keeping and File Management for Features Collect Internally Using GPS

At any point that an area of the city is collected using the Trimble Geo XH handheld GPS units owned by the City of Kearney the following procedures will be utilized to assure the files are managed and downloaded into the system correctly.

Following the collection:

- Dock unit in the office of the Stormwater Program Manager
- Open GPS Pathfinder program
- Transfer files to the default file storage. *C:\Documents and Settings\aharter\My Documents\GPS Projects*
- Open file and execute the differential correction process
- Open corrected file and Export it as a shape file to the following shared drive to allow access to the file: *S:\GPS-GIS\Public Works*
- Move original file, corrected file and text files to the completed folders.
- Notify the GIS department of the new file transfer for inclusion into the GIS database.

It is vital to the program that these processes be followed and kept current in order to keep an accurate record of any additions or deletions to the storm sewer systems.

## 7.9 Sample Contracted Collections RFP

### City of Kearney Storm Sewer Collection and GIS Project Outline

10/27/2009

#### Purpose and Scope of the project:

The purpose of this project will be to provide geospatial data collection of public City of Kearney Storm Water conveyance system features.

The engineer must utilize the existing GIS horizontal coordinate system, Nebraska State Plane (NAD83) and vertical datum of NAVD88. The storm water system features must be captured by surveying with GPS technology and equipment. The accuracy level of captured features should be within 0.05 feet horizontal and vertically, or limits approved by the City of Kearney. Collection crew must be familiar with storm sewer systems and aware of any cross connection possibilities of concern. This project will consist of a large amount of system observation and tracking of unknown system locations.

#### Data Collection:

The Storm Water GIS future to be surveyed will include the following:

- Inlets (Center of throat opening)
- Junction Manholes (Center of MH)
- Outfall Structures (FES, End of Pipe, concrete letdown, etc.)
- Conveyance Structure (drainage canals, culverts, detention cells)

#### The following data would be collected at the time of GPS field survey:

- Inlets and JMH's
    - Rim elevation (from GPS)
    - Flow line elevation of structure
    - Outflow direction and size
    - Number of Inflows
    - Type of structure material
  - Outfalls
    - Flow line elevation
    - Dumps to (river, ditch, lake, detention cell)?
    - Type of outfall (FES, pipe only, letdown structure, ditch)
  - Discharge Status (at time of survey)
    - Discharge Present (Yes/No)
    - Odor Present (Yes/No)
    - Illegal Cross-Connection Suspected (Yes/No)
- \*suspected cross connections must be reported to the Stormwater Program Manager
- Other conveyance structures
    - Drainage canals (centerline, estimated top and bottom width) where possible
    - Box culverts (beginning and end points, type)
  - No survey will be completed on pipe sections between structures. Location will be based on analysis of collected data on a point A to point B basis.
  - All data will be delivered in shape (shp) files compatible with ArcGIS approved by City of Kearney GIS department.

**7.10 Current Storm Sewer Features and Receiving Waters Map**

**SEE APPENDIX E**

## Chapter 8: IDDE Program Visual Inspection of the MS4 (Outfall Screening)

### 8.1 Outfall Reconnaissance Inventory (ORI)

For the Standard Operating Procedures of this section of the program the City of Kearney has chosen to use Chapter 11 of the Illicit Discharge Detection and Elimination guide produced by the Center for Watershed Protection, October 2004. Sections of this chapter will be used unless indicated omitted as provided within this document. The Center for Watershed Protections manual can be referred to for needed equipment, procedures and for field sheets. Chapter 11 can be found in Appendix B of this manual.

As stated in the manual an evaluation of all stream miles and outfalls located within the City of Kearney will be the goal set to complete within the first permit term. Currently, fourteen major outfalls have been identified and evaluated using the investigation formwork and processes presented in Chapter 11 of the IDDE manual. These investigations can be located in the following file location. (*K:\NPDES Program Files\Illicit Discharge Detection and Elimination (IDDE)\Outfall Reconnaissance Inventory*)

### 8.2 Kearney Area Stream Segment Map

In order to assure that all outfalls are mapped and evaluated for illicit discharges full stream walks are planned for the fall/winter of 2010. Stream segments have been identified throughout the city. Eighteen total segments have been identified along with two local lake perimeters. These segments are indicated on the

Preliminary Stream Segment Map located within this manual.

### (APPENDIX E)

### 8.3 Summarized Procedures for Conducting the ORI

- Gather equipment listed in ORI chapter
- Check the last ID number in the “Kearney IDDE Tracking and ORI” database
  - This number will run sequentially for identifying outfalls.
- Send out press release informing all city staff of area surveys will be occurring
- Conduct survey with minimum of two employees
- Begin survey at designated location and record beginning point with GPS
- Carefully walk upstream looking for any contributing outfalls
- Once an outfall is located mark it’s location with the Trimble GPS
- Complete the eight section ORI field sheet for the outfall
- Photograph the outfall and record photo number
- If there is an obvious illicit discharge attempt to track it immediately
- If no discharge is present continue ORI upstream and repeat collection at each outfall
- Once you have reached the designated segment end point record its location with GPS
- Return to PW department and record ORI data
- Correct and transfer all GPS data, following process indicated in **Section 7.9 “Record Keeping and File Management for Features**

*Collect Internally Using GPS*” of this manual

- Transfer all ORI field sheets to the “Kearney IDDE Tracking and ORI” database. *Located: K:\NPDES Program Files\Illicit Discharge Detection and Elimination (IDDE)*
- Download all outfall pictures into proper location
- *Charge GPS unit*
- Clean and Store all ORI equipment
- Schedule any needed tracking events or follow-up inspections

#### **8.4 Using the guidance manual**

##### **Chapter 11**

The information presented in Chapter 11 of the IDDE guidance manual can be used as a complete reference for the ORI operations. Not only with this section provide guidance on identifying discharges, but it will provide important information on using stream and ORI data to categorize IDDE problems. All of the processes that may be needed for an illicit discharge investigation are explained in detail within this chapter.

## **CHAPTER 9: Tracing and Tracking an Illicit Discharge Source- SOP**

### **9.1 Using the guidance manual Chapter 13**

Once an illicit discharge is found, a combination of methods may be used to isolate it specific source. Investigation procedures done by the City of Kearney will follow the procedures as written in Chapter 13 of the Center for Watershed Protections IDDE Manual. Most commonly the investigation procedures followed with is Storm Drain Network Investigation and/or On-site Investigations. As described in the manual.

- Chapter 13 of CWP IDDE Manual can be located in Appendix B of this manual.

## CHAPTER 10: Illicit Discharge Reporting and Response

The following procedures identify actions and internal reporting responsibilities to be taken by city employees in the event of an illicit discharge into City of Kearney storm sewer system.

### 10.1 Reporting

When a city employee encounters an illicit discharge:

Step 1. They should be prepared to observe and report the following information:

- Location of incident.
- Observe and size-up incident from safe distance
- Try to recognize suspicious activities in area.
- Possibly note names and contact information for people involved in incident.
- Type of material. If the material cannot be safely identified, keep a safe distance from suspected illicit discharge and avoid contact.

When a citizen reports a suspected illicit discharge, general questions should be asked about the illicit discharge such as the location and visual characteristics of the incident. City of Kearney forces will further investigate the incident to determine what, or if, additional actions are necessary.

Step 2. Call the City of Kearney Illicit Discharge hotline to report incident. The number is: 308-233-3273

The hotline person will fill out an initial tracking form with basic information provided by the reporting person. This information will include

observational data from Step 1 above.

### 10.2 Incident Routing and Response

After the incident is reported to the hotline, the call will be routed to the appropriate city personnel for further action based on questions addressed to the person reporting the incident.

The first set of questions to ask:

1. Is the material in the storm drain or waterway?
2. Is it just on the roadway?
3. Or is the material both on the roadway and in the storm drain?

If the material is contained within the storm drain or waterway, it is categorized as an illicit discharge. Similarly, if material spilled on the roadway is spreading from the roadway surface into the storm drain, then it is an illicit discharge. Further questions need to be asked to assess the type of illicit discharge and identify appropriate actions that need to be taken.

1. Is the illicit discharge a known hazardous material?
2. Is the illicit discharge a known non-hazardous material?
3. Or is the illicit discharge unknown and cannot be safely identified?

### 10.3 Material in the Storm Drain

If the material is in the storm drain and a **known hazardous material**, then:

Step 1. The incident will be reported immediately to the Stormwater Program Manager, if unavailable then a Public Works representative should be contacted. If both are

unavailable, call 911 immediately. The Stormwater Program Manager or Public Works representative will notify the Nebraska State Patrol Dispatch (24-hour hotline: 1-402-471-4545) to address the problem until a remediation contractor is at the scene of the incident.

written notification to the NDEQ within 30 days. The NDEQ will report releases of petroleum products and certain hazardous substances listed under the Federal Clean Water Act (40 CFR 116) to the National Response Center immediately (24-hour hotline: 1-800-424-8802).

Step 2. The Stormwater Program Manager or representative will fully document the illicit discharge with the tracking form. The Stormwater Program Manager will report incident if required, to the proper officials within 24 hours and submit a

Step 3. The city in conjunction with state officials will notify downstream entities of the illicit discharge and will take further follow-up action and, if necessary, enforcement action against offending parties.



## CHAPTER 11: Removing the Source of an Illicit Discharge

### Introduction

Because there are various sources of illicit discharges to the storm sewer system, there are different kinds of actions the city may have to take to remove those sources and prevent future illicit discharges. This chapter groups those actions into three categories: compliance assistance and enforcement for illegal connections to homes and businesses; proper construction and maintenance of MS4s; and responding to and preventing illegal dumping.

### 11.1 Compliance Assistance and Enforcement for Illegal Connection to Homes and Businesses

There is a range of ways in which the City of Kearney may wish to handle the removal of illegal connections between homes or businesses and the storm sewer system. Enforcement measures are spelled out in the required IDDE enforcement mechanism (see Chapter 5), but the city will use judgment about what mix of compliance assistance and enforcement actions is appropriate in a given situation. Typically, the city responds to the discovery of an illegal connection in a graduated manner, beginning with efforts to obtain voluntary compliance and escalating to increasingly severe enforcement actions if compliance is not obtained.

#### 11.1a Voluntary Compliance

Often, home or business owners are not aware of the existence of illegal connections between their buildings and the storm sewer systems. In these cases, providing the responsible party with information about the connection, its environmental consequences, the applicable regulations, and how to remedy it may be enough to secure voluntary compliance. The cost of

removing the connection and reconnecting it to the sanitary sewer system can be an obstacle.

#### 11.1b Enforcement

Based upon the findings of the Public Works Stormwater official it may be necessary to proceed with the following IDDE enforcement steps through the City of Kearney Code Enforcement Division as defined in the City of Kearney Municipal Code:

- If the discharge of dumping has been deemed a threat to Public Health, Safety and/or Welfare, and/or poses a threat to public property based upon an investigation by the Public Works Department, the violation may be abated immediately without prior notification. The city maintains the right to recoup any costs associated with the abatement of this violation.
- Otherwise, a Notice of Violation will be personally served to the property owner, contractor and/or any parties responsible for creating the violation(s); and/or the property may be posted giving 24 hours or sooner to abate the violation. If there is no compliance within the time given, the City of Kearney may abate this violation at the expense of the property owner, contractor or parties creating the violation. A summons to Municipal Court or criminal charges may also be issued.
- If the discharge or dumping is not a threat to Public Health, Safety, and/or Welfare, or there is no threat to public properties a Notice of Violation shall be sent certified mail to all responsible parties, including the property owner, contractor, and/or parties creating the violation.

The department will then follow the procedures as defined in the City of Kearney Municipal Code and Code Enforcement standard procedures.

In addition, the City of Kearney may seek enforcement action from Buffalo County, State or Federal authorities if the violation impacts other resources or the violation source is outside of the Cities Boundaries.

### 11.2 Proper Construction and Maintenance of MS4s

Some illicit discharge problems may be the responsibility of the City of Kearney sanitary sewer utility department. These problems include cross-connections between the sanitary sewer and storm sewer systems and infiltration into damaged or deteriorating storm sewer pipes.

Cross-connections between a sanitary sewer and the cities MS4 may exist by mistake, because of deterioration over time, or as part of the design in an antiquated system. Complete and accurate maps of the sanitary sewer and storm sewer systems can help identify these cross-connections and prevent them during any new construction that takes place.

Contamination can infiltrate into a cracked or leaking MS4 from leaking sanitary sewer pipes, failing septic systems, or contaminated groundwater. To help prevent this, both MS4s and sanitary sewer systems should be inspected periodically and maintained properly to keep them in good repair.

### 11.3 Preventing and Responding to Illegal Dumping

It is often difficult to identify and locate the individual(s) responsible for illegal dumping; therefore, our program to

address illegal dumping will focus on education and prevention, backed up by enforcement to the extent possible.

The following key strategies can be used to prevent illegal dumping:

- **Site maintenance and controls.** Measures should be taken to clean up areas where illegal dumping has taken place, and controls such as signs or access restrictions should be used, as appropriate, to prevent further dumping.
- **Community outreach and involvement.** Outreach is the linchpin of an illegal dumping prevention program and can include the following components:
  - Educating businesses, Town, Special District employees, and the general public about the environmental and legal consequences of illegally disposing of waste into the MS4.
  - Providing and publicizing ways for citizens to properly dispose of waste.
  - Providing opportunities for citizens to get involved in preventing and reporting illegal dumping.
- **Targeted enforcement.** This strategy includes city prohibition against illegal dumping backed up by law enforcement.
- **Program measurement.** Tracking and evaluation methods will be used to measure the impact of illegal-dumping prevention efforts and determine whether goals are being met.

Some specific methods that the Town might use to implement these strategies include the following:

- **Site maintenance and controls**

- Storm-drain stenciling program.
  - Spill-response plans for hazardous-waste spills.
  - **Community outreach and involvement**
    - The Stormwater Hotline (308-233-3273).
    - Pollution Prevention web sites (Nebraska H2O, and Cities web site)
    - Outreach to business sectors that handle hazardous materials and/or have a history of illegal-dumping problems; outreach should include information on BMPs for spill prevention and proper waste disposal.
  - Printed outreach materials for the public.
  - Publicizing of waste-disposal options, such as used oil recycling and household hazardous waste collections.
  - **Targeted enforcement**
    - An illegal-dumping regulatory mechanism.
    - Surveillance of known illegal-dumping locations.
    - Training of City employees on identifying and reporting illegal dumping.
  - **Program measurement**
    - Tracking of incident locations.
- Compilation of statistics (e.g., any cleanup costs, facility compliance, fines, complaints).

## CHAPTER 12: City of Kearney Record Keeping Process

In the event of a reported Illicit Discharge by either a citizen or a city employee the following process must be used to keep records complete and accurate. All City of Kearney employees charged with tracking Illicit Discharge reports and/or investigation will be informed on where the proper documents must be stored for proper tracking.

### Record Keeping:

- **When a call or complaint is received record the complaint within the following Access Data base: *L:\NPDES Program Files\Illicit Discharge Detection and Elimination (IDDE) using an Illicit Discharge Incident Tracking Form.***
- Create a separate project file for each reported IDDE under the following area: (L:\NPDES Program Files\Illicit Discharge Detection and Elimination (IDDE)\Reported Illicit Discharge Cases)
- Record project by year and sequential ID # under the Illicit\_Complaint\_Reports\_Quick list.xls file.
- Create new folder for reported discharge under current year folder.
- Copy completed Tracking sheet in new illicit discharge folder.
- All new reports will have their own folders. All information regarding each report will be kept under the

project folder (i.e. follow up inspections, investigation photos, letters to responsible party, violation actions, etc.)

- A follow up inspection will be scheduled by the original investigator (on their office reminder system) when needed.
- Complete the follow up inspection form and store under report file.
- Common minor illicit discharge reports may be kept in a single folder. These complaints are classified as ones that are commonly received and usually require a letter sent to the responsible party that notifies them not to continue the practice. These type of incidents are commonly resolved with first contact.
  - Grass blown into the street.
  - Residential landscaping or minor yard repair runoff.
  - Minor leaks on parked vehicles.

Paper form copies of the incident should be kept in separate files until such time the incident is resolved and up to three years. Scanned copies of the incident can be made and stored in the electronic files. Post 2010 all files will be kept electronically and paper copies will be disposed of at the beginning of each year.

### Related Form Work: See Appendix A

Illicit Discharge Tracking Sheet  
 Follow up Investigation Sheet  
 Smoke or Dye Testing Contact Sheet  
 Illicit Discharge Detection and Elimination Ordinance

## CHAPTER 13: EVALUATION OF THE IDDE PROGRAM

### Introduction

The NDEQ recommends that the IDDE component include procedures for program evaluation and assessment. Program evaluation is the time to step back, look at what has been done, determine what worked and what didn't, and make adjustments to planned future actions as appropriate in the City of Kearney. This final component of the IDDE Manual outlines how we will go about evaluating the IDDE Program.

### 13.1 Evaluation Strategy

Evaluation procedures will include documentation of actions taken to locate and eliminate illicit discharges. Such documentation may include numbers of outfalls screened, complaints taken and investigated feet of storm sewers videotaped (if any), numbers of discharges eliminated, and number of dye or smoke tests conducted (if any). Note that this component of the IDDE Manual fits in with the overall Phase II requirements for identifying measurable goals for each BMP and reporting on progress toward achieving those goals. Determining the impact of these actions is more of a challenge, but it is an important part of the overall process because the NDEQ allows for adjustments to the stormwater management program over the life of the permit. Assessment of what worked and what didn't provide the information needed to make these adjustments to the City of Kearney IDDE Program.

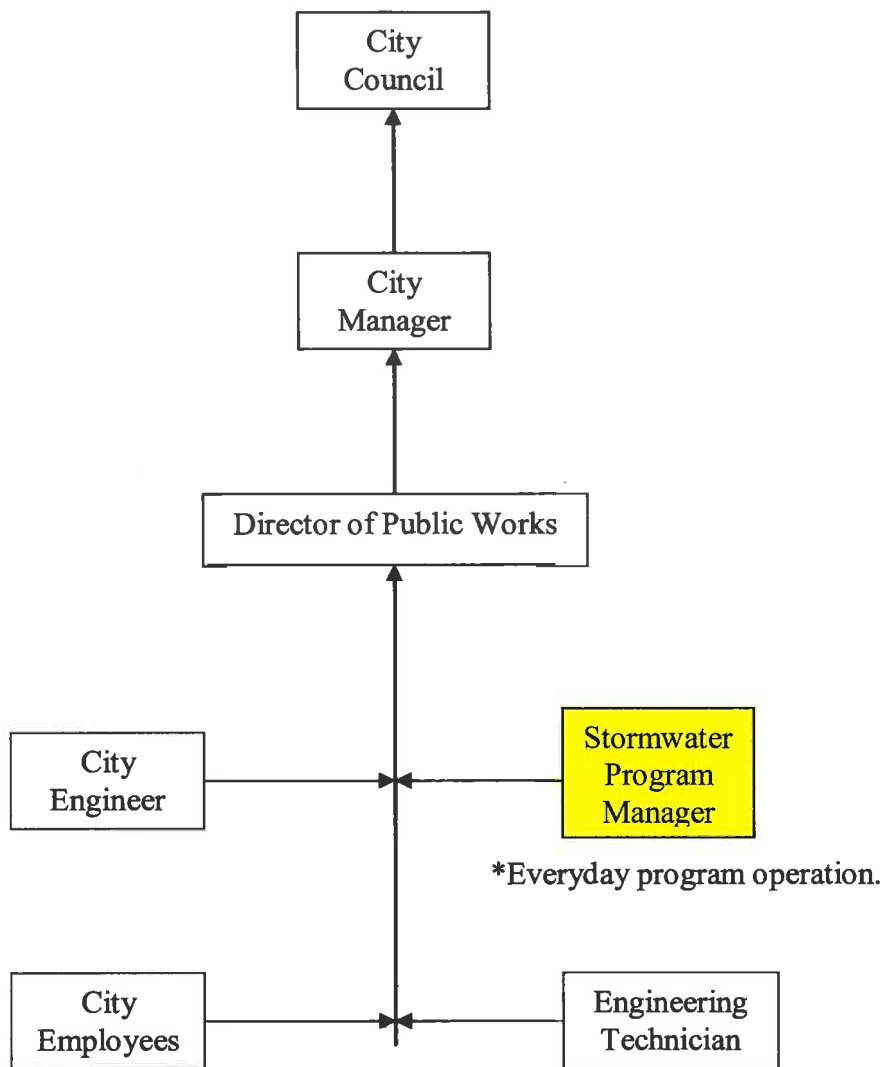
Some steps for assessing the effectiveness of the cities IDDE strategies include:

- Evaluate the number of possible illicit discharges that were detected using different detection methods, to help determine which detection methods are most effective.
- Evaluate the number of discharges and/or quantity of discharges eliminated using different possible enforcement and compliance measures.
- Program evaluation will also include procedures for considering efficiency and feasibility. Questions to answer include:
  - How much staff time and expense did it take to achieve a given result?
  - Were practical difficulties encountered with this approach? What were they, and how much of a problem did they present?

The strategies listed above are only suggestions. Because the City of Kearney is allowed a great deal of flexibility in determining what procedures it will use for program evaluation and assessment, the procedures that will be most helpful in providing the information needed to move forward with the IDDE Program will be decided as the Program develops.

Program evaluation will be done at least once every permit term. However, this will not limit the operators of the programs in changing needed procedures at anytime, if the need for adjustment is discovered.

## CHAPTER 14: IDDE Program Management Flow Chart



All City of Kearney are trained on spill response and the need to report discovered illicit discharges to the program manager. It should be known by all city departments that when first receiving an illicit discharge report all information on the discharge should be forwarded to the Public Works Department immediately. When forwarding information on a discharge the following chain should be used for first contact, starting with the Stormwater Program Manager. If not available continue down the list.

- Stormwater Program Manager
- Engineering Technician
- Public Works Secretary
- City Engineer
- Street Superintendent
- Director of Public Works

## CHAPTER 15: ANNUAL REPORTING

Specifically, Kearney will report, on an annual basis in the Annual Report, the number of inspections performed by the city for possible illicit discharges and whether an illicit discharge was confirmed.

The City of Kearney will provide, in the Annual Report a narrative status of the mapping effort and the number of outfalls mapped. The city will also report any changes to the protocols for ongoing field screening, mapping, and the reason for the changes.

The number of illicit discharges reported and the actions taken. Specifically, the city will report the number of instances when possible illicit discharges were found to be actual illicit discharges. The non-illicit discharges will be characterized (i.e. permitted discharge, irrigation return flow, stormwater).

The number and type of enforcement actions required will also be included in the annual report.

The 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 will be included in the Annual Report.

The 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 will be included in the Annual Report.

## CHAPTER 16: EDUCATIONAL ACTIVITIES

The City of Kearney has developed an Educational Program as a component of its MS4 Permit. Our communications and education efforts have sought to create awareness of the various MS4 program measures which include the Illicit Discharge program. The educational program outreach effort targets appropriate opportunities, such as promotional billboards, business specific mailings, internal employee training, and other various means. Kearney's Illicit Discharge educational program is targeted primarily toward employees. As the program develops further, we will look for ways to broaden the audience. The general public is being reached through distribution of educational materials. The extent of the program will depend upon available funding.

### **Educational Activities for Illicit Discharges & Reporting Procedures**

Kearney's Illicit Discharge Program addresses the requirements of Part IV.B(3)(a)(2) of the MS4 Permit. The program includes:

- Inform Public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

These program communications cover information about:

- Defining what an illicit discharge consists of,
- What distinguishes an illicit discharge,
- Identifying the telltale signs of an illicit discharge,
- Warning against dumping motor vehicle fluids and toxic materials into stormdrains,
- Encouraging reporting of potential illicit discharges via the hotline, and
- Explaining what should be noted when reporting a potential discharge, including:
  - Location where potential discharge is observed,
  - Description of the suspected illicit discharge, and
  - Any other site-specific relevant information.

Various communications tools have been, and will continue to be, used to increase awareness and understanding of the need for reporting potential illicit discharges. These tools are described later in this section. As necessary, these tools will be updated and new communication techniques will be implemented.

### **Educational Activities to Promote Proper Management and Disposal of Toxic Materials**

Kearney's program to promote proper management and disposal of toxic materials addresses the requirement of the MS4 Permit. This program area focuses on educating employees on the proper procedures to reduce pollutants and ways to identify areas that we can reduce the probability for illicit discharges from our operations.

To address these items/actions, the Program consists of:

- Communications – The initial promotional effort includes: the development and distribution of educational materials, billboards, the web site, and educational events such as an annual Nebraska Outdoors Expo, with messages on proper disposal of toxic materials. A description of these program tools is given below.
- Facility Runoff Control Plans – Development of preliminary runoff control plans have been completed at priority facilities. Plans are in place to re-evaluate all city owned facilities to determine if they would be classified as a hot spot facility and in need of a runoff control plan. Facilities classified as hot spot locations will be the main focus of the runoff control plan and facility inspection processes.



### **Promotion of Pollution Runoff Control Procedures at Maintenance Facilities**

The employee education program to promote proper management and disposal of toxic materials is also accomplished in tandem with the development of Facility Runoff Control Plans (FRCP). These plans are developed with the facility manager of each site. The plans describe procedures used to prevent and reduce pollutants in stormwater runoff through assorted measures, including properly disposing of toxic materials and motor vehicle fluids. The plans call attention to the need to manage, properly store and dispose of materials such as motor oil, hydraulic and transmission fluids, paints, herbicides, degreasing solvents and antifreeze, trash and debris collected from roadways, known or unknown hazardous wastes and materials collected from street sweeping operations.

The plans are site-specific, identifying potential pollutants, current site practices, and if required, recommended control measures. Where applicable, the frequencies of control measures are specified, along with a schedule of implementation for best management practices. The FRCP plan is, in itself, a communication tool to guide activities. In the future, program communications will incorporate information highlighting the role, existence and contact information for the hazardous materials response team. Typical actions, which are incorporated into several FRCPs will be summarized in a technical bulletin, written on a periodic basis and distributed as a form of education tools.

### **Communication Tools**

The program includes, but is not limited, to the development and dissemination of the following tools.

### **Training Videos**

Videos specific to the training of employees on the proper way to conduct everyday activities related to their job in order to reduce the probability of contributing to pollution. These videos may also outline spill response procedures and reporting procedures. A large focus is put on employees being able to identify areas within their job description that are in need of altered procedures that will assist in our overall goal of eliminating pollution from our operations.

### **Posters**

In the past the educational program has included the development and distribution of a poster promoting reporting illicit discharges by employees. Posters are distributed to city facilities. In the future, we will approach other governmental offices and public places as a means of expanding its distribution of posters to others outside of the City of Kearney arena.

### **Bulletins**

The educational program includes broad-based outreach to its employees. Various bulletins for stormwater topics have been developed and distributed. The bulletins cover information about specific ways to control pollutants from being dumped into storm drains. It alerts readers to the telltale signs of an illicit discharge so they are more knowledgeable about what might be a problem and ways that their operations do not become the problem. Some also outlines items that an employee should take note of and report. Finally, the bulletins have addressed “spills” and distinguished these from illicit discharges.

### **Website**

The City of Kearney web site presents information related to the MS4 Permit and water quality. Information is included under the “Stormwater” section of the cities web site, and more material also on the Nebraska H2O web site. The web site addresses are: [www.cityofkeareny.org](http://www.cityofkeareny.org) and [www.nebraskah2o.org](http://www.nebraskah2o.org) . The site includes general information about water quality, as well as specific information relevant to illicit discharges. Technical bulletins are also posted in the web site. In the future, the “Frequently Asked Questions” section will be expanded to include Illicit Discharge Detection and Elimination: Program Guidance Manual

information relevant to reporting illicit discharges as well as tips and guidelines for the proper disposal of toxic materials and motor vehicle fluids.

### **Future Communication Tools**

As the Illicit Discharge program develops, additional educational materials or educational efforts may include:

- **Flyer/Bulletin** - develop a flyer or bulletin highlighting typical materials and control measures that must be implemented at facilities. This concisely written educational tool would serve as a supplement to reinforce good housekeeping activities at facilities. These flyers would be distributed at all city employees, as well as in conjunction with any City of Kearney-sponsored training or conferences.
- **Web site** - Expanding the web sites to include a page and links to the various facility runoff control plans as they are developed.
- **Training** - providing presentation materials, handouts to be distributed in tandem with existing or scheduled training exercises. Other ways that may be cost-effectively employed is to “piggy-back” these topics into weekly or regularly scheduled safety meetings.

### **Typical Education and Distribution Schedule**

The following schedule will be the goal of employee education along with public education as it pertains to Illicit Discharge:

- **Employee Training Video:** Annually
- **Employee Training Bulletin:** Quarterly
- **Billboards:** Annually (as funding is available)
- **TV promotions:** Annually (as funding is available)
- **Business Specific Mailers** As Needed
- **Individual Specific Mailers** As Needed