

ATTENTION CONSTRUCTION SITE OPERATORS: IF YOU'RE DISTURBING MORE THAN ONE ACRE OF LAND, YOU MUST HAVE A SPDES PERMIT

During a recent conversation with a friend about an athletic field his company was in the process of renovating, I asked how difficult it had been to get approval for the project considering the EPA Phase II stormwater regulations. He answered that there had been no problem, as the project was less than five acres. **Whoa!** When I informed him that, as of 2003, the threshold was not five acres but one acre, he nearly lost his mind.

Here is some background on the "new" stormwater regulation, which was published on January 8, 2003:

Beginning in 1992 through March 2003, operators of construction sites that caused the disturbance of land of five or more acres could gain permit coverage from the New York State Department of Environmental Conservation (NYSDEC) for stormwater discharges from those activities under New York SPDES General Permit GP-93-06.

Beginning in January 2003, the threshold for land disturbance activity was reduced from five acres to one acre. Since then, construction site operators seeking to gain coverage under SPDES General Permit GP-02-01 have been required to submit a Notice of Intent (NOI) to NYSDEC requesting the coverage for stormwater discharges associated with proposed construction activity.

NYSDEC also requires that construction site operators prepare a Stormwater Pollution Prevention Plan (SWPPP) that includes at a minimum a description of the construction activity; the calculated quantities of stormwater runoff for specified rain events; and a description of the stormwater Best Management Practices that will be implemented both during and after construc-

tion to minimize water quality impairment. Upon review and approval of the NOI, including the SWPPP, NYSDEC will acknowledge coverage under SPDES General Permit GP-02-01 by issuing a site-specific Registration Number to the construction site operator. (This requirement does not apply to the construction of a single family residence.)

It's important to note that the SWPPP must adhere to specific design standards and mitigation practices as published by NYSDEC. If the SWPPP deviates from these technical standards, an applicant must identify in the NOI each of the deviations being sought. The applicant must then explain why the deviations are needed; what impacts to water quality can be expected if the deviations are allowed; and actions that local board(s) have taken with respect to the deviation(s). If an applicant cannot certify conformance with the NYSDEC technical standards, the SWPPP must be certified by a licensed/certified professional, such as an engineer or architect, that the SWPPP has been developed in a manner that will insure compliance with water quality standards and with the substantive intent of this permit.

Do you currently have a construction project that will disturb more than an acre? If so, you need to know that you must comply with the NYSDEC permitting process and factor it into your budget and schedule. If you fail to do so, possible consequences may include fines or the closing down of your job site.

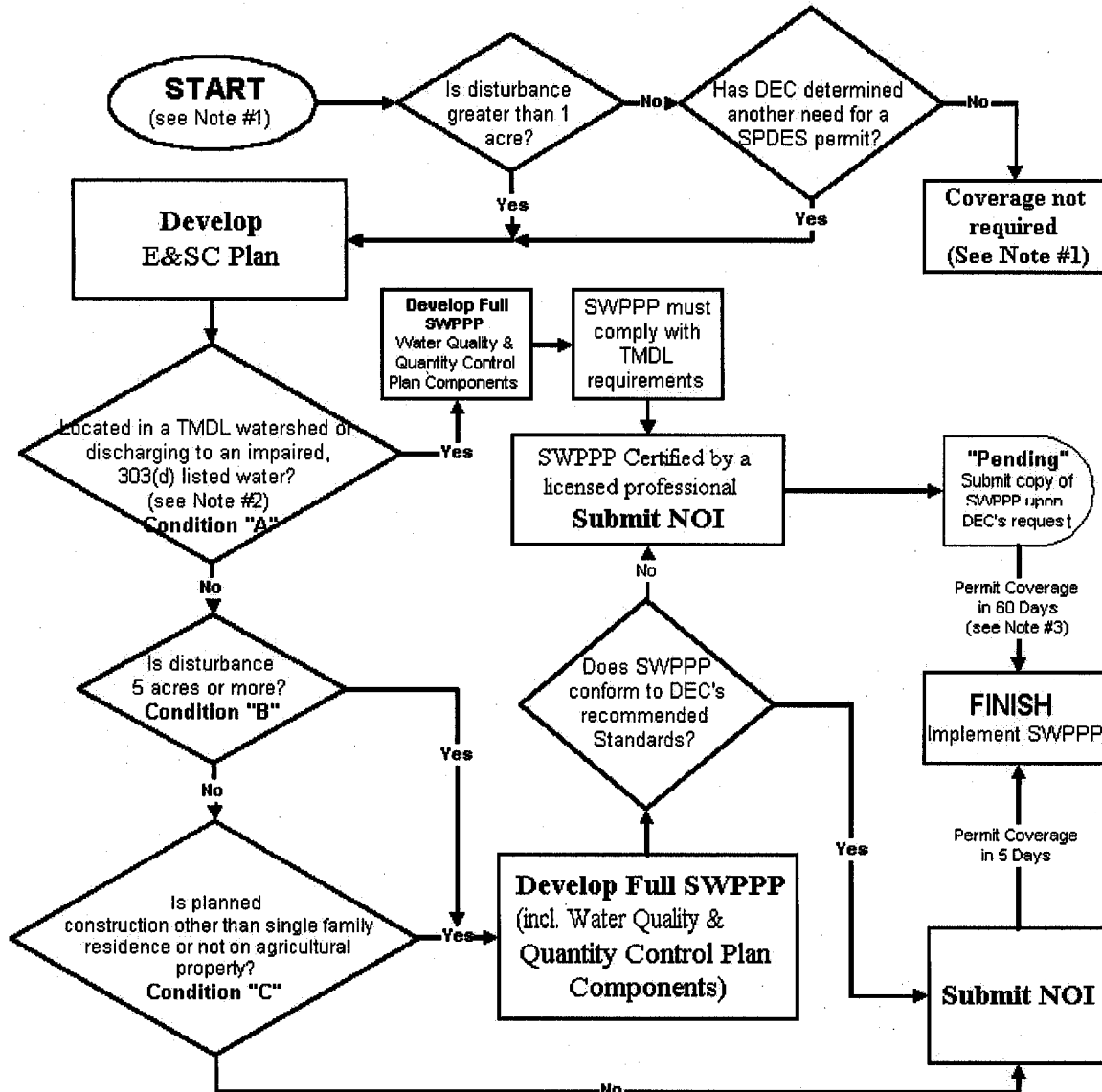
– Jeff Jones, P.E.

If you have any questions or would like to discuss this subject further, contact Jeff Jones at 914.232.2500 or at jeff.jones@jrfa.com.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES
FROM CONSTRUCTION ACTIVITY

SWPPP and Stormwater Permit Process



NOTES:

1. Under any of the above conditions other environmental permits may be required. DEC may require permit for construction disturbance < 1 acre on a case by case basis.
2. **and** the following exists: construction and/or stormwater discharges from the construction or post-construction site contain the pollutant of concern identified in the TMDL or 303(d) listing.
3. After receipt by DEC of completed application.