

## The Problem with Stormwater

Stormwater is water from rain or melting snow that doesn't soak into the ground but runs off into waterways. As stormwater flows from rooftops, over paved areas and lawns it picks up debris, chemicals, motor oil, animal waste and other pollutants. Stormwater can flow into a storm sewer system or directly into a lake, stream, river or wetland, potentially contaminating the water we use for drinking, swimming and fishing. Polluted runoff is the nation's greatest threat to clean water.

Stormwater carries the residue of urban living. Toxic chemicals from automobiles, sediment from construction activities, bacteria from animal wastes and careless application of pesticides and fertilizers threaten the health of the waterway and can kill fish and other aquatic life.

## Stormwater Management

Stormwater management, especially in urban areas, is becoming a necessary step in seeking reductions in pollution in our waterways and presents new challenges. More often than not, end-of-pipe controls are not the best answer for removing pollutants from stormwater runoff. Pollutants in runoff enter our waterways in numerous ways and the best method of control is usually at the pollutant's source.

The US Environmental Protection Agency and the New York State Department of Environmental Conservation are addressing stormwater management in several ways. A federal regulation, commonly known as Stormwater Phase II, requires permits for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas and from construction activities disturbing one or more acres. To implement the law, the NYSDEC has issued two general permits, one for MS4s in urbanized areas and one for construction activities. The permits are part of the State Pollutant Discharge Elimination System (SPDES).

## Construction Permit Notice of Intent

Section 402 of the Federal Clean Water Act requires permits for stormwater discharges from construction activities that disturb one or more acres of land. To obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01), you must prepare a Stormwater Pollution Prevention Plan and submit a Notice of Intent (NOI) before beginning construction.

## For More Information:

Visit our website:

[www.dec.state.ny.us/website/dow/mainpage.htm](http://www.dec.state.ny.us/website/dow/mainpage.htm)

If you don't have web access, you can obtain written material by calling 518-402-8265, or call the local DEC regional office.

## Tools available from the DEC website:

SPDES General Permit for Stormwater Discharges from Construction Activity (GP-02-01)

Overview of the SPDES General Permit for Stormwater Discharges from Construction Activity

Instruction Manual for Stormwater Construction Permit

[New York Standards and Specifications for Erosion and Sediment Control](#) (New draft for download)

[New York State Stormwater Management Design Manual](#) (New draft for download)

[Reducing the Impacts of Stormwater Runoff from New Development](#) (No longer in print, scanned publication available on web)

Frequently Asked Questions

Permit Forms for download and filing electronically



Central New York Regional Planning & Development Board  
126 North Salina St., 100 Clinton Square, Suite 200, Syracuse, NY 13202  
phone: (315) 422-8276 fax: (315) 422-9051 [www.cnyrpd.org](http://www.cnyrpd.org)

George E. Pataki, Governor  
State of New York



Erin M. Crotty, Commissioner  
NYS Department of  
Environmental Conservation



# Stormwater Phase II

## Construction Permit Regulations

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION

SPDES General Permit for Stormwater Discharges  
from Construction Activity  
Permit No. GP-02-01



If your project disturbs **one or more acres** of land, including:

Clearing and grubbing  
Filling  
Clear-cutting

Grading  
Excavation  
Demolition

you are required to have a permit for stormwater discharges from the site.

## Stormwater and the Construction Industry

The construction industry is a critical participant in the nation's efforts to protect streams, rivers, lakes, wetlands and oceans. Through the use of best management practices (BMPs), construction site operators are the key defense against erosion and sedimentation.

Construction and development increase the amount of impervious surfaces in our watersheds, thus increasing runoff to waterways. As stormwater flows over a construction site, it picks up pollutants like sediment, debris and chemicals. The elevated flow rates result in increased erosion and sedimentation downstream, and destroy aquatic habitat. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impact, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed BMPs and mitigate damage to other people's property or to natural resources.



*Rain could easily wash this loose soil into the catch basin, through the storm sewer and into a nearby stream, causing a water quality standards violation that could cost the site operator up to \$37,500 a day.*

## Stormwater Pollution Prevention Plan

A SWPPP is a plan for controlling runoff and pollutants from a site during and after construction activities. The principal objective of a SWPPP is to comply with the DEC SPDES Stormwater Permit for construction activities by planning and implementing the following practices:

- ◆ Reduction or elimination of erosion and sediment loading to waterbodies during construction
- ◆ Control of the impact of stormwater runoff on the water quality of the receiving waters
- ◆ Control of the increased volume and peak rate of runoff during and after construction
- ◆ Maintenance of stormwater controls during and after completion of construction

## How Do I Obtain Stormwater Construction Permit Coverage?

**If your construction project will disturb between 1 and 5 acres of soil:**

- 1) Develop a *Basic* Stormwater Pollution Prevention Plan (SWPPP) in accordance with the New York Standards and Specifications for Erosion and Sediment Control
- 2) Submit a Notice of Intent (NOI) to the NYS DEC
- 3) Begin construction after a five-business-day DEC review period

**However, if you are:**

**Disturbing more than 5 acres, or Developing lots in a subdivision, or Constructing something other than a single-family residence, such as an apartment complex, town houses, commercial or industrial building**

- 1) Develop a *Full* Stormwater Pollution Prevention Plan, with post-construction stormwater controls (Water Quality and Water Quantity component)

*If the Plan conforms with the New York State Stormwater Management Design Manual:*

- 2) Submit an NOI to the DEC
- 3) Begin construction after a five-business-day DEC review period

*If the Plan deviates from the Design Manual:*

- 2) Have the SWPPP certified by a licensed professional
- 3) Submit an NOI to the DEC
- 4) Begin construction after a sixty-business-day DEC review period

**Although, if your site is:**

**In a TMDL watershed, or directly discharging to an impaired 303(d) waterbody or man-made conveyance (Even if the soil disturbance is less than 5 acres)**

- 1) Develop a *Full* SWPPP with post-construction stormwater controls
- 2) Have the SWPPP certified by a licensed professional
- 3) Submit an NOI to the DEC
- 4) Begin construction after a sixty-business-day DEC review period

**When final site stabilization has been completed:**

- ◆ File a Notice of Termination (NOT) with the DEC

## Basics of a Stormwater Pollution Prevention Plan\*

**Narrative Report** describing pre-development conditions and details of the planned project

**Maps** illustrating the site location, topography, drainage area, existing and proposed structures, natural resources, erosion and sediment control and stormwater control structures

**Erosion and Sediment Control Plan**

**Water Quality Control**

**Water Quantity Control**

**Construction Sequence Schedule**

\* For a complete description of required SWPPP components please refer to the *Instruction Manual for Stormwater Construction Permit*.

*Stormwater retention basins are one of the most effective solutions for water quality and water quantity control in large developments and subdivisions.*



## Important Terms

**Operator:** The person(s) or legal entity which own or lease the property where construction will occur.

**Licensed Professional:** Licensed Professional Engineers, Registered Landscape Architects or Certified Professionals in Erosion and Sediment Control are qualified to develop and certify a SWPPP.

**TMDL and 303(d) Waterbodies:** Section 303(d) of the Clean Water Act requires states to identify Impaired Waters where specific designated uses are not fully supported. In order to restore and protect these Impaired Waters, Total Maximum Daily Loads (TMDLs) or other strategies have been developed to reduce the input of pollutants that restrict waterbody uses.

File your Notice of Intent electronically at: [www.dec.state.ny.us/apps/noi/index.cfm](http://www.dec.state.ny.us/apps/noi/index.cfm) and mail your NOI to:

**NYS DEC "Notice of Intent"  
Bureau of Water Permits  
625 Broadway  
Albany NY 12233-3505**

*Note: A Stormwater Pollution Prevention Plan must be prepared before submitting the NOI.*