

Construction Activities Stormwater Checklist for Owner/Operator



For compliance to (*jurisdictional authority*) Construction and Post-Construction Site Stormwater Pollution Prevention and Erosion and Sediment Control Ordinance

And

New York State Department of Environmental Conservation
SPDES (State Pollution Discharge Elimination System) Permit GP-0-10-001

Who does this apply to?

- This applies to the *Owner or Operator** that has operational control over construction activities involving soil disturbances of 1 or more acres of land, including disturbances of less than one acre that are part of a larger plan of development. **Please check with the MS4 for any additional requirements for disturbances less than 1 acre.**
- No person shall be granted final site plan approval or a permit without the review and approval of a Storm Water Pollution Prevention Plan (SWPPP) by the (*jurisdictional authority*).
- The permit process starts with the *Owner or Operator** hiring a *Qualified Professional** to develop and certify a SWPPP which describes Erosion and Sediment Control, Stormwater Management, and Pollution Prevention Practices.
- A SWPPP must be prepared **prior** to the submittal of the application for a general permit Notice of Intent (NOI) to the NYSDEC.

Process for Submitting an Notice of Intent (NOI)

- Once the SWPPP has been prepared, developer must submit the plan to the regulated Municipal Separate Storm Sewer System (MS4) authority for approval. Once reviewed and accepted by the MS4, the MS4 will sign a "SWPPP Acceptance Form" and return it to the developer. The developer must then submit the SWPPP Acceptance Form and an NOI to NYSDEC for permit coverage. If project is not located in a regulated MS4 area, a SWPPP Acceptance Form is not required.

Note: An NOI for a project located in an MS4 area must be accompanied by a signed SWPPP Acceptance Form or the application will be deemed incomplete and permit coverage will be denied.

____ If disturbing more than 5 acres at one time, applicant must have prior written approval from the regulated MS4. If not in regulated MS4, must have prior written approval from NYSDEC.

____ If SWPPP is not in compliance with the technical standards from the NYS Erosion and Sediment Control Standards and Specifications, the applicant must have prior approval from the regulated MS4. If not in regulated MS4, must have prior approval from NYSDEC.

- Once all other local requirements of the (*jurisdictional authority*) are met, construction activity may begin 5 business days after submission of the NOI and MS4 Acceptance Form to the NYSDEC if the following conditions are met:

- _____ The required Erosion and Sediment Control component of the SWPPP, in conformance to the New York State Standards and Specifications for Erosion and Sediment Control (aka Blue Book), is completed, unless prior authorization by MS4 to use non-conforming standards.
- _____ The *construction activities** are eligible under this general permit.
- _____ The post-construction runoff of the site will not discharge a pollutant of concern directly to an impaired water identified on the NYSDEC's 303(d) list.
- _____ Permanent stormwater management facilities comply with the most recent version of the NYS Stormwater Management Design Manual, unless prior authorization by MS4 is granted for non-compliance with the design manual.
- _____ The applicant will receive an approval letter (NOI Acknowledgement Letter) from the NYSDEC granting permit authority and issuing a permit identification number. Once this letter is received a copy should be submitted to the (*jurisdictional authority*) and available for review on the construction site.

Requirements for the Owner or Operator during construction

- The SWPPP must identify the contractor(s) and subcontractor(s) that will be responsible for the erosion and sediment control practices and stormwater management practices. The *Owner or Operator* shall have each of these contractor(s) and subcontractor(s) identify at least one *trained individual** from their company that will be responsible for implementing the SWPPP. The owner or operator shall ensure that at least one *trained individual** is on site on a daily basis when soil disturbance activities are being performed.
- The *owner or operator* must have a *qualified inspector** conduct regular inspections at least once per week, or 2 times per week if soil disturbance is over 5 acres, to ensure erosion and sediment control practices on site are adequately functioning.

Process to Terminate Permit Coverage; Notice of Termination (NOT):

- When the entire project is completed and reached *final stabilization** (soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of 80 percent over the entire pervious surface has been established), and that all temporary, structural erosion and sediment control measures have been removed and all post-construction stormwater management practices have been constructed in conformance with the SWPPP. A final certified inspection report is required from the *qualified professional** for the permit coverage to be terminated. For construction activities located in MS4 areas, the owner or operator is required to have the MS4 sign the "MS4 Acceptance" statement on the NOT. To cancel or transfer ownership of this SPDES General Permit, you must submit a Notice of Termination (NOT) form. If transferring the NOI, *owner or operator** must notify new owner in writing of requirement to obtain permit coverage. Failure to submit a NOT will result in the billing of annual regulatory fees.

- _____ A copy of the signed NOT by the owner, Qualified Inspector, and the MS4 (*if subject to MS4 area*) must be submitted to both the NYSDEC and the (*jurisdictional authority*).

****For further information, NOI Application Form, definitions, Copy of the GP-0-010-001, and references please see the NYSDEC Stormwater Website at:***

<http://www.dec.ny.gov/chemical/8468.html> or by calling the NYSDEC at 518-402-8109