

Stormwater Regulation Update by Peter G. Vars, P.E.

As reported on in our last newsletter, the NYSDEC issued a new General Permit on January 8, 2003 which regulates stormwater discharges from construction activities which disturb greater than one acre.

A change resulting from the new permit is that the minimum time frame to file the N.O.I. prior to construction has been increased from 2 days to 5 days. If the proposed SPPP deviates in any fashion from the DEC Design Manual, the N.O.I. must be filed 60 days prior to construction, and include the SPPP with an explanation as to why the manual is not being followed and how stormwater quality will not be adversely affected by the proposed deviation.

Additionally, municipalities will now be requiring owners and their contractors to be more vigilant concerning erosion control during construction. This will include preparation of a separate construction erosion control plan, a sequence of construction plan, including phased construction and restoration where possible, regularly scheduled site meetings that are to be documented to review the implementation of the SPPP, and the stabilization and seeding of all disturbed areas within 21 days of completion of work within any given area. The municipalities may even require the owners and the contractors to sign the erosion control plans to indicate their understanding and intent to comply with the plan.

At a January 15, 2003 meeting with NYSDEC, and a subsequent conference conducted by DEC on February 28, 2003, NYSDEC informed us that the technical changes required by the new permit will likely require additional time for plan review and approvals, larger land areas for management facilities, and more stringent oversight; all as a result of the more stringent stormwater control requirements.

For further information on the permit and how it may affect you, please contact our office. You may also wish to visit our website, www.bmepec.com to review our January 2003 newsletter, or see the RHBA February newsletter for additional articles concerning the new permit. Additional information on the permit program, including the permit itself, can be found at the DEC website at www.dec.state.ny.us/website/dow/PhaseII.html.