

Phase II SPDES Permits - Optimizing Costs Associated with the New Requirements by David E. Wood, CSI-CDT

As covered in previous Newsletter issues, as well as informational updates to our current client base, all site construction involving disturbance of more than one acre now falls under the stringent requirements of New York State's Phase II Stormwater Program. One of several new responsibilities of the Owner under this program, NYSDEC GP-02-01, is to provide "routine monitoring" of the erosion control practices on all sites until the re-establishment of groundcover is achieved. Inspection and reporting must be accomplished on a weekly basis at a minimum, and within 24 hours of any storm event of 0.5 inches of rain or greater. Reports must also be filed at the commencement and termination of each project, in addition to quarterly summaries. Reporting must be accomplished in a format acceptable to the appropriate municipality and all monitoring activities must be accomplished by, or under the direct supervision of, a licensed Professional Engineer, Landscape Architect, or a Certified Professional in Erosion and Sediment Control (CPESC).

There's no escaping the fact that meeting the requirements of the Phase II Program will result in additional costs to the Owner for most current or future site development projects in New York State. As unduly burdensome as this may seem however, it is possible to maximize the benefits from the costs associated with this portion of the new regulations. BME has several years experience of providing these monitoring services under the Phase I (NYSDEC GP-93-06) version of these regulations for previous projects, as requested by the Owner, in addition to performing these duties under current Phase II projects. We have found that conscientiously including normal "construction observation" tasks, whenever possible, with the required erosion control site visits results in greatly reducing the increased costs to the Owner. By using the newly mandated site visits to accomplish routine construction services such as contractor coordination, quantity verification, quality control monitoring, observation & testing for MCWA/MCHD, etc., we can effectively minimize increased costs during the construction phase of site projects.

BME currently has 5 licensed professionals (PE's and RLA's) qualified to provide oversight for the new Phase II monitoring requirements. In addition to our normal policy of encouraging the professional licensure for our Engineers, Landscape Architects, and Land Surveyors, we are currently training staff members to receive the newly established certification as CPESC's to further increase BME's recognition as a leader in this field. The respect and reputation BME currently enjoys with the NYSDEC and area municipalities is of great benefit to our clients in regard to all aspects of these new regulations. Recognizing that many of the new requirements of the Phase II Program result in making site development more time consuming and costly, BME will continue to approach all aspects with the Owner's best interests foremost in importance.