

Stormwater Permits Update - A Field Perspective by David E. Wood, CSI-CDT

Previous newsletter articles, as well as project specific correspondence to our clients, have covered the anticipated requirements and effects of NYSDEC's Phase II SPDES Stormwater Regulations. The actual results of implementing these regulations could not be fully evaluated prior to determining the interpretation and approach of the individual Governing Agencies involved. Having completed a full construction season under GP-02-01, we would like to summarize the status of site work construction under the more stringent requirements of this program.

Our original understanding of the various factors within this program has proven to be valid, and our approaches to achieving compliance have been effective. BME has been successful in minimizing costs involved with coordination and monitoring of Stormwater Permits by combining the field time required with more routine construction observation tasks. Our approach to satisfying the monitoring and reporting aspects, while as cost effective as possible for the Owner, has been well received by NYSDEC, local Municipalities, and area Soil and Water Conservation Services. We are currently revising our reporting formwork, based on the 1st year's experience. Combining the best features of our original forms with those established by NYSDEC will further increase efficiency, while increasing the value provided through the mandatory notification and reporting system. BME is continuing to train staff members for certification under the newly established Certification Professional in Erosion and Sediment Control (CPESC), and to incorporate the new Phase II requirements into design aspects of each project.

While all parts of the new regulations are important, based on our initial experiences, we have determined that particular emphasis should be placed on the following:

1. SWPPP Site Package. We've established a system of providing copies of the NOI to both the Contractor Construction Meetings. The 1st thing any Governing Agency has required on a site visit is to see the NOI posted, and a copy of the Erosion Control Plans, Contractors Certifications, and Monitoring Log available on site.
2. Sequence of Construction. Strict adherence to the 'Sequence of Construction' shown on approved plans has routinely been of prime importance to Governing Agency representatives. Any diversion from the sequence noted should be reviewed and approved by the local Municipality, and documented by the Engineer.
3. Temporary Seeding. Temporary groundcover must be established within 21 days of completing any portion of the grading. Beginning site utilities prior to final earthwork completion will require establishing groundcover over those areas where minimal future disturbance will occur. This portion of the regulations is being diligently monitored and enforced by Governing Agencies.
4. Maintenance. Maintenance, cleaning, and repair of erosion control features is considered a critical component of compliance with the new regulations. All actions recommended in our weekly reports should be accomplished without delay.
5. Permanent Seeding. Application of permanent seeding, along with mulches and fertilizer, must be accomplished within the time schedules included in the SPDES Phase II regulations. Once established, permanent ground cover is the best way to satisfy erosion control concerns of Governing Agencies.

In summary, whether perceived as burdensome or not, the increased erosion control requirements included with GP-02-01 will be affecting site work for the foreseeable future. Phase II Permits must remain in place until a minimum of 80 % of permanent groundcover is established, including anticipated disturbance from individual home building activities. Governing Agencies are taking their responsibilities seriously in regard to overseeing and enforcing these regulations, with significant penalties associated with non-compliance through fines and/or work stoppages. Unannounced site visits and inspections are routinely being accomplished by NYSDEC and their designated representatives. All sites monitored by BME under the SPDES Phase II Program have successfully completed the 1st year under the increased scrutiny of this program. We will continue to strive to address regulatory issues in the most efficient and professional manner possible, and welcome any input or questions on this subject.