

New York State Department of Environmental Conservation

Division of Water, Region 7

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Erin M. Crotty
Commissioner

NOTICE Permit Needed for Construction Activities

If your construction operations result in the soil disturbance of 1 acre or greater, the stormwater runoff from your site must be covered by a State Pollutant Discharge Elimination System (SPDES) Permit for Stormwater Discharges from Construction Activities issued by the New York State Department of Environmental Conservation (NYSDEC).

To facilitate your compliance with the new regulations, NYSDEC has issued a General Permit (GP-02-01) which may be applicable to your project. To obtain coverage under this General Permit, you need to prepare a Stormwater Pollution Prevention Plan and then file a Notice of Intent (NOI) to the NYSDEC Headquarters in Albany. The NOI form is available on the DEC Website (www.dec.state.ny.us/website/dow/PhaseII.html) in the stormwater section. You may also obtain a copy of the NOI at the NYSDEC Regional Offices.

When you file your NOI you are certifying that you have developed a Stormwater Pollution Prevention Plan (SWPPP) and that it will be implemented prior to commencing construction activities. When you submit the NOI you need to indicate if your SWPPP is in conformance with published NYSDEC criteria; if it is, your coverage can be effective in as little as five business days. If your SWPPP does not conform to the DEC criteria or your site is within a State-listed TMDL or 303(d) watershed, coverage will not be available for at least 60 business days and construction cannot begin until such time. An instruction manual for preparing the NOI and SWPPP is available on the DEC website (www.dec.state.ny.us/website/dow/toolbox/swguid.html).

Failure to have the required Permit and SWPPP can result in legal actions which include Stop Work Orders and/or monetary penalties of up to \$37,500/day.

If your construction operations are already in progress and you are not covered by an appropriate NYSDEC Permit contact the NYSDEC Regional Office as soon as possible for assistance. If your construction field operations have not yet commenced, review the NOI and the General Permit information on the DEC Website or at the DEC Regional Office. When you have completed the SWPPP and can comply with the requirements then submit your NOI to Albany.

This requirement does not replace any local municipal planning or zoning requirements. Developers and Contractors are encouraged to contact local Code Enforcement Officers as well.

For further information or requests for assistance contact the NYSDEC Region 7 Division of Water at (315) 426-7500.