

Stormwater Permit for Construction Activity

Before commencing construction activity, the owner or operator of a construction project that will involve soil disturbance of one or more acres must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity.

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Permit

[SPDES General Permit for Stormwater Discharges from Construction Activity - GP-0-15-002 \(PDF\) \(853 KB\)](#). This permit was issued in January 2015 and was effective on January 29, 2015. The permit was modified on July 15, 2015 to correct a typographical error in the definition of "New Development" in Appendix A, and on November 23, 2016 to require the use, beginning February 1, 2017, of the recently updated NYS Standards and Specifications for Erosion and Sediment Control (dated November 2016).

State Historic Preservation Act (SHPA) Eligibility - GP-0-15-002

The Department and NYS Office of Parks, Recreation and Historic Preservation (OPRHP) have developed a process that an owner/operator of construction project shall use to identify and address potential impacts on archeological and historic resources. This process is documented in a Letter of Resolution (LOR) that was developed between the Department and OPRHP.

Construction activities that have the potential to affect historic and/or archeological resources would not be eligible for coverage under the general permit unless the screening and consultation process specified in the LOR has been completed and the required documentation demonstrating that potential impacts have been avoided or mitigated is obtained and maintained on site as required by the general permit (see Part I.F.8.). This documentation must be in place in order to complete and submit the NOI. Owners or operators should refer to the following documents for guidance on addressing this eligibility provision.

[Letter of Resolution \(LOR\) \(PDF\) \(357 KB\)](#) including the following

- Procedures
- Project exclusions Under 9 NYCRR Sections 428.12/428.13
- [SHPA Review \(OPRHP/DEC\) request form \(PDF\) \(1.95 MB\)](#)

[Cultural Resource Screening Process Flow Chart \(PDF\) \(139 KB\)](#)

[Resolution of Potential Cultural Impacts Flow Chart \(PDF\) \(129 KB\)](#)

Oil and Gas Well Drilling Activities

[Construction Stormwater General Permit requirements for Well Drilling Activities \(PDF\) \(34 KB\)](#) that are consistent with the 1992 Generic Environmental Impact Statement (1992 GEIS) for Oil and Gas Well Drilling.

Forms

The Notice of Intent for Construction Activity can now be completed online through the [NYSDEC eBusiness Forms Portal](#). (leaves DEC's website) **Users must be registered with NY.gov in order to use this system.** User guides and help on registering for the portal are available below and on the [portal information webpage](#).

The following forms are needed to comply with the requirements of the General Permit for Stormwater Discharges from Construction Activity - GP-0-15-002:



[Click for the eBusiness Portal](#)

- The Notice of Intent is a request for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (Modified October 2013).
 - Online eNOI - click the "Online Forms Login" button on the right of the page.
 - [eNOI Questions & Answers \(PDF\) \(66 KB\)](#) - Q&A for many common questions on the electronic Notice of Intent
 - [eNOI PowerPoint presentation \(PDF\) \(1.7 MB\)](#) - Slides, with notes, on how to fill out the eNOI. [September, 2014]
 - [Paper Notice of Intent \(PDF\) \(282 KB\)](#)
- [Notice of Termination \(PDF\) \(40 KB\)](#) for Construction Activities dated January, 2015
When a construction project is complete and has met the requirements of the construction permit, a Notice of Termination (NOT) form should be completed and submitted to the Department.
- [MS4 SWPPP Acceptance Form \(PDF\) \(47 KB\)](#) dated January, 2015
This form is used by a regulated, traditional land use control Municipal Separate Storm Sewer System (MS4) (e.g. town, city or village) to indicate acceptance of a SWPPP it has reviewed. To find out how to determine whether a project is subject to MS4 regulation, see the section on [Projects subject to MS4 regulation](#) below.
- [SWPPP Preparer Certification \(PDF\) \(505 KB\)](#) dated June, 2015
This form is to be used as part of the "Required SWPPP Components" section when preparing & submitting the eNOI. **This form is not to be used when submitting the *paper version* of the NOI.**
- [Owner/Operator Certification \(PDF\) \(52 KB\)](#)
This form is to be used as part of the "Owner/Operator Certification" section when preparing & submitting the eNOI. **This form is not to be used when submitting the *paper version* of the NOI.**

Supplemental Documents

- [Construction Stormwater Permit Fact Sheet - GP-0-15-002 \(PDF\) \(52 KB\)](#)< - January 2015 BR>This document describes how GP-0-15-002 differs from the preceding general permit.
- [Construction Stormwater Responsiveness Summary - GP-0-15-002 \(PDF\) \(306 KB\)](#)
This document includes the Department's responses to comments received during the public comment period on the draft Construction General Permit. (GP-0-15-002).
- [New York State Stormwater Management Design Manual 2015 Update Transition Policy \(PDF\) \(124 KB\)](#)

Steps to Authorization

In order to gain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity, an owner or operator must:

- Develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements in the General Permit for Stormwater Discharges from Construction Activity.
- Submit a completed [Notice of Intent \(NOI\) \(PDF\) \(147 KB\)](#) to the Department.
- Projects subject to MS4 regulation must submit a signed [MS4 SWPPP Acceptance Form \(PDF\) \(47 KB\)](#) along with their NOI. With some exceptions, an owner or operator of a construction project within the boundaries of an MS4 is required to have their SWPPP reviewed and accepted by the MS4 prior to submitting their NOI to the Department. Consult the [Stormwater Interactive Map](#) to determine whether your project is within an MS4. The map displays the automatically and additionally designated MS4 areas (regulated area). Some MS4s have extended their jurisdiction for SWPPP review to the municipal boundary; therefore, even if your project is located outside an MS4 regulated area, you should contact the municipal office to find out whether you need to submit your SWPPP for approval.