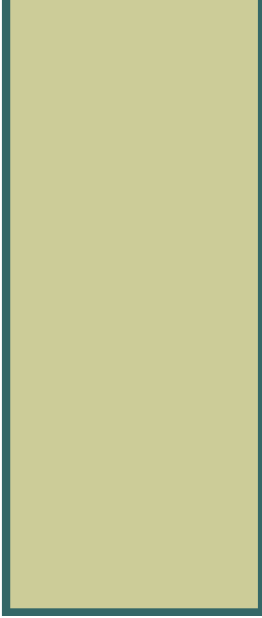


PHASE II CONSTRUCTION REQUIREMENTS AND YOUR DEVELOPMENT

*Courtesy of the Dutchess
County Soil and Water
Conservation District*



Making Phase II Easier for You



Phase II at a Glance

Polluted Runoff: A Dirty Secret

Stormwater is water from rain or melting snow that does not soak into the ground, but runs off. It flows from rooftops, over paved areas, bare soil and sloped lawns, while collecting and transporting a variety of materials on the way, including soil, fertilizer, oil, debris and other potential pollutants. The quality of runoff is affected by a variety of factors and depends on the season, local weather, geography and activities across the landscape. Polluted runoff degrades our lakes, streams, wetlands and Hudson River.

Phase II? I Didn't Even Know There Was a Phase I!

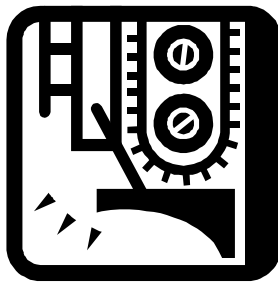
Phase II is the next step in the U.S. Environmental Protection Agency's effort to enforce the Clean Water Act. It expands the current construction program to require smaller construction sites to implement management practices to prevent polluted stormwater runoff.

It's Sedimentary, My Dear Watson

The construction aspects of the new Phase II regulations deal with erosion and stormwater runoff from all construction sites disturbing over one acre of soil. This law is applicable to construction sites in any municipality, regardless of whether or not it is a regulated MS4.

Small construction sites required to obtain coverage under this rule are:

- Individual sites with a total soil disturbance of one acre or more, or
- Any multiple-lot project with a combined soil disturbance of one acre or more.



What Do I Need To Do?

If your construction project will disturb more than an acre of soil, and it involves:

- Building a single-family home on a single lot, or
- A residential subdivision of less than 5 acres soil disturbance,

The site operator must:

1. Develop a Basic Stormwater Pollution Prevention Plan (SWPPP) in accordance with the New York Standards and Specifications for Erosion and Sediment Control.
2. Submit a Notice of Intent, based on the plan, to the DEC.
3. Begin construction after a 5 business day DEC review period.

In addition, if the project involves:

- Disturbance of 5 acres or more of soil, or
- Construction of anything other than single-family homes, such as apartment complexes, condos, offices, or commercial or industrial buildings,

The site operator must:

- Develop a Full Stormwater Pollution Prevention Plan (SWPPP) with water quality treatment and quantity control as well as erosion and sediment control.
 - If it conforms to the NY State Stormwater Management Design Manual:
 1. Submit a Notice of Intent, based on the SWPPP, to the DEC.
 2. Begin construction after a 5 business day DEC review period.
 - If it does not conform to the NY Stormwater Management Design Manual:
 1. Have the Full SWPPP certified by a licensed professional.
 2. Submit the Notice of Intent to the DEC.
 3. Begin construction after the 60 business day DEC review period.

Lastly, if the project will:

- Take place in a TMDL watershed, or
- Discharge to an impaired 303(d)-listed waterbody,

The site operator must:

1. Develop a full SWPPP with water quality and quantity treatment in addition to erosion and sediment controls.
2. Have the SWPPP certified by a licensed professional.
3. Submit their Notice of Intent to the DEC.
4. Begin construction after 60 business day DEC review period.



As always, if you have any questions about the new Phase II regulations, please call the Dutchess County Soil and Water Conservation District office at (845) 677-8011 ext. 3.

Definitions

Who is considered a licensed professional?

A licensed engineer, Certified Professional in Erosion and Sediment Control (CPESC), or licensed landscape architect are considered licensed professionals qualified to develop and/or certify a SWPPP.

Who is the operator?

The operator is the person, persons, or legal entity which owns or leases the property where the construction occurs.

What is a TMDL, and where can I find out if I'm in a TMDL watershed?

TMDL stands for Total Maximum Daily Load, and specifies the allowable pollutant loading from all sources to attain water quality standards. More information about TMDLs can be found on the DEC's web site at:

www.dec.state.ny.us/website/dow/tmdl.html

What is the 303d list, and where can I get it?

The 303d list contains all of the priority water bodies in New York State that have water quality impairments, and need TMDLs or other management strategies in order to restore their uses. A copy of the 303d list can be obtained from the Dutchess County SWCD office, or on the DEC's web site at:

www.dec.state.ny.us/website/dow/303dcalm.html

To help get you ready, the Construction Permit and Notice of Intent, as well as the New York Stormwater Design Manual and New York Standards and Specifications for Erosion and Sediment Control, can be obtained through the DCSWCD office, or the DEC's Stormwater Toolbox at: <http://www.dec.state.ny.us/website/dow/toolbox/toolbox.htm>

A more in depth discussion of the new Phase II regulations, as well as a flow chart of the SWPPP and Permit Process can be found on the NYSDEC's Stormwater Home Page at: <http://www.dec.state.ny.us/website/dow/mainpage.htm>

EPA's web site also contains useful information in their Storm Water Phase II Final Rule Fact Sheet Series at: http://cfpub1.epa.gov/npdes/stormwater/swfinal.cfm?program_id=6

What About...

What are the quality and quantity requirements for NYS?

What do I do if the project changes hands?

Who is responsible for maintenance?

Who can do inspections, and how often should they be done?

What about projects that were started before March 10, 2003?

Is permit coverage required if there will be no discharge to surface waters?

What if the nature of activities changes?

What about mosquitoes and stormwater?

Can natural wetlands be used for stormwater treatment?

What do I do when construction is completed?

The answers to these questions and more can be found on the DEC's Stormwater FAQ web pages in their Stormwater Toolbox. See below for the web address.

All the Information You'll Need