

## 7. Prevent Water Quality Violations.

**Definition:** A substantial visible contrast to natural conditions.



Violation of Article 17 of the Environmental Conservation Law

### FOR MORE INFORMATION:

Stormwater Coalition of  
Monroe County

[www.thestormwatercoalition.org](http://www.thestormwatercoalition.org)

Monroe County Soil and Water  
Conservation District  
(585) 473-2120 x3

[www.monroecountyswcd.org](http://www.monroecountyswcd.org)

New York State Department of  
Environmental Conservation  
(NYS-DEC)  
(585) 226-2466

[www.dec.ny.gov/chemical/8468.html](http://www.dec.ny.gov/chemical/8468.html)

# The N.Y.S. Department of Environmental Conservation's Stormwater Phase II Regulations

## What Every Contractor Needs to Know to be in Compliance



Stormwater Coalition of  
Monroe County



Monroe County Soil and  
Water Conservation District

### Overview

In 2003, the New York State Department of Environmental Conservation (NYS-DEC) adopted regulations requiring any construction site that disturbs 1 acre of soil or greater to obtain permit coverage under the NYS-SPDES construction permit and to develop a Stormwater Pollution Prevention Plan (SWPPP). The purpose of this plan is to reduce or eliminate erosion and prevent sediment from entering waterways during construction. The SWPPP is designed to control the impacts of stormwater runoff on receiving waters through the use of stormwater best management practices such as silt fence, check dams, and stabilized construction entrances.

### What is a Contractor Certification Statement?

- The SWPPP must clearly identify the contractor(s) and subcontractor(s) that will implement each pollution control measure identified in the SWPPP.
- All contractors and subcontractors identified in the SWPPP and must sign a copy of the certification statement.
- All certifications must be included in the SWPPP that is kept onsite and be available for an inspector conducting a compliance inspection.

### What is the Purpose of the Contractor Certification?

- Contractors and subcontractors working on a site, covered by the permit, need to be aware that the stormwater management practices onsite are there for a reason and are important for protecting water quality.

### Trained Individual Requirements

- The owner/operator shall have each of the contractor(s) and subcontractor(s) identify at least one person that will be responsible for the implementation of the SWPPP. This person will be known as the *Trained Contractor*.
  - The *Trained Contractor* must have received 4 hours of DEC endorsed training in erosion and sediment control principles from a Soil and Water Conservation District, or other DEC endorsed entity.
  - At least one *Trained Contractor* must be on site when soil disturbance activities are being performed.
  - The *Trained Contractor* should be able to provide his or her wallet card at the request of an inspector conducting a compliance inspection.
  - After receiving this initial training, the *Trained Contractor* shall receive 4 hours of training every three years.
- For Contractors that means...**
- Make sure the project you are working on has permit coverage.
  - Review & follow the Stormwater Pollution Prevention Plan (SWPPP).
  - Make sure the SWPPP identifies a sequence of construction activities that includes when and how to stabilize disturbed soils.
  - If a contractor damages or destroys a practice, such as silt fence, the construction manager should be notified.
  - Notify the site owner/operator if something in the SWPPP does not perform or is not maintained as it was intended.

**EVERY CONTRACTOR SHOULD REMEMBER...**

**Bare Soil + Precipitation =**

- Soil Loss
- Cleanup costs
- Lost work days
- Equipment costs
- Replacement costs
- Fines = \$\$\$

**1. Keep sediment onsite.**

The law states that in areas where soil disturbance activity has temporarily or permanently ceased, temporary or permanent stabilization shall be installed within 14 days. If the site is over 5 acres of total disturbance stabilization shall be attained within 7 days.



*Unstabilized Construction Site.*



*Hydroseeded Site.*

**2. Respect stormwater management practices on a site**

While working onsite or making deliveries, care needs to be taken not to damage stormwater management practices such as silt fence.



*Silt fence that has been driven over.*



*Properly installed and maintained silt fence.*

**3. Always use the designated stabilized construction entrance when entering and exiting the site.**

All sites should have a stabilized construction entrance to prevent trucks and equipment from tracking mud and sediment into the roadway. If mud and sediment do get tracked into the roadway then roadways should be swept and cleaned immediately.



*Improper construction site entrance.*



*Properly installed construction site entrance.*

**4. Be aware of water resources on a site such as nearby creeks, streams, ponds, or wetlands.**

Do not drive through them or over them; use designated roadways.

**5. Tracks from heavy equipment can create gullies that lead to erosion.**

Before temporarily or permanent stabilization, equipment should be driven up and down a hill rather than parallel to it to reducing erosion.



*Tracking in the wrong direction leads to the formation of rills.*

**6. Good communication with the site owner or developer is key.**

Be sure to find out what the construction sequence and timeline of the installation of utilities is ahead of time.

If you disturb soil during construction, be sure there is a plan for replanting and that the site is stabilized within 14 days of last disturbance. If over 5 acres of disturbance the site should be stabilized within 7 days.

Construction Site Compliance Inspections can happen at any time:

- NYS DEC
- Municipality

**These Entities Can Impose Stop Work Orders & Implement Fines.**