



# **ALL ABOUT SWPPP**

## **A Guide to Submitting SWPPPs**

### **This Guide Contains:**

- **Frequently Asked Questions & Helpful Tips**
- **SWPPP Submission Checklist**
- **SWPPP Check List**
- **SWPPP Standard Conditional Release Checklist**
- **SWPPP Conditional Release Self-Certification Checklist**
- **Stormwater Management Covenants**



## All About SWPPP

### Frequently Asked Questions and Tips for Submitting a SWPPP to the Town of Brookhaven

**What is a SWPPP?** SWPPP is a Stormwater Pollution Prevention Plan; a plan for controlling stormwater runoff and pollutants from a site during and after construction activities. SWPPPs must be prepared by a qualified professional in the field of engineering, sediment and erosion control, or landscape architect.

**What projects require a SWPPP?** All projects disturbing one acre or greater of soil. This includes redevelopment projects.

**Which Town Codes apply to SWPPP?** Chapter 86 – *Stormwater Management and Erosion Control* and Chapter 29-7 N *Stormwater Pollution Prevention Plan (SWPPP) Review and Inspection Fees*. Town codes can be found on line by clicking on the Code Book link on the Town website ([www.brookhaven.org](http://www.brookhaven.org)) or by going to the following link: <http://ecode360.com/BR0012?needHash=true>.

**How do I know which type of SWPPP application to submit for review?** There are three categories of SWPPP submissions: Standard SWPPP; SWPPP Standard Conditional Release; and SWPPP Conditional Release Self-Certification.

Standard SWPPP – Documentation that demonstrates project’s ability to contain stormwater runoff on site utilizing NYS-approved designs and methodologies.

SWPPP Standard Conditional Release – Documentation that supports the theory that runoff from the project site cannot, by any means, discharge to waters of the State. Conditional release are generally for those sites in which there is a lack of surface waters, including but not limited to, ponds, lakes, and streams, in the surrounding area. Conditional releases contain a preparer’s certification statement and are reviewed for concurrence by a third party.

SWPPP Conditional Release Self-Certification – Documentation that supports the theory that runoff from the project site cannot, by any means, discharge to waters of the State. Conditional Release Self-Certifications contain a certification statement and are stamped by a license professional. The professional stamp indicates the professional’s assurances that the project will apply the principles and practices of SWPPP measures, as applicable.

**How to submit a SWPPP.** SWPPP documents must be submitted, with full payment and a SWPPP Submission Checklist to the attention of the Town’s Stormwater Manager. SWPPPs may be submitted in person or by mailed to: Town of Brookhaven Division of Stormwater, 1 Independence Hill, Farmingville, NY 11738. SWPPPs may also be submitted with a Site Plan application.

**SWPPP fees.** SWPPP Fees are determined based on an acreage formula set by the Town Code. Fees cover the cost of application review, municipal inspections and final as-built reviews. All fees must be paid in full at time of submission. Standard SWPPP submissions require initial review, inspection and as-built review fees. All fees are placed in an escrow account, for which the applicant is entitled to a refund of unused funds at the close of the project. Periodic replenishments may be required depending on the size and duration of the construction project.

Conditional release submissions only require the initial review fee.

**Why does the Town conduct site inspections for SWPPP?** Inspections performed by the Town are third party inspections required of all municipalities with a SWPPP program. The purpose of the inspection is to ensure that the site is in compliance with the project's SWPPP and that the qualified inspections are occurring as required. Qualified inspections are the responsibility of the site operator. The Town does not conduct qualified inspections as defined by the NYSDEC SPDES permit.

### Helpful Tips

- ✓ It is the applicant's responsibility to submit the Notice of Intent (NOI) and signed MS4 Acceptance form to NYSDEC. The NOI and MS4 Acceptance form must be submitted to NYSDEC **PRIOR** to construction. *No construction activity (including site clearing) may begin until proof of submission to NYSDEC has been received by the Stormwater Manager.* Proof of coverage is required before a preconstruction meeting may be requested from the Planning Department.
- ✓ A copy of the SWPPP **MUST** be retained at the site of the land development activity during all phases of construction.
- ✓ Erosion control measures **MUST** be installed and function as designed through all phases of construction. Installation of erosion control measure should be the first activity conducted at any construction site, regardless of project size and location.
- ✓ Notification of a planned shutdown or winter shutdown must be made in writing to the Stormwater Manager. Failure to do so will result in continuous inspections and associated inspection fees.
- ✓ It is the applicant's responsibility to notify the Town when the project is complete, and the site stabilized and ready for Notice of Termination (NOT). NOTs must be submitted and approved by the Town prior to receiving final sign off on a project. *Project buildings cannot receive final Certificate of Occupancies (CO) without an approved NOT.*
- ✓ Any outstanding SWPPP escrow account balances must be paid in full prior to receiving a signed Notice of Termination.
- ✓ If warranted, file Permanent Stormwater Management covenants early in the process. *Do not wait until final stabilization to file covenants.* Stormwater covenants are required, as applicable, to complete the NOT.



# SWPPP SUBMISSION CHECKLIST

Project Name: \_\_\_\_\_

Town Log #: \_\_\_\_\_

- Check One:**
- SWPPP**
  - SWPPP Standard Conditional Release**
  - SWPPP Conditional Release Self-Certification**

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Place a check next to each item, confirming that it has been included in your submission.  
All submissions **MUST** include the following:

- Payment
- Cover page that identifies name of project, document preparer and preparer's contact information, including mailing address, telephone number and email address.
- Background information including project location, intended use of the site, and size of project.
- Site map / construction drawing at a scale not less than one inch equals 50 feet.
- Stamped project plan showing all erosion control methods.
- Aerial / site photos of existing conditions. Site photos must be date stamped.
- LIDAR or topographic map of the project area.
- Results of infiltration testing or a description of site soils.
- Construction phasing plan describing the intended sequence of construction activities.
- Signed certification statement.



## SWPPP Check List

All SWPPPs must be submitted in the form of a comprehensive report to the Stormwater Manager, and include the following information:

1. Background information about the scope of the project, including location, type and size of project.
2. The name(s), address(es), telephone and fax number(s) of the applicant, developer, and/or property owner, and the principal contact person of the retained consulting firm preparing the conditional release.
3. Site map/construction drawing(s) for the project, including a general location map at a scale not less than one inch equals 2,000 feet. The site map shall be at a scale no smaller than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s).
4. Description of the soil(s) present at the site identified by the most current version of the Suffolk County Soil Survey map and /or test boring.
5. Construction phasing plans describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Preparation and installation of erosion control measures must be the first item listed in the sequence of construction activities.
6. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
7. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
8. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out.

9. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
10. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
11. Temporary practices that will be converted to permanent control measures.
12. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
13. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
14. Name(s) of the receiving water(s).
15. Delineation of SWPPP implementation responsibilities for each part of the site.
16. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
17. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
18. All SWPPPs shall document the "Five Step Process" as required by the New York Stormwater Management Design Manual. The five-step process includes:
  - a. Site planning;
  - b. Water quality volume determination;
  - c. The application of green infrastructure practices and standard stormwater management practices with runoff reduction volume capacity;
  - d. The application of standard stormwater management practices to address the remaining water quality volume, if applicable; and
  - e. The application of volume and peak rate control.

The SWPPP shall be prepared by a New York State registered landscape architect (RLA), a certified professional in sediment and erosion control (CPESC) or a professional engineer (PE) licensed in the State of New York, and must be signed by the professional preparing the SWPPP, which professional shall certify that the design of all stormwater management practices complies with the requirements of the Town of Brookhaven Town Code. All SWPPPs must include the following preparer certification statement:

*I certify that this document and all attachments were prepared under my direction and supervision in accordance with the current SPDES General Permit. Qualified personnel performed due diligence in gathering and evaluating the information contained in this SWPPP. Based on my design and inquiry of the owners and/or sponsors of the project, the information contained in this SWPPP is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.*

The SWPPP shall contain a contractor certification, which will become part of the SWPPP for the land development activity. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the certification date. The contractor certification must state the following:

*I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I further acknowledge that the failure to comply with the terms and conditions of the SWPPP is a violation of Chapter 86, which may result in enforcement proceedings and/or the assessment of penalties. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.*

Land development activities within one of the classifications, Condition A, B, C or D as set forth below, shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth below as applicable.

Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B: stormwater runoff from land development activities disturbing five or more acres.

Condition C: stormwater runoff from land development activities disturbing between one acre and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

Condition D: stormwater runoff from land development activities located immediately adjacent to surface waters.

1. Description of each post-construction stormwater management practice.
2. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

3. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
4. Comparison of post-development stormwater runoff conditions with predevelopment conditions.
5. Dimensions, material specifications and installation details for each post-construction stormwater management practice.
6. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
7. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
8. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Town Code.

**NYSDEC Notice of Intent (NOI) and the SWPPP MS4 acceptance form must be submitted to NYSDEC prior to construction. No construction activity may begin until proof of submission to NYSDEC has been received by the Stormwater Manager.**

**A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.**





## Request for a SWPPP Standard Conditional Release

All requests for a standard conditional release from SWPPP must be made in writing in the form of a comprehensive report to the Stormwater Manager, and include the following information:

1. Background information about the scope of the project, including location, type and size of project.
2. The name(s), address(es), telephone and fax number(s) of the applicant, developer, and/or property owner, and the principal contact person of the retained consulting firm preparing the conditional release.
3. Site map/construction drawing(s) for the project, including a general location map at a scale not less than one inch equals 2,000 feet. The site map shall be at a scale no smaller than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; adjacent off-site surface water(s); drainage patterns that could be affected by the construction activity; location(s) of stormwater discharge(s); existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas.
4. Description of the soil(s) present at the site identified by the most current version of the Suffolk County Soil Survey map and /or test boring.
5. Documentation in support of a conditional release must provide evidence to support the theory that runoff from the project site cannot, by any means, during all phases of construction, including the commencement of soil disturbance in the absence of post-construction controls, discharge to waters of the State as defined by Town Code, or an MS4 system that discharges to waters of the State, and must include:
  - a. Project design plans;
  - b. Aerial photos of the project area;
  - c. Dated site photos (photos must be taken within one month of request);
  - d. Relief maps made from 2007 (or newer) LIDAR digital terrain modeling, or the like;
  - e. Existing road plans and profiles, if available; and
  - f. The published “k-sat” rates from the National Soil Survey for the most restrictive layer of soil at the project site. The web soil survey can be found online at [www.soils.usda.gov](http://www.soils.usda.gov).
6. Hydrology report to include, but not be limited to the following:
  - a. Overflow points;
  - b. Road frontage;
  - c. Site drainage design;

- d. Storage capacity of drainage requiring 5” or 8” of storage (depending on type of application); and pre and post construction conditions under worst case scenarios (i.e. frozen ground with 12” of frost);
  - e. Potential overflow to recharge basins;
  - f. Existing land use and its impacts, if applicable, to existing surface soils and infiltration rates;
  - g. Proposed site changes in topography from cut and fill operations; and
  - h. Seasonal construction limitations due to frozen soil effects on infiltration, if applicable.
7. Erosion control plans must be submitted with the request for a SWPPP Conditional Release.
8. Certification in the comprehensive report and on the approved land use plans, erosion control plans and construction drawings by a Landscape Architect (R.A.), Certified Professional in Sediment and Erosion Control (CPESC) or Professional Engineer licensed in the State of New York stating the following:

*I certify that this document and all attachments were prepared under my direction and supervision in accordance with the requirements of the Town of Brookhaven Town Code. Qualified personnel performed due diligence in gathering and evaluating the information contained in this request for a conditional release from SWPPP. Based on my design and inquiry of the owners and / or operators of the project, the information contained in this request for a standard conditional release is true, accurate and complete. I further acknowledge that inaccurate information provided to the Town in an effort to receive this conditional release is a violation of Chapter 86 of the Town Code, which may result in enforcement proceedings and / or the assessment of penalties. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.*

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Signature of Design Professional

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Print name of Design Professional

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Date



## **Request for a SWPPP Conditional Release Self –Certification**

All requests for a conditional release from SWPPP must be made in writing in the form of a comprehensive report to the Stormwater Manager, and include the following information:

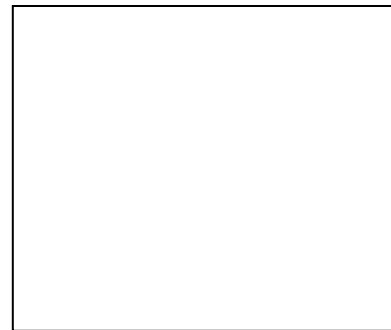
1. Background information about the scope of the project, including location, type and size of project.
2. The name(s), address(es), telephone and fax number(s) of the applicant, developer, and/or property owner, and the principal contact person of the retained consulting firm preparing the conditional release.
3. Site map/construction drawing(s) for the project, including a general location map at a scale not less than one inch equals 2,000 feet. The site map shall be at a scale no smaller than one inch equals 50 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; adjacent off-site surface water(s); drainage patterns that could be affected by the construction activity; location(s) of stormwater discharge(s); existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas.
4. Description of the soil(s) present at the site identified by the most current version of the Suffolk County Soil Survey map and /or test boring.
5. Documentation in support of a conditional release must provide evidence to support the theory that runoff from the project site cannot, by any means, during all phases of construction, including the commencement of soil disturbance in the absence of post-construction controls, discharge to waters of the State as defined by Town Code, or an MS4 system that discharges to waters of the State, and must include:
  - a. Project design plans;
  - b. Aerial photos of the project area;
  - c. Dated site photos ((photos must be taken within one month of request);
  - d. Relief maps made from 2007 (or newer) LIDAR digital terrain modeling, or the like;
  - e. Existing road plans and profiles, if available; and
  - f. The published “k-sat” rates from the National Soil Survey for the most restrictive layer of soil at the project site. The web soil survey can be found online at [www.soils.usda.gov](http://www.soils.usda.gov).
6. Hydrology report to include, but not be limited to the following:
  - a. Overflow points;
  - b. Road frontage;
  - c. Drainage design of road and site;

- d. Storage capacity of drainage requiring 5” or 8” of storage (depending on type of application); and pre and post construction conditions under worst case scenarios (i.e. frozen ground with 12” of frost);
  - e. Potential overflow to recharge basins;
  - f. Recharge capacity, if relevant, for existing and future development;
  - g. Field observations of the site and adjacent roads during a documented storm event;
  - h. Existing land use and its impacts, if applicable, to existing surface soils and infiltration rates;
  - i. Proposed site changes in topography from cut and fill operations; and
  - j. Seasonal construction limitations due to frozen soil effects on infiltration, if applicable.
7. Erosion control plans must be submitted with the request for a SWPPP Conditional Release.
8. Certification in the comprehensive report and on the approved land use plans, erosion control plans and construction drawings by a Landscape Architect (R.A.), Certified Professional in Sediment and Erosion Control (CPESC) or Professional Engineer licensed in the State of New York stating the following:

*I certify under penalty of law that I have performed a qualified review of the site and proposed construction activities to determine the likelihood that stormwater developed during all construction phases will not impact waters of the State as defined by the Town Code of the Town of Brookhaven, or an MS4 system that discharges to waters of the State. I further acknowledge that inaccurate information provided to the Town in an effort to receive this conditional release self-certification is a violation of Chapter 86 of the Town Code, which may result in enforcement proceedings and / or the assessment of penalties. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.*

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Signature of Design Professional



Professional Seal

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Print name of Design Professional



## **Permanent Stormwater Management System Covenants**

As conditioned by SWPPP coverage for all post-construction stormwater management practices, the following covenants must be recorded with the Suffolk County Clerk's office and proof of filing submitted to the Planning Department before the project's Notice of Termination (NOT) can be signed and a certificate of occupancy issued.

Permanent stormwater management system covenant language to be incorporated with the property's C&Rs:

1. The owner or operator shall perform routine maintenance of all permanent stormwater management controls and drainage structures to ensure that discharges from on-site stormwater management structures do not exceed design criteria or cause or contribute to water quality standard violations.
2. The owner or operator shall, at their own expense, repair or replace any failing permanent stormwater management control system or structure in the event same shall fail to operate as per the manufacturer's specifications to ensure future discharges from on site stormwater management controls do not exceed design criteria or cause or contribute to water quality standard violations.
3. The owner or operator shall allow an authorized representative of the Town of Brookhaven access at reasonable times to routinely inspect all permanent stormwater management controls.

Final as-built plans depicting all post-construction stormwater management practices and a metes and bounds description of the property must be filed with the stormwater covenants.