Town of Brookhaven
Pollution Prevention Requirements for Construction Projects
Storm Water Runoff & Its Impacts at a Construction Site

- Storm water runoff is precipitation that flows over land and does not percolate into the soil.
- Runoff picks up trash, debris, and pollutants such as sediment, oil/grease, and pesticides which have detrimental impacts on habitats, wildlife, and human health.
- Soil exposed at unstabilized construction sites is especially vulnerable to erosion.
- Sediment is the primary storm water pollutant at construction sites; therefore it is necessary to implement erosion and sediment control measures.

What are the State and Federal Requirements for Storm Water Runoff from Construction Sites?

- The Clean Water Act and associated federal regulations require nearly all construction site operators engaged in clearing, grading, and excavating activities that disturb one acre or more, including smaller sites in a larger common plan of development or sale to obtain authorization for their storm water discharges.
- Under this regulation, New York State requires an owner or operator of a construction project that will involve soil disturbance of one or more acres to obtain authorization under the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity.
What construction activities require authorization?

The following construction activities involving soil disturbances of **one (1) or more acres** of land require authorization:

- Construction — residential and commercial
- Subdivisions
- Reconstruction
- New roadways
- Clearing for the creation of open space, including parks, trails, and paths
- Golf courses/athletic fields
- Institutional facilities
- Places of worship
- Parking lot construction or reconstruction
- Campgrounds
- Municipal facilities

What construction activities are exempt from obtaining authorization?

- Agricultural activities of an active farm.
- Routine maintenance activities, disturbing less than two (2) acres to maintain original line and grade, hydraulic capacity, or **original purpose** of facility.
- Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- Emergency measures, approved by the Town of Brookhaven, immediately necessary to protect life, property, or natural resources.
- Activities of an individual engaging in home gardening.
- Landscaping and horticultural activities in connection with an existing structure.
- Resurfacing or repair of an existing paved surface, which does not expand the area of pavement.
Steps to Authorization for Development Projects

Under the *SPDES General Permit for Storm Water Discharge from Construction Activities*, an owner or operator must:

1. Develop a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirements of the State Permit.***
   - A SWPPP describes pollution prevention practices and activities which will reduce pollutants leaving the site in stormwater runoff.
   - **Common objectives** include: Stabilize the site as soon as possible; protect slopes and channels; reduce impervious surfaces and promote infiltration; control the perimeter; protect receiving waters adjacent to the site; follow pollution prevention measures; and minimize the area and duration of exposed soils.
   - **Required elements** include: site and activity description; identification of potential pollutant sources; description of controls to reduce pollutants; maintenance/inspection procedures; and SWPPP certification.

2. Submit a completed **Notice of Intent (NOI)** to the NYSDEC.
   - After a SWPPP has been approved, a NOI must be submitted to the NYSDEC. Coverage begins **five (5) business days** after the NYSDEC receives this form, upon which a notice of work must be posted on site; and work may begin.

3. **File an electronic Notice of Termination (NOT).**
   - After the project is complete and the property has been stabilized, the NOT must be submitted to the NYSDEC.

***Construction activities located within watersheds of a state-designated 303(d) List of Impaired Waters must also submit a Water Quality & Quantity Control Plan (WQQCP)***
**Best Management Practices (BMPs)**

The ultimate goal of a SWPPP is to protect water bodies that could be affected by construction projects. An effective SWPPP includes a combination of **erosion** (keeping soil in place) and **sediment control** (capture of sediment in storm water) **practices**.

**Keys to Effective Erosion and Sediment Control and Sample BMP Options**

1. Minimize disturbed areas and protect natural features and soil: Disturb only areas necessary for construction, establish vegetative buffers.
2. Phase construction activity: Concentrate work in certain areas, minimizing soil exposure at any given time.
3. Control storm water flowing through your site: Establish diversion ditches or berms.
4. Stabilize soils promptly: Temporarily seed to establish vegetative cover.
5. Protect slopes: Install rolled erosion control products (mats, geotextiles, erosion control blankets).
6. Protect storm drain inlets: Place silt fences, rock-filled bags, or gravel to surround or cover inlets to capture sediment.
7. Establish perimeter controls: Install silt fencing and/or fiber rolls as a temporary sediment barrier.
8. Retain sediment on-site and control dewatering practices: Establish sediment basins at low-lying areas and down-gradient of bare soils.
9. Establish stabilized construction exits: A crushed rock exit and a truck wash will remove sediment and prevent it from washing onto public roads.
10. Inspect and maintain controls: Establish an inspection and maintenance approach/strategy. Perform maintenance as soon as problems are noted.

**Six Key Pollution Prevention Principles**

Construction projects generate a large amount of building-related waste which can end up polluting storm water if not properly managed. The suite of BMPs in a SWPPP must include pollution prevention practices, designed to prevent contamination of storm water from a wide range of materials.

1. Provide for waste management.
2. Establish proper building material staging areas.
3. Designate paint and concrete washout areas.
4. Establish proper equipment/vehicle fueling and maintenance practices.
5. Control equipment/vehicle washing and allowable non-storm water discharges.
6. Develop a spill prevention and response plan.

**An effective SWPPP includes a suite of both structural and non-structural BMPs, reflecting site-specific conditions, designed to work together.**
**Inspections**

- A *qualified inspector* shall conduct site inspections:
  - At least once every *seven (7) calendar days* at sites where soil disturbance activities are on-going.
  - At least *two (2) times* every *seven (7) calendar days*; each separated by a minimum of *two (2) full calendar days* at sites greater than *five (5) acres* where soil disturbance activities are on-going.
  - Within *twenty-four (24) hours* of a storm event with at least *one-half inch (1/2”)* of precipitation or more.

**Best Management Practices (BMP) Maintenance**

- A good BMP maintenance program is essential to the success of a SWPPP. Consider the following points when conducting maintenance:
  - Follow the designer’s or manufacturer’s recommended maintenance procedures for BMPs.
  - Remove collected sediment as appropriate and properly dispose into controlled areas to prevent excess soil from returning during subsequent rain events.
  - Remove sediment from paved roadways and from protected storm drains.
  - Replace damaged BMPs, such as silt fences, when no longer effective.

**Recordkeeping**

- Keep copies of the SWPPP, inspection records, copies of all reports required by the permit, and records of all data used to complete the NOI to be covered by the permit for a period of at least 3 years from the date that permit authorization expires or is terminated.
- Documentation must be kept on site at all times and available upon request.

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**Town of Brookhaven**

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