

**New York City
Department of Environmental Protection
Bureau of Water Supply**

**Applicant's Guide
to
Stormwater Pollution Prevention Plans**



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**Prepared by: Bureau of Water Supply
Regulatory and Engineering Programs**

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Stormwater Pollution Prevention Plans**

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1. INTRODUCTION

The “Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources” (“**Watershed Regulations**”)^{1, 2} provide standards to ensure that stormwater discharges from certain construction activities within the New York City watershed do not degrade the quality of the City’s water supply.³ To that end, the Watershed Regulations require that a Stormwater Pollution Prevention Plan (“**SWPPP**”) be reviewed and approved by the New York City Department of Environmental Protection (“**DEP**”) before certain activities may commence. The Watershed Regulations are pending enactment into State NYS

The most common activities requiring a DEP-approved SWPPP are:

1. Plans for the development or sale of land that will result in the disturbance of five (5) or more acres of total land area. *See Watershed Regulations § 18-39(b)(3)(i)*;
2. Construction of a subdivision. *See Watershed Regulations § 18-39(b)(3)(ii)*.
3. Construction of a new industrial, institutional, municipal, commercial, or multi-family residential project that will result in the creation of an impervious surface totaling over 40,000 square feet in size. *See Watershed Regulations § 18-39(b)(3)(iii)*.
4. A land clearing or land grading project, involving two (2) or more acres, located at least in part within the limiting distance of 100 feet of a watercourse or wetland, or within the limiting distance of 300 feet of a reservoir, reservoir stem or controlled lake or on a slope exceeding 15%. *See Watershed Regulations § 18-39(b)(3)(iv)*.
5. Construction of an impervious surface for a new road within certain limiting distances from various watercourses. *See Watershed Regulations § 18-39(b)(3)(vii)*.
6. Up to a 25 percent expansion of an existing impervious surface at an existing commercial, institutional, municipal or industrial facility which is within the limiting distance of 100 feet of a watercourse or wetland. *See Watershed Regulations § 18-39(b)(3)(ix)*.

A complete list of the activities requiring a DEP-approved SWPPP is provided in Appendix D of this guide and in Section 18-39(b)(3) of the Watershed Regulations.

¹ Title 10 of the New York Codes, Rules and Regulations Part 128; Chapter 18 of Title 15 of the Rules of the City of New York (“Watershed Regulations”).

² The Watershed Regulations are pending enactment into State Law. The DEP website listed below will state when the Watershed Regulations become State Law.

³ For a definition of the terms used in this guide document, please refer to Watershed Regulations § 18-16.

This guide was developed to assist a project sponsor undertaking a project that requires DEP SWPPP approval in preparing an application for DEP review, and to help expedite the review and approval process. Appendix C identifies activities requiring review and approval of a SWPPP. Appendix B provides an application form, while Appendix D includes an application checklist. Appendix E describes the typical requirements for the core components of stormwater control plans that should be included in a SWPPP: the erosion and sediment control plan and the post-construction stormwater management plan. Appendix F identifies activities that are regulated within limiting distances of reservoirs, reservoir stems, controlled lakes, wetlands and watercourses.

A copy of the Watershed Regulations may be obtained from the DEP offices listed in this guide, or on DEP's website:

www.nyc.gov/html/dep/html/watershed_protection/watershed_regulations.shtml.

If any discrepancies exist between this guide and the Watershed Regulations, the Watershed Regulations will prevail. In addition to including regulatory requirements, this guide includes suggestions indicating practices by DEP engineers in their exercise of professional judgment and enforcement discretion in implementing the Watershed Regulations. Such recommendations are described using the words "may" or "should" while regulatory requirements are described using mandatory language such as "shall" or "must."

2. GOALS AND FUNDAMENTAL PRINCIPLES OF SWPPPS

The goal of a SWPPP is to protect the quality of the City's drinking water supply by preventing erosion and sedimentation during construction, and ensuring that pollutants in stormwater discharges are minimized and that the rate and quantity of post-construction stormwater runoff are properly managed.

There are four (4) basic components to a SWPPP:⁴

1. A project description or narrative report including a pre and post development description of the site;
2. An erosion and sediment control plan that describes methods for controlling runoff during construction;
3. A post-construction stormwater management plan that describes permanent measures to control runoff from the developed site, and
4. An operation and maintenance plan that details long-term inspection and maintenance protocols.

⁴ While the General Permit requires only erosion and sediment controls for many projects involving land disturbances of between one and five acres, the Watershed Regulations require all components of a SWPPP, including post-construction stormwater controls and an operation and maintenance plan, for all activities requiring a DEP-approved SWPPP.

In order to satisfy the requirements of the Watershed Regulations, a SWPPP for a new project must be prepared in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity; Permit No. GP-0-10-001 (“**General Permit**”), which is incorporated by reference into the Watershed Regulations, *see* § 18-39(b)(3).

The design of erosion and sediment control and stormwater management measures included in SWPPPs must be consistent with the standards set forth in the following publications:

1. New York State Stormwater Management Design Manual (August, 2010) (“**Design Manual**”). A copy of the Design Manual is available at the New York State Department of Environmental Conservation’s (“**NYSDEC**”) website: <http://www.dec.ny.gov>
2. New York State Standards and Specifications for Erosion and Sediment Control (August, 2005) (“**ESC Standards**”). A copy of the ESC Standards is available at the NYSDEC website: <http://www.dec.ny.gov>

The Watershed Regulations also establish specific requirements for SWPPPs, in addition to the requirements of the General Permit.

1. Ensure the post-development rate of runoff from the site will not exceed pre-development rates for the 10-year, and 100-year 24-hour storms in accordance with Sections 4.4 and 4.5 of the Design Manual. Note that except with prior written approval of DEP, attenuation of the 10-year, and 100-year 24-hour storms is required in the New York City Watershed, regardless of the size or nature of the receiving watercourse(s) (i.e. fifth order or larger). *See* Watershed Regulations, § 18-39(b)(3).
2. Ensure that any closed stormwater conveyance measures are sized appropriately to convey, at a minimum, the 10-year 24-hour storm flow; additionally, justification for the use of piping/closed conveyance measures in lieu of open drainage systems (swales, ditches) must be provided. *See* Watershed Regulations, § 18-39(c)(2).
3. Ensure that stormwater management practices are sized, as necessary, to accommodate and treat the volume of runoff generated by the 1-year, 24-hour storm or the WQv (90% storm), whichever is greater, from the contributory drainage area(s). *See* Watershed Regulations, § 18-39(c)(3).
4. Where an activity results in impervious surfaces covering twenty percent (20%) or more of the drainage area for which a stormwater management practice is designed, the stormwater management plan shall provide for runoff from that drainage area to be treated by two (2) different types of practices in series; except if:
 - a. The stormwater practice provided is an infiltration system, or

- b. The activity requiring a SWPPP is located in a WOH village, hamlet, village extension or area zoned for commercial/industrial use or in an EOH Designated Main Street Area. *See* Watershed Regulations, § 18-39(c)(6).
- 5. To the maximum extent practicable, a SWPPP shall be designed:
 - a. To minimize the alteration of existing drainage areas and to maintain the volumes of flow at design points at pre-construction levels, except as necessary to alleviate downstream flooding problems or other adverse conditions in existence prior to construction, or to divert runoff from off-site and/or undisturbed areas away from areas proposed to be disturbed.
 - b. To minimize the loss of annual recharge to groundwater by maximizing the use of stormwater infiltration practices where suitable conditions exist. *See* Watershed Regulations, § 18-39(c)(5).
- 6. Where a SWPPP includes a stormwater infiltration practice, to the maximum extent practicable, no portion of such stormwater infiltration practice shall be located within 100 feet of any portion of the absorption area of a subsurface sewage treatment system. *See* Watershed Regulations, § 18-39(c)(4).
- 7. When an activity is proposed to be undertaken in the drainage basin of a terminal reservoir, the SWPPP shall include an analysis of coliform runoff, before and after the land disturbance activity. *See* Watershed Regulations, § 18-39(c)(1).

Rainfall values for the 1-year, 10-year, 100-year, 24-hour storms and the 90% rainfall map may be found in the DEP Watershed Water Quality Annual Report (“**WWQAR**”) or the Design Manual. Where construction activities require DEP review and approval of a SWPPP, the rainfall values cited in the WWQAR are to be used in the design of stormwater management practices and stormwater conveyance measures. *See* Watershed Regulations § 18-16(131).

SWPPPs for redevelopment projects and stormwater retrofits must also meet these requirements to the extent possible, and must provide an improvement in stormwater management and/or stormwater treatment as compared with conditions prior to the redevelopment or retrofit. Note that redevelopment and retrofit projects require DEP review and approval of a SWPPP only in accordance with the activity thresholds listed in Section 18-39(b)(3). *See* Watershed Regulations § 18-39(b)(7).

Note: Once DEP has approved a SWPPP, the owner or operator of the activity which is subject to the SWPPP must amend the SWPPP, in compliance with the Watershed Regulations and this Guide, should any of the following circumstances arise:

- 1. There is a significant change in design, construction, operation, or maintenance of an activity which is subject to a SWPPP may have a significant effect on the potential for the discharge of pollutants to surface waters and which has not otherwise been addressed in the SWPPP; or

2. The erosion controls or stormwater management facilities described in the SWPPP prove to be ineffective in eliminating or significantly minimizing the discharge of pollutants associated with construction activity on the site.

3. APPLICATION REQUIREMENTS (Sections 18-23 and 18-39 of the Watershed Regulations)

A SWPPP application must consist of the following, and the applicable information set forth in Part III of the General Permit and Appendices D and E of this document.

1. A completed DEP application form (Appendix B);
2. A description of the activity;
3. The location and topography in the area of the activity;
4. The street address and tax map parcel identification of the proposed project;
5. The name, address and phone number of the owner and applicant;
6. The name, address and phone number of the design professional;
7. The seal and signature of the design professional;
8. A location map (preferably a portion of tax map) highlighting the exact boundaries of the parcel, including a north arrow.
9. Topography of the area of activity;
10. Identification of any existing improvements, structures and other impervious surfaces on the project site;
11. An Environmental Assessment Form and any Draft Environmental Impact Statement or Determination of Non-significance, prepared pursuant to Article 8 of the Environmental Conservation Law;
12. If available, Geographic Information System (GIS) information, including a minimum of three (3) geographic coordinates from either New York State (NYS) Plane Survey (1927) or longitude and latitude (degrees, minutes and seconds) and a digital map or site plan of proposed project; and
13. Prior Enforcement Actions: The project description must also include a statement as to whether any enforcement action has been commenced against the applicant (or any principal or affiliate of the applicant) for any alleged violations of law related to the specific regulated activity for which the approval is sought, or related to the facility or

site at which the activity is located, in the five (5) years preceding the application. Failure to provide this information is sufficient grounds to deny, modify, suspend or revoke an application. Failure to resolve any violation of the Watershed Regulations enforced by DEP may result in the suspension of the review process until such violations are resolved. If such an action has been commenced with a formal notice having been sent to the applicant of the alleged violation and/or an administrative or judicial proceeding, the applicant must provide:

- a) The agency or entity commencing the action;
- b) The date of commencement;
- c) The facility location and address where the alleged violation occurred; and
- d) The current status or disposition of the action.

- 14. A list of permits and/or approvals required by DEP and other agencies for the proposed project;
- 15. A regional locator map, at a scale not to exceed 1:24,000, that identifies the property, adjacent public roadways, all reservoirs, reservoir stems, controlled lakes, watercourses, and wetlands on and adjacent to the project site, and drainage areas. A linear scale and north reference must be indicated on the map. Copied portions of United States Geological Survey (“USGS”) maps are suitable for this purpose.

4. APPLICATION PROCESS

Applications to DEP for review and approval under the Watershed Regulations are subject to the following steps.

STEP 1 - OPTIONAL PRE-APPLICATION CONFERENCES

A prospective applicant may meet with DEP representatives at locations in or near the watershed before submitting an application for review and approval to discuss a proposed regulated activity, regulatory requirements, and the application process. DEP has found that a pre-application conference benefits both the applicant and DEP, and therefore encourages each applicant to involve DEP early in the project planning stage. At the pre-application conference, an applicant may also request that DEP visit the applicant’s site. Because distances from a watercourse, as well as other water bodies, are relevant to the approval process, a site visit will establish whether, or where, a watercourse may be located on, or near, the site that may affect the project. To request a pre-application conference, contact the appropriate DEP office listed below. The request form for a Pre-Application Conference is attached as Appendix A and should be mailed or faxed to the appropriate office, as listed below.

East of Hudson

Portions of Westchester, Putnam and Dutchess Counties

West of Hudson

Portions of Delaware, Greene, Schoharie, Sullivan and Ulster Counties

Regulatory and Engineering Programs
DEP
465 Columbus Avenue
Valhalla, NY 10595
Phone (914) 742-2028
Fax (914) 773-0343

Regulatory and Engineering Program
DEP
71 Smith Avenue
Kingston, NY 12401
Phone (845) 340-7215
Fax (845) 338-1371

Requests to Flag Reservoir, Reservoir Stem, Controlled Lake or Watercourse(s)

Under the Watershed Regulations, the property owners or applicants may request that DEP flag the presence of any watercourse(s), reservoir, reservoir stem, or controlled lake on the property.⁵ Identification of these features is relevant to the approval process. DEP will fulfill the request as soon as field schedules permit. An owner or applicant may also supply a surveyor's map, which includes representations of watercourses, reservoirs, reservoir stems or controlled lakes flagged by DEP. DEP will review the surveyor's map and confirm or amend it within 20 business days for applicants, and as soon as practicable for other property owners. Following DEP confirmation, the survey map will be valid and binding upon DEP for five (5) years following the date of confirmation. Contact DEP at the appropriate telephone number provided for the appropriate offices listed above to request watercourse determinations.

Wetlands

Despite the fact that DEP has no regulatory over and does not delineate wetlands, there are certain limiting distances from wetlands that must be maintained under the Watershed Regulations. Only those wetlands that have been mapped by the NYSDEC are relevant for the purposes of the Watershed Regulations. The property owner or applicant must consult with NYSDEC regarding activities that may be separately regulated by NYSDEC that are in addition to activities regulated by the Watershed Regulations. The property owner or applicant should also consult with the United States Army Corps of Engineers ("ACOE") as well as local authorities to determine if there are federally and/or locally designated wetlands, and if so, what restrictions apply to activities under each respective regulating authority. DEP does not delineate wetlands. To establish the boundaries of a wetland, the property owner or applicant must contact NYSDEC, ACOE, or local authorities.

Requests to Witness Soil Testing for Stormwater Practices

Field testing such as deep test pits excavation and percolation testing is often necessary to establish appropriate design criteria for stormwater management practices. Typically, this testing is witnessed by DEP. Requests for DEP to witness such testing can be made during the pre-application meeting or by calling the numbers for the appropriate office listed above.

⁵Watershed Regulations § 18-23(b)(5) and (6).

STEP 2 - APPLICATION SUBMISSION

An application for review and approval of an activity governed by the Watershed Regulations may be submitted to either of DEP offices noted above by mail, or in person between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. A checklist of all elements necessary for DEP approval is attached as Appendix D, and a copy of the application form is attached as Appendix B. One (1) or more of the elements may not be necessary depending upon the individual circumstances. An applicant is encouraged to discuss the level of information required with DEP prior to the submission. There are no application fees. Where projects require multiple DEP permits or approvals (e.g., wastewater treatment plants), applicants are encouraged to submit applications concurrently. As noted below in Step 4, where DEP is the Lead Agency for the Environmental Review of a project, or where a project is the subject of an Environmental Impact Statement, DEP cannot complete its review under SEQRA without reviewing all relevant applications.

STEP 3 - DETERMINATION OF COMPLETENESS

When DEP receives an application, DEP will review the application and determine if it contains all information necessary to be considered complete. This determination will be made within twenty (20) calendar days after it receives an application. Appendix D of this document and Part III of the General Permit identify the application requirements; those requirements are discussed in Section 2, as well. DEP will either notify the applicant that the application is complete and that DEP has commenced its review, or that the application is incomplete.

If an application is incomplete, DEP will request the specific information that is needed before the application can be considered complete. Within ten (10) calendar days of receipt of the requested information, DEP will notify the applicant whether or not the application is complete. Once it has asked for more information, DEP will request further information only if the additional information submitted by the applicant raises new questions.⁶

If DEP fails to notify the applicant regarding completeness of the application within the specified time period, the applicant may notify DEP of its failure to do so by writing to the appropriate DEP office (identified in Step 1, above) by United States Postal Service certified mail, return receipt requested. The notice should contain:

1. the applicant's name;
2. the location of the project;
3. the project name (if applicable); and
4. the DEP office where the application was filed.

⁶DEP may also request further information in the following situations: (1) false or misleading information has been submitted; (2) a change in relevant law has occurred; (3) changes have been proposed for the project; (4) there is a new applicant; or (5) the applicant, owner or sponsor has changed. Watershed Regulations § 18-23(d)(2)(iii)

If DEP does not notify the applicant as to completeness of its application within ten (10) business days of receiving the applicant's certified letter, the application will be deemed to be complete as of the 11th day. In cases where additional information has been requested and received, the amended application is the one that will be deemed complete, as of the 11th day.

After determining that an application is complete, DEP will begin its review to determine whether the proposed SWPPP application meets the standards set forth in the Watershed Regulations.

STEP 4 - STORMWATER PROJECT REVIEW COMMITTEES

At the time DEP notifies an applicant that his or her application is complete, DEP will also notify the Stormwater Project Review Committee (the "Committee") for the municipality(ies) in which the activity is proposed, of DEP's receipt of a complete application. Stormwater Project Review Committees are standing committees comprised of representatives from DEP, NYSDEC, the local County Health Department or, if there is no County Health Department, the County Soil and Water Conservation District and the municipality in which the project is proposed.

At the request of one (1) or more members of the Committee, DEP will submit copies of the complete application to the Committee for their review, and will convene a meeting, in person or by telephone, of the Committee. Upon a majority vote, the Committee may recommend to DEP that the SWPPP be approved, approved with conditions, or disapproved.

If DEP agrees with the majority recommendation of the Committee, DEP may proceed to issue its determination to the applicant. If DEP disagrees with the majority recommendation of the Committee, the application, together with the written recommendation of the Committee, will be submitted to the Commissioner of DEP for review and a determination.

The Commissioner will issue a written record of decision setting forth the basis for the determination and responding to any contrary written recommendations submitted by any member of the Committee.

A Committee may only make recommendations to DEP and has no authority to make decisions on behalf of DEP. The Committee's involvement in the review process does not affect the time lines specified. For purposes of the State Environmental Quality Review Act ("SEQRA"), DEP's determination on an application, not the Committee's recommendation to DEP, will be considered a final decision.

STEP 5 - DETERMINATION: APPROVAL OR DISAPPROVAL

Once DEP notifies the applicant that the application is complete, or once the application is deemed complete as described above, DEP will notify the applicant in writing of its determination to approve or disapprove the application. The determination will be made within 45 days. The 45 day time period does not begin until any additional information, if requested by DEP during Step 3 above, has been supplied, and the application is deemed complete. The time period may be extended by mutual written agreement between the applicant and DEP. If during

the 45 day review period, DEP requests revisions to the application, the review period is suspended from the date such request is made until the date on which DEP receives such revisions, provided that DEP has no fewer than ten (10) calendar days from the date of receipt to issue a determination. A determination to approve may include conditions of approval.

If DEP fails to notify the applicant within the specified time period, the applicant may notify DEP of its failure to do so, by writing to the appropriate DEP office (identified above) by United States Postal Service certified mail, return receipt requested. The notice must contain:

1. the applicant's name;
2. the location of the proposed project;
3. the project name (if applicable);
4. the DEP office in which the application was filed; and
5. a statement that a decision is sought in accordance with the Watershed Regulations § 18-23(d)(6).

If DEP fails to provide a determination to the applicant in writing within 10 business days of receiving the applicant's notice, the application will be deemed approved subject to the standard conditions for that approval. A notice that does not contain all of the information listed above will not result in an application being deemed approved.

DEP approval for SWPPPs will expire unless construction is completed within five (5) years, pursuant to the Watershed Regulations.⁷ Prior to the expiration of the approval, a request for an extension of the approval for the project or activity may be submitted to DEP no less than 180 days prior to the expiration of the approval. Once an approval expires, a new application may be resubmitted to DEP for consideration of a new approval.

State Environmental Quality Review Act ("SEQRA"):

If the lead agency for the project/SEQRA has determined that the project may have a significant impact on the environment pursuant to the SEQRA regulations, the time periods specified above for determinations will be suspended until either a Final Environmental Impact Statement ("FEIS") or a Determination of Non-Significance has been issued by the Lead Agency and submitted to DEP. DEP will consider a project as a whole and will attempt to make determinations regarding all applications relating to a project concurrently. DEP must issue its own Findings Statement before issuing an approval for any project that was the subject to an Environmental Impact Statement.

Financial Security:

DEP may condition its approval of a SWPPP upon evidence of financial security. This may consist of a bond or equivalent guaranty deposited with DEP in the amount necessary to cover the full costs of construction, as well as a bond or equivalent guaranty to cover the costs of labor and materials. Additionally, a bond or equivalent guaranty may be required for the maintenance

⁷Watershed Regulations § 18-39(b)(5).

and operation of the stormwater management facilities that comprise a SWPPP for five (5) years following the completion of construction. This does not apply when the owner or operator is a village, town, county, or city.

5. FUTURE STORMWATER CONTROLS PAID FOR BY THE CITY

DEP will fund certain costs associated with the design, implementation and maintenance of stormwater measures required by the Watershed Regulations that are not otherwise required by State and/or federal law, regulation, or enforceable standards (“incremental costs”). A description of the City’s stormwater funding program follows. The charts in Appendix H indicate the process of applying for funds. Projects eligible for direct funding from the City are as follows:

1. The City will pay 50 percent of the incremental costs of designing, implementing and maintaining stormwater pollution prevention plans required by the Watershed Regulations⁸ and not otherwise required by state or federal law, for all small businesses. Small businesses, for the purposes of this funding program, are any businesses which are resident in New York State, independently owned and operated, and employ 100 or fewer individuals.
2. The City will pay 100 percent of the incremental costs of designing, implementing, and maintaining stormwater pollution prevention plans required by the Watershed Regulations and not otherwise required by state or federal law, for those facilities funded through publicly-subsidized low-income housing programs.

These reimbursement payments (for 100% of the incremental stormwater costs for low income housing or 50% for small businesses) will be made based on a contract that DEP will enter directly with the applicant. Once an applicant has applied for reimbursement under these direct City programs, DEP will provide the applicant with a form contract providing for payment. The contract will provide for reimbursement of design costs as well as payment for implementation of stormwater management measures pursuant to the approved SWPPP. Once the contract has been executed, eligible costs will be reimbursed within 90 days of the applicant’s submission of appropriate invoices and back-up material, including a signed contract.

DEP will also pay for incremental costs of maintaining stormwater measures included in a SWPPP. Generally, maintenance will be reimbursed on an as-needed case-by-case basis, rather than pursuant to a standing contract. The arrangements will be based on the Operation and Maintenance Plan included in the DEP approved SWPPP.

In addition, funds provided by the City of New York under the 1997 New York City Watershed Memorandum of Agreement and subsequent agreements with the Catskill Watershed Corporation (“CWC”) may be available for certain other costs associated with stormwater controls in the West of Hudson watershed. These funds may be used for the costs of designing, constructing, permitting, implementing, and maintaining new stormwater measures pursuant to

⁸Watershed Regulations § 18-39(b).

SWPPPs that are not otherwise required by federal and/or state law. Please contact CWC for more information at (845) 586-1400, or write to: Catskill Watershed Corporation, PO Box 569, Margaretville, NY 12455. Information may also be obtained from CWC's website: www.cwconline.org .

APPENDIX A
REQUEST FORM FOR PRE-APPLICATION CONFERENCE



Request for Pre-Application Conference

BUREAU OF WATER SUPPLY

This request is submitted as recommended by the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the NYC Water Supply and Its Sources* in anticipation of submission of an application(s) for a regulated activity. New York City Department of

Environmental Protection (DEP) will require "As-Builts" for all regulated activities approved by DEP.

Applicant Information: Check One Owner Prospective Owner Owner's Representative

Name: _____, Telephone: (____) _____ -- _____,

Address: _____, Email: _____

Designated Representative (if other than applicant): _____ Telephone: (____) _____ -- _____,

Email: _____

Site Information: Town: _____, County: _____, Reservoir Basin: _____,

Tax Map Number: Section: _____, Block: _____, Lot: _____, Subdivision Name _____,

Street Address (fire#/road): _____. Are there any unfenced or loose animals on site which

DEP employees may encounter on a site visit? If yes please describe:

Activity Information:

Residential Number of Residential Units Number of Lots Number of Bedrooms Total

Septic Tank Replacement (only) Commercial:

Describe proposed project: _____,

Is there a stream, watercourse or wetland in the vicinity to the proposed construction (Check One) Y or N

If Yes, then approximate distance from the construction site: _____ Feet or Yards (Check One)

If Yes to Wetlands, Check which type: NYSDEC regulated _____ ACOE regulated _____ Locally regulated _____

Approximate Land Disturbance: Size _____ Acres or Square Feet (Check One)

New Impervious surface over 40,000 SF; Size _____ Acres or Square Feet (Check One)

Anticipated DEP approvals: (check all that may apply)

Commercial SSTS Residential SSTS SSTS Repair SSTS Alteration/Modification SWPPP

IRSP CPDP WWTP Sewer Connection/Collection System Variance Other

I request that DEP contact the designated representative to schedule (check one or more, as applicable):

Preliminary Site Walk Watercourse Determination Pre-application Conference to discuss Proposal

I request that DEP staff be present at the above referenced site to witness soil testing to be conducted on: Date: _____,

at Time: _____. (Seven (7) calendar days' written notice is required)

I understand that DEP will contact me or my Representative to schedule such conference, and that DEP may also request further information regarding my proposed activity. I also understand that this is in no way an Approval Determination. Verbal statements will not be construed as permission to commence construction.

Owner's Signature: _____ **Date:** _____

Return To: DEP- Regulatory & Engineering Programs: 71 Smith Avenue, Kingston, NY 12401, Fax 845-338-1371; or 465 Columbus Ave, Valhalla, NY 10595, Fax 914-773-0343; or 20 NYC Highway 30A, Downsville, NY 13755, Fax 607-363-7014; or P.O. Box 565, Grand Gorge, NY 12434, Fax 607-588-6660; or P.O. Box 358, Grahamsville, NY, 12740, Fax 845-334-7175



APPENDIX B
NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
APPLICATION FOR REVIEW AND APPROVAL OF STORMWATER POLLUTION
PREVENTION PLANS

Project Name: _____

Applicant/Designated representative:
 Name: _____
 Address: _____

 Phone: _____
 e-mail: _____

Design Professional:
 Name: _____
 Address: _____

 Phone: _____
 e-mail: _____

Project Location: Address: _____
 Town: _____
 Subdivision name: _____
 Reservoir Basin: _____

Tax Map Parcel: _____
 County: _____
 Lot number: _____

Submissions must include plans and supporting documents.

All applications must include narratives, plans, details, and specifications providing the following information:

- Project Description
- Description of Existing Conditions
- Description of Proposed Conditions
- Operations and Maintenance Plans

General Requirements for submission are set forth in Section 3 of the accompanying Guide. Supplemental required information for each type of approval is described in Section 4. Also see Appendix D for a checklist of items to be included in the submission. For additional detail, please see Appendixes E and F of this document, Sections 18-23 and 18-39 of the Watershed Regulations, and Part III of the New York State Department of Environmental Conservation (DEC) SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001 (“General Permit”).

Notice of Cost-Sharing Funds

Certain costs incurred in the design, implementation, and maintenance of Stormwater Pollution Prevention Plans may be eligible for DEP funding. Refer to Section 5.0 and Appendix H of the accompanying Guide.

I believe this application to be complete and in compliance with the Watershed Regulations.

 (Signature)

 (Filing Date)

 (Print Name)

APPENDIX C
ACTIVITIES REQUIRING DEP REVIEW AND APPROVAL OF A SWPPP

In accordance with Section 18-39(b)(3) of the Watershed Regulations, SWPPPs shall be prepared for the activities listed below:

1. Plans for development or sale of land that will result in the disturbance of five (5) or more acres of total land area as described in the definition of “larger common plan of development or sale” in Appendix A of the General Permit No. GP-0-10-001. See Watershed Regulations § 18-39(b)(3)(i);
2. Construction of a subdivision. *See* Watershed Regulations § 18-39(b)(3)(ii);
3. Construction of a new industrial, institutional, municipal, commercial, or multi-family residential project that will result in creation of an impervious surface totaling over 40,000 square feet in size. *See* Watershed Regulations § 18-39(b)(3)(iii);
4. A land clearing or land grading project, involving two or more acres, located at least in part within the limiting distance of 100 feet of a watercourse or wetland, or within the limiting distance of 300 feet of reservoir, reservoir stem or controlled lake or on a slope exceeding 15 percent. *See* Watershed Regulations § 18-39(b)(3)(iv);
5. Construction of a new solid waste management facility or alteration or modification of an existing solid waste management facility within 300 feet of a watercourse or wetland or 500 feet of a reservoir, reservoir stem or controlled lake. *See* Watershed Regulations § 18-39(b)(3)(v);
6. Construction of a gasoline station. *See* Watershed Regulations § 18-39(b)(3)(vi);
7. Construction of an impervious surface for a new road, as required by paragraph (a)(6) of Section 18-39. *See* Watershed Regulations § 18-39(b)(3)(vii);
8. Construction of an impervious surface in the West of Hudson watershed within a village, hamlet, village extension or area zoned for commercial or industrial uses, as required by paragraph (a)(8) of Section 18-39. *See* Watershed Regulations § 18-39(b)(3)(viii);
9. Up to 25% expansion of an existing impervious surface at an existing commercial, institutional, municipal or industrial facility which is within the limiting distance of 100 feet of a watercourse or wetland, as required in subdivision (a)(4)(iii) of Section 18-39 *See* Watershed Regulations § 18-39(b)(3)(ix);
10. Construction of an impervious surface in the East of Hudson Watershed in a Designated Main Street Area. *See* Watershed Regulations § 18-39(b)(3)(x).

APPENDIX D
APPLICATION CHECKLIST – REQUIREMENTS FOR ALL SWPPP

A SWPPP application must include the following information:

1. General Requirements:

- A. A completed, signed DEP application form;
- B. An Environmental Assessment Form and any Draft Environmental Impact Statement or Determination of Non-significance;
- C. A list of all other permits/approvals required from DEP and other agencies, and the status of the applications;
- D. A copy of the completed NOI submitted to the New York State Department of Environmental Conservation (“**NYSDEC**”) SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-10-001 (“**General Permit**”) (if applicable; if no NOI is submitted, the information required in an NOI);
- E. A list of any enforcement actions commenced against the applicant for any alleged violations of law related to the site or the activity for which approval is sought that has been commenced during the five (5) years preceding the application;
- F. A description and location of any stormwater discharges associated with industrial activities other than construction; and
- G. Name and signature of the qualified professional knowledgeable in the principles and practices of stormwater management and treatment who prepared the plan.

2. Project Description:

- A. The location, size and topography of the project area;
- B. A description of the proposed project and the regulated activity(ies);
- C. Identification and location of any existing on-site improvements, structures or impervious surfaces;
- D. Natural Resources Conservation Service (“**NRCS**”) Soil Survey boundaries on the site, soil descriptions and tabular information detailing by sub-watershed the NRCS Hydrologic Soil Groups;
- E. Results and locations of any on-site soil testing to determine suitability of the site for the proposed stormwater management practices, including a description of the soils and observed depths to groundwater or ledge rock; and
- F. Identification of any elements of the design that are not in conformance with the requirements of the General Permit GP-0-10-001, the reason for non-compliance and information demonstrating that the alternative design is equivalent to the technical standards.

3. Erosion and Sediment Control:

- A. The schedule and sequence of construction activities, including demolition, clearing and grubbing, excavation and grading, utility and infrastructure installation and any activity that may result in soil disturbance;
- B. Description of minimum erosion and sediment control measures to be installed including a schedule that identifies timing and time frames that the practices should remain in place;
- C. Temporary and permanent soil stabilization plan;
- D. The inspection schedule for all temporary erosion and sediment control measures and a description of the maintenance activities to be performed; and

- E. Description of the measures that will be used to control litter, construction chemicals, construction debris from becoming a pollutant source in stormwater discharges.

4. Post-Construction Stormwater Management:

- A. Identification of all post construction stormwater management practices to be constructed as part of the project;
- B. Hydrologic and hydraulic analysis for all structural components of the stormwater management plan control system;
- C. Demonstration that the treatment volume is the greater of the volume of runoff generated by the 1-year, 24-hour storm or the Water Quality volume (90% Storm Rainfall);
- D. Detailed summary, including calculations, of all sizing criteria used to design post construction practices. At a minimum the summary shall address the following:
 - 1) Required design criteria from the applicable chapter of the Design Manual;
 - 2) Identification and justification for deviations from the Design Manual; and
 - 3) Verify the % impervious of area tributary to each practice and provide appropriate practices in series, as necessary.
- E. Verification of the following:
 - 1) Maintenance of natural drainage systems including streams is provided;
 - 2) Open channel drainage is provided to the extent practicable; and
 - 3) Closed drainage systems are sized to convey at least the 10-year 24-hour storm.
- F. Demonstration to the extent practicable that:
 - 1) Alteration of existing drainage areas has been minimized; and
 - 2) Loss of annual recharge is minimized.
- G. Operations and maintenance plan including responsible party(ies), inspection and maintenance schedules and actions to ensure continuous and effective operation of each measure;
- H. In EOH watershed, include post development stormwater measures designed in conformance with Enhanced Phosphorus Removal standards in Chapter 10 of the Design Manual;
- I. In Terminal Reservoir Basins provide analysis of coliform runoff; and
- J. For Redevelopment Projects, provide improvement in stormwater management and/or treatment compared with conditions prior to the activity.

5. Site Maps & Construction Drawings:

- A. A regional locator map, at a scale not to exceed 1:24,000, that identifies the property, adjacent public roadways, all reservoirs, reservoir stems, controlled lakes, watercourses and wetlands on and adjacent to the project site; and, drainage areas contributory to the project site;
- B. Project drawings must show the total site area, existing vegetation, area of disturbance, all improvements, existing and final grades, and material waste, borrow and storage areas;
- C. Hydrologic drainage maps/drawings must show drainage area boundaries; drainage patterns that could be impacted by the activity; locations of stormwater discharges; and locations, boundaries and descriptions of NRCS soil types;
- D. Erosion and Sediment Control drawings, at a minimum, must show the specific locations, sizes and lengths of each erosion and sediment control practice and the dimensions, material specifications, installation details and operation and maintenance requirements; and
- E. Post Construction drawings, at a minimum, must show the specific locations and size of each post development stormwater management practice and the dimensions, material specifications, installation details and maintenance requirements.

APPENDIX E
TYPICAL CONTENTS OF A SWPPP
APPLICABLE TO MOST SOIL DISTURBING ACTIVITIES

A complete SWPPP application prepared in accordance with Section 18-39 of the Watershed Regulations typically includes the following information in order to enable DEP to make a determination.

A. Narrative Report

The narrative report must include all information listed under “General Requirements” in Appendix C of this guide. Information required for the Project, Erosion and Sediment Control, Post Construction Stormwater Management and Operation and Maintenance sections typically include the following:

1. Project Description

- a. A description of the project type, including proposed facilities and structures, acreage of the entire site, the anticipated acreage of disturbance, and acreage of the site for which the imperviousness will be changed from pre-construction conditions. The acreage for which imperviousness will change should be provided in tabular form by sub-watershed to facilitate the review;
- b. The anticipated project start and completion dates;
- c. A description of existing site conditions including soil types, existing land use, vegetative cover, steep slopes, wetlands, watercourses, reservoirs, and reservoir stems located on or near the site;
- d. An analysis of potential impacts that the proposed activity will have on reservoirs, reservoir stems, controlled lakes, wetlands, and watercourses;
- e. A general description of the approaches which will be taken to control erosion and sedimentation during construction and an itemization of soil disturbance for each phase of construction;
- f. A summary of the proposed post development stormwater management practices proposed and the discharge rate(s) of stormwater runoff following construction; and
- g. If any of the erosion and sediment control practices or post construction stormwater management practices proposed do not conform with the requirements of the Watershed Regulations or General Permit-0-10-001, a discussion should be provided that includes the reason for the deviation and information demonstrating that the alternative design is equivalent to the technical standards.

2. Erosion and Sediment Control Description

- a. A description of the temporary and permanent structural and non-structural measures that will be used to control erosion and sedimentation during each construction phase of the project;
- b. Any measures, which will be converted to permanent stormwater management/erosion controls after construction and the techniques necessary for proper conversion;
- c. Calculations used in siting and sizing erosion controls, including sediment basins;
- d. The construction schedule, phasing plan, and implementation schedule for temporary and permanent erosion and sediment controls; and
- e. Description of the measures that will be used to control litter, construction chemicals, and construction debris from becoming a pollutant source in stormwater discharges.

3. Post-Construction Stormwater Management Plan Description

The stormwater management measures included in the SWPPP to control the rate and volume of runoff, and to treat runoff from the site, must be detailed in a narrative report, plans, details and specifications. Primary stormwater management practices are specifically defined in the Watershed Regulations as stormwater ponds, stormwater wetlands, infiltration systems, filtering systems and open channels as listed in Section 3.3.1 of the Design Manual. Each stormwater management practice shall be designed to accommodate the quantity of runoff flowing to the practice, including runoff from off-site areas as applicable. The following information should be included as applicable to the location and design of the various stormwater management components:

- a. Descriptions of the stormwater management practices including practices to treat, attenuate and convey post development stormwater runoff;
- b. The design provisions included in the stormwater management facilities that address safety and maintenance needs;
- c. Results of on-site soil analysis and infiltration tests, as applicable, that evaluate the suitability of the site for stormwater management facilities. An on-site determination of the elevation of bedrock and groundwater by excavation or soil borings at the proposed site of any proposed infiltration facilities; as discussed elsewhere in this Guide, on-site soil analysis should be witnessed by DEP;
- d. A schedule for construction of the stormwater management facilities;
- e. Calculation of the imperviousness of tributary areas to each stormwater management practice to determine if practices in series are required;
- f. Pre and post development drainage maps;
- g. Hydrographs, peak discharge rates and total runoff volumes from the project area for existing conditions for the 10-year, and 100-year 24-hour storm events. The relevant variables used in this determination, including curve number and times of concentration, must be included;
- h. The hydrographs used to evaluate post-construction volume and rate of stormwater runoff for the 1-year, 10-year, and 100-year 24-hour storm events; the relevant variables used in this determination, including curve number and times of concentration, must be included;
- i. Calculations of the water treatment volume including a comparison of the volume of runoff generated by the 1 year - 24 hour storm event and the water quality volume generated using the 90% rule;
- j. Calculations of the required runoff reduction volume (based on the 1-year, 24-hour storm in the EOH watershed);
- k. Calculations supporting design of runoff reduction techniques provided;
- l. Designs and supporting calculations for water quality treatment facilities and the compliance with the requirements and recommendations for design of these facilities in the Design Manual;
- m. Calculations upon which the required storage volume and surface area requirements necessary to provide flood control for runoff generated by 1-year, 10-year, and 100-year, 24-hour storm events were based;
- n. Calculation of the necessary storage volumes, detailed descriptions of all proposed stormwater management measures, and sufficient detail of the measures to determine that the relevant design criteria will be met;
- o. Provisions for discharge control, including peak discharge, and protection for, rates, outlet design, discharge capacity for each stage, outlet channel design, and a description of the point of discharge;

- p. Downstream stream surveys of all watercourses that will receive stormwater discharges from the site. The surveys typically indicate channel roughness, stability, and dominant stream bank vegetation.
- q. Pre- and post-development analyses of coliform runoff concentrations, for activities or facilities that are proposed within terminal basins;
- r. In the EOH watershed, conformance with Chapter 10 of the Design Manual;
- s. Assumptions and coefficients used in calculating the above comparisons, and an evaluation of the post-development impact stormwater runoff will have on any identified floodplains or designated flood hazard areas in the drainage basin; and
- t. References used in developing the stormwater management plan.

4. Operation & Maintenance

- a. A description of the inspection program to be conducted from the construction phase through final stabilization. Inspections of disturbed areas, areas used for storage of materials, erosion control measures, and construction entry and exit areas to ensure a performance schedule in accordance with the applicable requirements of the General Permit;
- b. A description of post-construction stormwater facility inspection and maintenance schedules. Facility inspections should be performed at least every 30 days; and
- c. Names, addresses, and phone numbers of parties responsible for implementing the maintenance program and for submitting and retaining reports detailing the scope and dates of inspections, observations relating to the implementation of the erosion and controls and stormwater management measures, incidences of non-compliance and actions taken to remedy any unsatisfactory condition.

B. Site Plans and Construction Drawings

1. Existing Conditions

The following should be depicted on a plan, or plans, at a scale not to exceed 1" = 50', unless otherwise noted:

- a. Existing conditions at the site prior to the proposed development. This plan must include a north reference. The boundaries of the proposed development site, and existing topography at two (2) foot contour intervals must be shown. Elevation data and the source of the topographic information must be provided. All existing watercourses, reservoirs, reservoir stems, controlled lakes, and wetlands on the site and within the limiting distances set forth in the Watershed Regulations⁹ must be shown;
- b. The boundary of any 100-year flood plain (from the United States Flood Emergency Management Area Maps) on the site. Site boundary information must include any available 100-year flood elevations and floodway boundaries;
- c. Existing impervious surfaces must be depicted, as well as locations of any vehicular entry to or exit from, the site. Existing land uses and structures, types of vegetative cover, public/permanent open space, public facilities, utility lines and easements, water supply wells, and sewage treatment systems must also be depicted. A supplemental Existing Conditions Plan is preferred when extensive details on the plan create a congested drawing that is difficult to interpret;

⁹See Appendix E to determine the applicable limiting distances for the proposed regulated activity.

- d. United States Department of Agriculture (“**USDA**”) Soil Survey boundaries on the site, soil descriptions, and tabular information detailing, by sub-watershed, the USDA Soil Conservation Service (“**SCS**”) Hydrologic Soil Groups;
- e. Site constraints that may affect erosion control and stormwater management facility design and operation will be identified by field survey. These constraints include steep slopes (15% and greater), soils identified as being highly erodible by the USDA Soil Survey, depth to bedrock, depth to seasonal high water, and poorly and excessively drained soils; and
- f. The location and size of on and off-site culverts and stormwater management systems that convey runoff to, through, and away from the project site. The configuration and size of the drainage area contributing to these systems must also be shown.

2. Proposed Conditions

The following should be depicted on a plan, or plans, at a scale not to exceed 1" = 50':

- a. All reservoirs, reservoir stems, controlled lakes, wetlands and watercourses that affect, or may be affected by, the project, and applicable limiting distances;
- b. Proposed lot layout and property lines, buildings, streets, and other impervious surfaces, utility lines, water supply wells, sewage treatment systems, and location and types of any easements on the project site as applicable;
- c. Tabular information, by sub-watershed, indicating the acres of impervious surface created by the proposed activities, and the acreage for which the imperviousness of the land will be changed from pre-construction conditions;
- d. The percent imperviousness of the post-construction drainage area(s) contributory to a proposed stormwater management practice(s);
- e. Proposed on-site topography at two (2) foot contour intervals and other areas that will be disturbed during construction;
- f. All proposed erosion and sediment controls and stormwater management facilities that will be implemented to control erosion and sedimentation during construction and increases in runoff and pollutants from the site after construction has been completed;
- g. Construction details and specifications, cross-sections, and elevations of all proposed structures;
- h. A soil profile to at least one foot below each stormwater management facility (three (3) feet for infiltration practices). All proposed structures and site modifications, including the final grading proposed for the site at two (2) foot contour intervals;
- i. Design details and specifications of proposed structural stormwater management facilities and an indication of which facilities will be used to control rates of discharge, which will be used to treat stormwater runoff from a water quality perspective, and which facilities will perform both functions; and
- j. Plan view and cross-sectional designs of all stormwater management facilities and a description of the materials to be used for construction of each of the proposed facilities.

As-built drawings of all stormwater conveyance and management facilities are to verify conformance with the approved/modified SWPPP.

3. Temporary Erosion and Sediment Control Measures

- a. All proposed erosion and sediment controls that will be implemented to control erosion and sedimentation during construction;
- b. Any temporary erosion and sediment control facilities which will be converted to permanent stormwater management facilities;

- c. Construction details, specifications, cross sections, etc., for all temporary measures proposed;
- d. The limits of disturbance, material stockpile areas, fill areas, on or off-site borrow areas, and areas where vegetation will be cleared;
- e. The location of vegetation to be protected on the site;
- f. Provisions to prevent erosion of open sections of the stormwater conveyance system and culvert inlets and outfalls;
- g. Plans showing phasing and grading as needed to demonstrate the applicability of the proposed sequence;
- h. All construction notes and sequencing to be implemented as part of the erosion control plan during construction; and
- i. Inspection and maintenance intervals and criteria to be used to maintain temporary erosion control measures during construction.

**APPENDIX F
LIMITING DISTANCES FOR NEW IMPERVIOUS SURFACES**

Limitations on New Impervious Surfaces Located Anywhere within the Watershed

	Within 300 feet of a reservoir, reservoir stem, or controlled lake	Within 100 feet of a perennial stream	Within 100 feet of an intermittent stream	Within 100 feet of a NYSDEC wetland
Agriculture § 128.3-9(a)(2)(v)	No limitations	No limitations	No limitations	No limitations
Culverts and stream diversions § 128.3-9(a)(2)(ix)	Requires DEP approval of a Crossing, Piping, Diversion Permit (“CPDP”)	Requires DEP approval	Requires DEP approval	Requires DEP approval
Bridges or stream crossings § 128.3-9(a)(2)(vi), (a)(9)	Requires DEP approval if not otherwise regulated	Requires DEP approval if not otherwise regulated	Requires DEP approval if not otherwise regulated	Requires DEP approval if not otherwise regulated
Wastewater treatment plants (new or altered) § 128.3-9(a)(2)(vii)	No limitations	No limitations	No limitations	No limitations
Water supply systems § 128.3-9(a)(2)(viii)	No limitations	No limitations	No limitations	No limitations
Non-commercial ancillary improvements or additions to an individual residence § 128.3-9(a)(2)(ii)	No limitations	No limitations	No limitations	No limitations

**Additional Limitations on New Impervious Surfaces
In Designated Main Street Areas in the East of Hudson Watershed And
In Villages, Hamlets, Village Extensions, and Areas Zoned for Commercial/Industrial Use
as of the Watershed Regulations’ Effective Date in the West of Hudson Watershed**

	Within 300 feet of a reservoir, reservoir stem or controlled lake	Within 100 feet of a perennial stream	Within 100 feet of an intermittent stream	Within 100 feet of a NYSDEC wetland
All other new impervious surfaces § 128.3-9(a)(3), (a)(8), (a)(11)	Requires DEP approval of a SWPPP	Requires DEP approval of a SWPPP	Requires DEP approval of a SWPPP	Requires DEP approval of a SWPPP

Additional Limitations on New Impervious Surfaces Outside Designated Main Street Areas in the East of Hudson Watershed and Outside Villages, Hamlets, Village Extensions and Areas Zoned for Commercial/Industrial Use in the West of Hudson Watershed

	Within 300 feet of a reservoir, reservoir stem or controlled lake	Within 100 feet of a perennial stream	Within 100 feet of an intermittent stream	Within 100 feet of a NYSDEC wetland
New Roads § 128.3-9(a)(4)(i), (a)(6)(i)-(iii)	Prohibited except for paving existing dirt/gravel roads with SWPPP	Prohibited except for paving existing dirt/gravel roads or for new access roads, both of which require SWPPP	Within 50 feet, prohibited except for paving existing dirt/gravel roads or for access roads, both of which require SWPPP; between 50 and 100 feet, all new roads allowed with stormwater plan	Within 50 feet, prohibited except for paving existing dirt/gravel roads or for access roads, both of which require SWPPP; between 50 and 100 feet, all new roads allowed with stormwater plan
New Driveways § 128.3-9(a)(2)(iii), (a)(2)(iv)	Prohibited	Requires an Individual Residential Stormwater Permit (“IRSP”)	Within 50 feet, requires an IRSP	Within 50 feet, requires an IRSP
New individual residences* § 128.3-9(a)(2)(i), (a)(5)	Prohibited	Either prohibited or requires an IRSP*	Either prohibited or within 50 feet, no prohibitions*	Either prohibited or requires an IRSP*
Widening of existing roads § 128.3-9(a)(4)(i), (a)(6)(v)	On side furthest from reservoir, reservoir, or controlled lake to extent practical	On side furthest from stream to extent practical	Within 50 feet, on side furthest from stream to extent practical; beyond 50 feet, no limitations	Within 50 feet, on side furthest from wetland to extent practical; beyond 50 feet, no limitations
Expansions of existing facilities with no more than 25% increase in existing impervious surfaces § 128.3-9(a)(4)(iii)	Prohibited	Requires SWPPP	Requires SWPPP	Requires SWPPP
All other new impervious surfaces § 128.3-9(a)(1)	Prohibited	Prohibited	Prohibited	Prohibited

* See § 128.3-9(a)(5)(ii) and (iii) for meaning of “new” and “old” subdivisions.

APPENDIX G
SELECT TERMS DEFINED IN THE WATERSHED REGULATIONS

Design Point: A point where stormwater runoff enters a watercourse or wetland or leaves the site of an activity for which a stormwater pollution prevention plan must be prepared pursuant to the Watershed Regulations.

Drainage Area: All land and water area from which runoff may run to a common design point; this includes off-site drainage upstream of the development that flows into the site.

Designated Main Street Areas: A Designated Main Street Area is a defined area of limited size located within the East of Hudson Watershed which is an existing center of commercial, industrial, residential, or mixed use and which has been defined and designated by a local government in the East of Hudson Watershed and approved by DEP. Information concerning Designated Main Street Areas is available from DEP at 465 Columbus Avenue, Valhalla, New York; (914) 742-2028.

Hamlet: A population center designated as a hamlet by a Town Board in the West of Hudson watershed and described as a hamlet in a current Water Supply Permit issued by the New York State Department of Environmental Conservation or in any written agreement among the affected parties to the 1997 New York City Watershed Memorandum of Agreement, including the New York State Department of Environmental Conservation.

Impervious Surface: An area which is either impervious to water or which substantially prevents the infiltration of water into the soil at that location. Impervious materials include, but are not limited to, paving, concrete, asphalt, rooftops, and other hard surfacing materials. Impervious surfaces do not include dirt, crushed stones or gravel surfaces.

Intermittent Stream: A watercourse that during certain times of the year goes dry or whose lowest annual mean discharge during seven consecutive days with a recurrence interval of ten years (MA7CD/10) is less than 0.1 cubic foot per second and which periodically receives groundwater inflow. A drainage ditch, swale, or surface feature that contains water only during and immediately after a rainstorm or snow melt shall not be considered to be an intermittent stream.

Limiting Distance: The shortest horizontal distance from the nearest point of a structure or object to the edge, margin, or steep bank forming the ordinary high water mark of a watercourse, wetland, reservoir, reservoir stem, or controlled lake or the contour line coinciding with the reservoir spillway elevation.

One-year, twenty-four hour storm: the storm, with a twenty-four hour duration, that statistically has a 100 percent chance of occurring in any given year, as specified in the most recent Watershed Water Quality Annual Report.

Perennial Stream: A watercourse that flows throughout the year from source to mouth.

Redevelopment Project: the reconstruction or modification of any previously developed land such as residential, commercial, industrial, or road/highway, which involved soil disturbance. Redevelopment is distinguished from new development in that new development refers to construction on land which has not been substantially developed. The term “redevelopment project” specifically applies to areas previously developed with impervious surfaces.

Reservoir Stem: Any watercourse segment which is tributary to a reservoir and lies within 500 feet or less of the reservoir.

Subdivision: Any tract of land which is divided into five or more parcels of five acres or less, along an existing or proposed street, highway, easement, or right-of-way, for sale or rent as residential lots. A tract of land shall constitute a subdivision upon the sale, rental, or offer of sale or lease of the fifth residential lot therefrom within any consecutive three year period.

Ten-year, twenty-four hour storm: the storm, with a twenty-four hour duration, that statistically has a ten percent chance of occurring in any given year, as specified in the most recent Watershed Water Quality Annual Report.

Terminal reservoirs: Kensico, West Branch, New Croton, Ashokan, and Rondout Reservoirs.

Village: A territory which has been incorporated as a village pursuant to Article 2 of the New York State Village Law.

Village Extension: An area immediately adjoining a main road extending outside an existing village which has been designated as a village extension by the Town Board in the West of Hudson watershed and described in a Water Supply Permit duly issued by the New York State Department of Environmental Conservation or in any written agreement among the affected parties to the 1997 New York City Watershed Memorandum of Agreement, including New York State Department of Environmental Conservation.

Watercourse: a visible path through which surface water travels on a regular basis, including an intermittent stream, which is tributary to the water supply. A drainage ditch, swale or surface feature that contains water only during and immediately after a rainstorm or a snowmelt shall not be considered to be a watercourse.

Watershed Water Quality Annual Report: the report prepared annually by DEP in accordance with Section 18-48 of the Watershed Regulations which includes results of its annual review of its reservoirs and controlled lakes as well as rainfall values for the one- and ten-year, twenty-four hour storms and a map of the 90% rainfall value in New York State.

Wetland: any area mapped as a wetland by the New York State Department of Environmental Conservation pursuant to the Environmental Conservation Law, which is at least 12.4 acres in size or has been designated as a wetland of unusual local importance.

APPENDIX H
STORMWATER CONTROLS PAID FOR BY THE CITY

NEW YORK CITY DEP
APPLICATION FOR CITY FUNDS TO PAY THE COSTS OF STORMWATER
CONTROLS REQUIRED BY THE NYC WATERSHED REGULATIONS
(Applies to single family residences (IRSPs), small businesses, and low-income housing)

New York City will pay for design, implementation, and maintenance of stormwater control measures required by the Watershed Regulations that are not otherwise required by federal, state, or local laws or regulations.

1. Applicant name and address: _____

2. Description and location of project:
 Single family dwelling Low-income housing Small business
Location: _____
3. Location of site: East of Hudson West of Hudson
4. Date that Stormwater Pollution Prevention Plan or Individual Residential Stormwater Permit was approved: _____ DEP Project Log Number: _____
5. State or federal stormwater approvals required: _____

6. Funds requested for (check one):
 For Individual Residences: West of Hudson, 100%, East of Hudson, 50%.
 For Small Businesses: 50% of costs East or West of Hudson.
 For Publicly Subsidized Low-Income Housing: 100% of costs East or West of Hudson.
7. For individual residences, describe lot constraints that prevent the construction of impervious surfaces outside of the limiting distance.

8. Attach the following:
Approved plans
Invoices
Documentation that applicant relates to a qualified small business
Document that application relates to qualified publicly subsidized low-income housing
Other (please specify):

Expenses for which payment is being requested:

Invoice for Stormwater Controls			
	Costs Associated With		
Item	City Regulations	Federal/State Regulations	Incremental Costs
Design	\$	\$	\$
BMP Implementation	\$	\$	\$
Maintenance	\$	\$	\$
Total:	\$	\$	\$

Applicant's Signature

Date

Print Name