

# Ulster County Municipal Separate Storm Sewer Systems (MS4)

## Ulster County Construction Projects

### STATEMENT OF POLICY

The term **MS4** includes both municipal and non-municipal systems of underground pipes, and also systems of streets and roads with drainage, catch basins, curbs, gutters, ditches, man-made channels or storm drains, whether or not the system is owned by a municipality. An **MS4** may be a city, town or village system, or one serving a large publicly-owned complex such as a military base, hospital, school or prison

The County of Ulster, in accordance with federal and state requirements as a Phase II participant in the MS4 program, has adopted the following Statement of Policy to implement a pre and post construction site plan approval and inspection program on construction projects that it undertakes or authorizes to occur on lands that it owns. The policy covers construction projects where land disturbance of one acre or more will occur or where federal and state stormwater requirements are otherwise applicable. For each applicable construction project Ulster County will require the following:

**Stormwater Pollution Prevention Plan (SWPPP)**

Preparation of a SWPPP that contains the elements described in SPDES Permit No. GP-0-08-001 and Permit No. GP-0-08-002. Where necessary the SWPPP will indicate if it contains an Erosion and Sediment Control Plan, Water Quality and Quantity Control, or both.

**Review Procedure**

All SWPPPs will be submitted to the Ulster County Stormwater Management Specialist (SWMS). The SWMS will review the plans and inspect the county-owned construction projects for compliance. SWMS's approval is required prior to submission of the Notice of Intent to the NYS DEC.



stormwater detention on Golden Hill

**Notice of Intent (NOI)**

After the approval of the SWPPP by the SWMS, a NOI and certification will be filed with the NYSDEC. The NOI will identify the individual that has reviewed the SWPPP. Submittal of the NOI is an affirmation by Ulster County that a SWPPP has been prepared for the site. *(continued pg.2)*

#### TABLE OF CONTENTS

Contractors Certification	2
Proper Operation and Maintenance	3
Repaving and Reconstruction of Parking Lots	3
Permit Coverage	3
References	4
Contact Information	4

### APPLICABLE LAWS & REGULATIONS

In New York State, Article 17, Titles 7, 8 and Article 70 of the Environmental Conservation Law regulate stormwater discharge activities. State Pollutant Discharge Elimination System (SPDES) permits are issued by the New York State Department of Environmental Conser-

vation (NYS DEC) under these statutes. DEC has issued the following two general SPDES permits regulating the discharge of stormwater:

Permit No. GP-0-08-001: SPDES General Permit For Stormwater Discharges From Construction Activity

Permit No. GP-0-08-002: SPDES General Permit for Stormwater Discharges From Municipal Separate Stormwater Sewer Systems (MS4s).

These permits require that every construction site with 1 (one) acre or more of land disturbance have a *(continued pg.2)*

## STATEMENT OF POLICY (continued)

### Site Inspection

Prior to commencement of construction the SWMS will conduct an assessment of the site and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented. Following the commencement of construction, site inspections will be conducted at least every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

### Contractor Certification

Where identified contractors or subcontractors are on-site, Ulster County will require at least one employee on site to have received four (4) hours of training, endorsed by NYS DEC, from a Soil and Water Conservation District, CPESC, Inc. or other NYS DEC endorsed entity in proper erosion and sediment control principals in the last three (3) years.

### Notice of Termination (NOT)

Where the site has been finally stabilized, Ulster County will submit a NOT form prescribed by the NYSDEC for use of Permit No. GP-0-08-001.

### Signatory Requirements

NOIs and NOTs will be signed by either a principal executive officer or ranking elected official of Ulster County.

SWPPPs and all reports required by the permit and other information requested by NYSDEC will be signed by the SWMS.

**Ulster County has a Stormwater Management Specialist (SWMS) with the required expertise and certifications to perform site inspections and review SWPPPs**

## CONTRACTORS CERTIFICATION

The following certification will be required from contractors as part of all Ulster County contracts for construction projects that meet the threshold criteria of the applicable SPDES Permits:

“In accordance with EPA regulations as a Small Municipal Separate Storm Sewer System (MS4) area; Ulster County construction projects must com-

ply with the federally mandated EPA Regulation 40 CFR 122.34 and the State Pollutant Discharge Elimination System General Permits (SPDES) for stormwater discharges for construction activities. The successful bidder certifies to Ulster County that its operators and construction site personnel have certified training in acceptable standards and practices for con-

trolling construction site stormwater and managing post-construction stormwater. The successful bidder also certifies that they will be responsible for any waste generated from the construction project that would have adverse impacts to water quality.”

Signature \_\_\_\_\_

**Construction personnel must have certified training in stormwater management**

## APPLICABLE LAWS (continued)

Stormwater Pollution Prevention Plan (SWPPP). The permit requirements applies to both new construction and additions to existing county owned facilities. Additionally, NYSDEC may require the preparation of the SWPPP even for less than 1 acre on a case by case basis.

Ulster County has developed and will implement procedures for site plan and SWPPP review process, inspection as well as post-construction management practices for county-owned construction projects, equivalent to SPDES permit #GP-0-08-001 and permit #GP-0-08-002. These procedures

will meet the requirements of Minimum Control Measure #4: Construction Site Runoff Control and Minimum Control Measure #5: Post-Construction Runoff Control.

## PROPER OPERATION AND MAINTENANCE

### Proper Operation and Maintenance

The SWPPP must include the type, number and frequency of maintenance actions required for stormwater management and erosion control during construction and for permanent practices that remain on the site once construction is finalized. Routine maintenance must be

identified on a maintenance schedule and performed on a regular basis or when a problem is identified.

Ulster County recognizes that the submittal of SWPPP requires that it must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which

are installed and used to achieve compliance with the conditions of the permit and with the requirements of SWPPP. Proper operation and maintenance may include the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit.

The person responsible for conducting the maintenance actions during construction and post-construction will be identified in the SWPPP.

## REPAVING & RECONSTRUCTION OF ROADS & PARKING LOTS

### Repaving of Roads and Parking Lots

Repaving is defined as the resurfacing of an existing pavement/concrete road or parking lot, or resurfacing of a road or parking lot that has undergone grinding or milling operations, where a layer of pavement or concrete remains after the grinding or milling. Construction activity that does not result in land disturbance (soil exposure) is not required to obtain coverage under GP-0-08-001.

### Road and Parking Lot Reconstruction

Road and parking lot reconstruction is defined as removal of the full depth of the pave-

ment/concrete layer(s) with varying levels of disturbance of the subbase and subgrade layers. Road or parking lot reconstruction may or may not require permit coverage. The need for permit coverage is based on factors such as the type and thickness of the subbase layer and the level of disturbance of the subbase layer. Ulster County will use the following criteria to determine which road and parking lot reconstruction projects are considered regulated land disturbances that require permit coverage.

Permit coverage will be required for disturbances of one acre or more (including other site disturbances):

1. if the existing subbase material is not a processed crushed stone (e.g. mixed ones and twos), or a material equivalent to NYS DOT subbase course (see Section 304 of NYS DOT Standard Specifications);
2. if the existing subbase layer on the road or parking lot reconstruction project is less than 6 inches in depth; and
3. if the road or parking lot reconstruction involves the

complete removal of the subbase layer or disturbance of the bottom 6 inches of the subbase layer (less than 6 inches of subbase would remain after removal of pavement/concrete).

For the 1,2, and 3 above —if the subbase layer is six inches or more in depth after the removal of the pavement/concrete layer(s) and the subbase material is equivalent to one of the materials specified in No.1 above, the area is not considered a regulated disturbance and should not be included when calculating the total disturbance.

## PERMIT COVERAGE

### Five Day Permit Coverage

Stormwater discharges from construction activity may obtain coverage under the general permit in 5 (five) business days after the NYSDEC's receipt of the NOI if all of the following are true:

1. Ulster County certifies that the SWPPP has been developed in conformance with the NYSDEC's technical standards;
2. The activity is eligible for coverage under the general permit; and
3. The construction site or post-construction runoff is not

discharging a pollutant of concern to either an impaired water identified on the NYSDEC's 303(d) list or a watershed where an EPA-approved Total Maximum Daily Load (TMDL) analysis has been completed for a pollutant of concern which would be discharged from construction or post-construction runoff.

### Sixty Day Permit Coverage

There are conditions where coverage under a general permit will not occur until 60 business days from the NYS DEC's receipt of a completed NOI. Pro-

jects requiring 60 day review period prior to obtaining coverage including those where:

1. The SWPPP deviates from the DEC's technical standards, or
2. The construction activity or post-construction runoff causes the discharge of a pollutant of concern to a water identified on the 303(d) list or the watershed with an approved TMDL for the pollutant of concern.

Applicants must allow 60 days after the NYSDEC receives a completed NOI and certification before gaining coverage

under the permit and before initiating any construction activity.

The NYSDEC's technical standards for erosion and sediment controls are contained in the document, *New York State Standards and Specifications for Erosion and Sediment Control*. For the design of water quantity and water quality controls (post-construction stormwater control practices), the NYSDEC's technical standards are detailed in the *New York State Stormwater Management Design Manual*.

## Ulster County Department of Public Works

Miklos Rudnay,  
Stormwater Management Specialist  
317 Shamrock Lane  
Kingston NY 12401

Phone: 845-340-3123  
E-mail: [mrud@co.ulster.ny.us](mailto:mrud@co.ulster.ny.us)



## REFERENCES

### Federal Regulations

U.S. EPA, National Pollutant Discharge Elimination System (NPDES)  
<http://cfpub.epa.gov/npdes/index.cfm>

Phases of the NPDES Stormwater Program <http://cfpub.epa.gov/npdes/stormwater/swphases.cfm>

Stormwater Pollution Prevention Plans for Construction Activities  
<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>

### New York State Regulations

New York State Department of Environmental Conservation (NYS DEC), home page  
<http://www.dec.ny.gov/>

NYS DEC, State Pollutant Discharge Elimination System (SPDES)  
<http://www.dec.ny.gov/permits/6054.html>

NYSDEC, Construction Stormwater Program Guidance Document  
<http://www.dec.ny.gov/chemical/29083.html>

NYS DEC, SPDES Construction Stormwater Information (Links)  
<http://www.dec.ny.gov/chemical/8694.html>

### New York State Technical Standards

New York State Standards and Specifications for Erosion and Sediment Control  
<http://www.dec.ny.gov/chemical/29066.html>

New York State Stormwater Design Manual  
<http://www.dec.ny.gov/chemical/29072.html>

### Ulster County Stormwater website

<http://www.co.ulster.ny.us/stormwater.html>