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|          | <b>Department of<br/>Design and<br/>Construction</b> | <b>SPECIFICATION<br/>BULLETIN</b>   | <b>SB</b><br><br><b>24-018</b> |
| <b>Title: STORMWATER POLLUTION PREVENTION</b>   |  |   |                                |
| Prepared: <span style="float: right;">12/13/2024</span>                                   |  | Approved: <span style="float: right;">12/13/2024</span>   |                                |
| Mohammad Mahmud, P.E. <span style="float: right;">Date</span><br>Director, Specifications |  | How Sheen Pau, P.E. <span style="float: right;">Date</span><br>Associate Commissioner – Infrastructure Design |                                |

**APPLICABILITY:**

- This Specification Bulletin (SB) is effective for projects advertised on or after 12/20/2024.

**SUPERSEDEENCE:**

- This SB supersedes the following SBs: **None.**

**ATTACHMENTS:**

1. *Section 9.30 (4 pages)*

**REVISIONS TO THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION STANDARD HIGHWAY SPECIFICATIONS, DATED 5/16/2022:**

All references contained below are to the New York City Department of Transportation Standard Highway Specifications, Dated May 16, 2022. Said Standard Highway Specifications are hereby revised as follows:

- a) **Refer** to Section 9.30 – Stormwater Pollution Prevention  
**Delete** in its entirety Section;  
**Substitute** the revised Section in Attachment 1 (4 pages)

For questions regarding this bulletin, please contact Richard Jones, [jonesri@ddc.nyc.gov](mailto:jonesri@ddc.nyc.gov).

## SECTION 9.30 - Stormwater Pollution Prevention

### 9.30.1. INTENT.

The intent of this section is to address Erosion and Sediment Control (ESC) and pollution prevention during construction and maintenance and guaranty period. The Contractor is advised that within NYC boundaries, in compliance with the Rules of the City of New York Title 15 Chapter 19.1 (15 RCNY Chapter 19.1), DEP is required to review and approve Stormwater Pollution Prevention Plans (SWPPP) that have been prepared to meet the requirements listed in Chapter 19.1. All covered development projects must implement ESC measures in accordance with the NYS Standards and Specifications for Erosion and Sediment Control (also known as The "NYS DEC Blue Book"), dated November 2016 (<https://www.dec.ny.gov/chemical/8694.html>), as amended.

The objective is to develop and implement a SWPPP that will minimize the pollutants entering the storm sewer systems in compliance with 15 RCNY Chapter 19.1, and the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Runoff from Construction Activity, SPDES General Permit GP-0-20-001 or its successor.

### 9.30.2. DEFINITIONS.

1. **Designer** – The Design Engineer or Qualified Professional responsible for the design
2. **Qualified Inspector** - A person who is knowledgeable in the principles and practice of erosion sediment control, such as a licensed Professional Engineer, a Certified Professional in Erosion and Sediment Control, or a Registered Landscape Architect.
3. **Qualified Professional** - A person who is knowledgeable in the principles and practice of stormwater management and treatment such as a licensed Professional Engineer or a registered landscape architect or other NYSDEC endorsed individuals.
4. **SWPPP Preparer** - Must be a qualified professional. Creates the SWPPP for review and submittal to the SWPTS (as defined in Section 9.30.3). The SWPPP Preparer must certify that the SWPPP was prepared in accordance with RCNY Title 15 Chapter 19.1.
5. **Trained Contractor**- An employee of the Contractor who has received four hours of NYSDEC endorsed training in the past 3-Years, in the principals and practices of proper erosion and sediment control as required. Such employee must have a certificate of training and wallet card showing their certification number.
6. **Owner** – applicant agency.

### 9.30.3. SCOPE AND METHODS.

The ESC portion of the SWPPP must include ESC and pollution prevention practices. Practices must be designed in compliance with 15 RCNY Chapter 19.1 and the New York State Standards and NYS DEC Blue Book. Within thirty (30) days after the Contract is registered, the Contractor must submit a completed SWPPP to the NYCDDC Office of Environmental & Hazmat Services (OEHS) for review and acknowledgement. After approval by OEHS, the SWPPP must also be submitted to NYCDEP Stormwater Permitting Unit through the Stormwater Permitting and Tracking System (SWPTS) portal by the SWPPP Preparer for approval.

Contractor and SWPPP Preparer must be registered on SWPTS portal at:

<https://deppermits.microsoftportals.com/Account/Login?returnUri=/my-application/>

Projects in Municipal Separate Storm Sewer System (MS4) areas require coverage under SPDES General Permit GP-0-20-001 or its successor and a NYCDEP Stormwater Construction Permit. Project areas serviced by a Combined Sewer System (CSS) will only require SWPPP approval from DEP.

The SWPPP must be prepared considering the topography of the subject area. It must also identify potential sources of pollution at the project site that may reasonably be expected to affect the quality of stormwater discharges. The plan must describe the specifics of Post-Construction Stormwater Management Practices (PCSMPs) that are to be used to reduce the pollutants in stormwater discharges, their sequence of implementation and associated design details. All practices included in the SWPPP must be designed in conformance with NYCDEP Stormwater Manual and with the most current version of the Blue Book.

The SWPPP template is available at <https://www1.nyc.gov/site/dep/water/stormwater-permits.page>.

For the Qualified Professional, the Contractor must retain the services of an independent licensed/certified professional with practical experience in the principles and practices of erosion and sediment control and stormwater management, to prepare and certify a site specific SWPPP, along with all necessary shop drawings. The SWPPP Preparer must verify that the SWPPP has been developed in a manner that will assure compliance with the NYCDEC water quality standards and with the substantive intent of the SPDES General Permit GP-0-20-001 or its successor and 15 RCNY Chapter 19.1.

Construction work must only commence in MS4 areas upon issuance of NYSDEC permit identification number and NYCDEP Stormwater Construction Permit. In addition, an initial inspection must be conducted by the Qualified Inspector certifying that the appropriate control measures specified in the SWPPP have been adequately implemented to the satisfaction of the Resident Engineer (RE) and the OEHS Project Manager (PM). In areas serviced by CSS, Work must not commence until issuance of NYCDEP Stormwater Construction Permit and completion of initial inspection.

The Contractor will be responsible for maintenance of the PCSMPs during the period of construction and the period of guarantee. The Contractor will be responsible for allowing access to DDC and DEP Inspectors during the guarantee period. The Contractor will be responsible for preparing documentation for Stormwater Maintenance Permit Application which includes the final Operation & Maintenance (O&M) Plan with as-built drawings. The maintenance is outlined in Chapter 5 of the NYC Stormwater Manual; however, the Contractor will also be held to maintaining as directed in the design documents and as per the approved Stormwater Construction Permit. Also, should it be needed, the Contractor will be responsible for preparing the required documents for Lead Agency/landowner to use when renewing the maintenance permit every 5 years as outlined in the NYC Stormwater Manual. At the completion of the guaranty period and upon final approval, the City takes over the responsibility for maintenance.

#### **9.30.4. DEVIATIONS AND AMENDMENTS.**

A SWPPP that deviates from the NYCDEP and NYSDEC technical standards must have a section justifying any non-conformance. The justification must include, but not be limited to, the following:

- a. Statement of each deviation from State or City requirements;
- b. Statement of the reasons for each deviation and reasons for supporting adopted alternatives;
- c. Provide information which demonstrates that the deviation or alternative design is equivalent to the Technical Standards; and,
- d. Analysis of the water quality impacts.

In instances when the approved SWPPP is included in the Contract Documents, the Contractor is still responsible for reviewing the SWPPP, updating the Construction team contacts, identifying a need for any major or minor amendments and obtaining OEHS and NYCDEP Stormwater Permitting Unit approvals along with updating coverage under SPDES General Permit.

#### **9.30.5. INSPECTION AND MAINTENANCE.**

The Trained Contractor must provide regular inspection and maintenance of the ESC measures which were deployed as part of the Contractor's construction process. Site inspection and Maintenance of ESC must be implemented in accordance with Part IV of SPDES General Permit GP-0-20-001 (or most recent version). The Contractor will also be responsible for maintenance of the PCSMPs which are constructed

throughout the construction and period of guarantee according to the requirements of Chapter 5 of the NYC Stormwater Manual or the requirements given in the design documents by the Designer. The Qualified Inspector is responsible to inspect the site at least once every 7-days to assure compliance with the approved SWPPP. The Trained Contractor is also responsible for providing access to NYCDEP or City representatives to inspect the measures for proper maintenance.

#### **9.30.6. CERTIFICATION.**

The SWPPP (site logbook) must clearly identify a Trained Contractor for the Contractor and all the Subcontractors that will implement each measure identified in the SWPPP. The Trained Contractors identified in the SWPPP who perform professional services at the site must implement the provisions of the plan and provide certification of the SWPPP in accordance with the provisions of the, NYCDEP Stormwater Construction Permit, the Blue Book, and SPDES General Permit GP-0-20-001 or its successor. The Contractor and all Subcontractors must ensure that updates to construction operations, ESC/PCSMP practices, etc. are communicated/approved by DEP Stormwater Permitting Unit prior to proceeding with implementation. The Lead Agency/landowner is advised that the City must receive yearly certifications that PCSMP's are properly maintained and in support of that certification the Trained Contractor is required to provide a copy of inspections performed.

#### **9.30.7. STABILIZATION.**

Stabilization must be implemented in accordance with Part 1.B.1.b of SPDES General Permit GP-0-20-001 or its successor.

#### **9.30.8. CONTRACTOR'S LIABILITY.**

The Contractor will be liable for any discharge that either causes or contributes to a violation of water quality standards as contained in Parts 700 through 705 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Should any stormwater runoff from the site violate the water quality standards, the Contractor will be directed to take immediate steps, at the Contractor's own expense, to rectify the situation and prevent any further sediment from entering the storm sewer system.

In the event that pollutants are discharged to the storm sewer system due to the Contractor's negligence, the RE will direct the Contractor to cease any or all construction activities contributing to the release of these pollutants. The Contractor will be held responsible, at the Contractor's own cost, for any and all necessary actions to remedy the damage.

Furthermore, failure of the Contractor and/or their Subcontractor(s) to strictly adhere to any permit requirements will constitute a permit violation that could result in substantial criminal, civil, and administrative penalties.

It is the Contractor's responsibility to pay all associated permit fees which includes the DEP Stormwater Construction Permitting Fees and SPDES permit fees. DEP Stormwater Construction Permits must be renewed every two years by submitting to DEP no less than 30 days prior to the permit expiration date and must be accompanied by a processing fee in the amount of \$1,000 dollars in addition to a \$2,000 dollar fee per acre of land disturbed or the applicable amount at the time of renewal. NYSDEC SPDES consists of the yearly regulatory fee, the initial authorization fee per acre of land disturbed and per acre of future impervious area. The Contractor is liable for all penalties incurred due to the Contractor's failure to pay these fees on time.

**9.30.9. MEASUREMENT.**

**(A) STORM WATER POLLUTION PREVENTION (Lump Sum)**

Payment will be made by lump sum.

Ten percent (10%) of the lump sum price bid will be paid when the SWPPP is “satisfactorily” furnished by the Qualified Professional and accepted by the Department.

Seventy percent (70%) will be paid in proportion to the percentage of construction completion.

Twenty percent (20%) will be paid when the construction and the guaranty period is complete, the Stormwater Maintenance Permit has been granted by NYCDEP, the Notice of Termination (NOT) is filed with NYSDEC, and all SPDES permit fees have been paid. For clarity, the Contractor must include the final twenty percent (20%) in the Contractor’s requisition for substantial completion payment; however, this amount will be not payable until completion of the above specified requirements.

**(B) STORM WATER POLLUTION PREVENTION (per Month)**

The quantity to be measured for payment under this item will be the number of months (to the nearest 1/4-month increment) that the Contractor satisfactorily provides for the Storm Water Pollution Prevention in accordance with these specifications, including winter shut down, holiday embargo, and other work suspension periods for which the Contractor remains responsible for site maintenance. Measurement for this item will not begin until the NYCDEP Stormwater Construction Permit is granted and actual SWPPP work is started at the site.

**9.30.10 PRICE TO COVER.**

Payment will be made at the lump sum price or monthly price bid for the item , which includes, but is not be limited to, the cost of furnishing all the labor, materials, fees, permits and testing required to provide and construct all ESC devices in accordance with the approved SWPPP; providing a Qualified Professional/Inspector to design, report, inspect and monitor the Work; comply with NYCDEP and NYSDEC permitting requirements and all necessary incidentals to complete the Work in accordance with the specifications and the directions of the Engineer.

For PCSMPs the payment for inspection and permitting administration will be paid from the lump sum price bid for the item 9.30 Stormwater Pollution Prevention. However, the cost of labor, materials, and maintenance associated with PCSMPs will be paid under the relevant pay item for PCSMP construction.

*Payment will be made under:*

| Item No. | Item                             | Pay Unit |
|----------|----------------------------------|----------|
| 9.30     | STORM WATER POLLUTION PREVENTION | L.S.     |
| 9.30 B   | STORM WATER POLLUTION PREVENTION | MONTH    |