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Stormwater Construction Permits: Local Law 97 of 2017

May 29, 2019

Beginning June 1, 2019, a Stormwater Construction Permit from NYC Department of Environmental Protection (DEP) must be obtained for development projects if they:

1. Are expected to disturb 1 or more acres of soil¹; and
2. Either:
 - a. Are located in the MS4 area on the Interactive MS4 Map; or
 - b. Require a DEP connection for a separate storm sewer.²

A DEP Stormwater Construction Permit must be obtained prior to Department of Buildings plan approval for applications as described above.

The DEP Stormwater Construction Permit is not required for projects that have:

Received, before June 1, 2019, a letter of Acknowledgment of Notice of Intent for coverage under New York State DEC's General Permit for Stormwater Discharges from Construction Activities (CGP).

If DOB plan approval was issued prior to June 1, 2019, without such DEC letter, you must obtain a DEP Stormwater Construction Permit prior to obtaining a DOB Permit.

For more information, see Chapter 19.1 of Title 15 of the Rules of the City of New York, or visit DEP's website.

¹An individual construction project that will disturb less than one acre may nonetheless require a Stormwater Construction Permit if the project is a part of a “larger common plan of development.” See Chapter 19.1-01 of Title 15 of the Rules of the City of New York for the definition of that term and complete information about permit applicability.

²Public projects by City agencies that discharge stormwater directly to waters of the state and, as a result, do not need a site connection permit from DEP will still need to apply for a DEP Stormwater Construction Permit. See Chapter 19.1 of Title 15 of the Rules of the City of New York for more information.