4.4.8.2 Appendix G. Signature Authorization on State Pollutant Discharge Elimination System (SPDES) Notice of Intent (NOI) for Design-Build Projects

The State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (the Permit) is required for all construction projects with one or more acres of soil disturbance. The Owner/Operator of a construction project is required to submit a Notice of Intent (NOI) to obtain coverage under the Permit prior to commencing construction. On New York State Department of Transportation (NYSDOT) Design-Build projects, the Design-Build Team is the Operator and is responsible for obtaining Permit coverage.

TECHNICAL INFORMATION:

- Part II.A.1 and Part VII.H of the *SPDES General Permit for Stormwater Discharges from Construction Activity* (GP-0-15-002) (General Permit) require the Owner/Operator of a construction project resulting in a cumulative disturbance of one or more acres of land to sign and submit an electronic NOI (eNOI) or paper NOI to obtain coverage under the General Permit.
- The Design-Build Team awarded a Design-Build contract works on behalf of the NYSDOT, and has operational control over the construction plans as defined in Appendix A of the General Permit, and therefore qualifies as Operator of a NYSDOT project.
- The Design-Build Team, as Operator of the project, must sign and submit the Construction NOI to obtain coverage under the General Permit. By doing so, the Design-Build Team becomes the permittee, and is responsible for all permit requirements and applicable permit authorization and annual fees, and liable for any permit violation.
- The NYSDOT does not sign or submit the NOI for Design-Build projects unless the project is ineligible for General Permit coverage; for those projects, the NYSDOT will submit an NOI for an Individual Permit.
- When completing and submitting the eNOI for coverage under the General Permit, additional certifications need to be prepared and submitted as instructed below:
  - The Design-Build Team will need to complete and sign a paper “Owner/Operator Certification” form and then provide that form to their eNOI preparer [typically the same individual that prepares the Stormwater Pollution Prevention Plan (SWPPP)].
  - The SWPPP preparer must complete a separate paper “SWPPP Preparer Certification” form for each project certifying that the SWPPP has been developed for the specific project and has been prepared in accordance with the terms and conditions of the General Permit.
  - The eNOI preparer uploads the scanned Certification forms and completes the eNOI submittal.
  - The eNOI preparer must have a NY.gov account. Instructions for registering and activating a NY.gov account are available at: [http://www.dec.ny.gov/pubs/95925.html](http://www.dec.ny.gov/pubs/95925.html).
- When submitting the paper version of the NOI, the "Owner/Operator Certification" and “SWPPP Preparer Certification” forms are not required, as these signatures are recorded directly on the paper NOI.
When the project is complete and final stabilization of the site has been achieved as defined in Appendix A of the General Permit, the Design-Build Team must submit a Notice of Termination (NOT) to terminate coverage under the General Permit.