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## REGULATORY UPDATE: SITE DEMOLITION TIMING MAY LEAD TO ADDITIONAL STORMWATER DESIGN REQUIREMENTS

Historically, many NYC land development projects begin with the demolition of buildings and hardscapes before the design and permitting of new buildings. Recent code changes may add additional stormwater management requirements for sites where demolition/site clearing activities conclude prior to the start of new building design and permitting. These requirements can significantly impact the site design and building footprint.

The New York City Department of Environmental Protection (DEP) revised the NYC stormwater management requirements in February 2022. Revisions include:

- RCNY Title 15, Chapter 31 House/Site Connection Permits
  - Connections to public sewers
  - Water Quantity Control
- RCNY Title 15, Chapter 19.1 Stormwater Construction Permit
  - Water Quality Control

The DEP must approve a Stormwater Pollution Prevention Plan (SWPPP) and Construction Permit before earth disturbance (“breaking ground”). The plan must detail all permanent stormwater management practices such as infiltration, detention, reuse, and filtration.

Stormwater runoff reduction volume (RRv) requirements are calculated as part of the SWPPP. Sites that create 5,000 or more square feet of impervious area (compared to existing conditions) are subject to these requirements. The goal of the requirement is to reduce the total volume of stormwater discharged from a site.

The DEP rules state: “The pre-development case must represent the **least amount of impervious surface** for the covered development project within the last five years prior to the proposed development.” Owners and developers may unintentionally cause themselves to be subject to the RRv rules if demolition/site clearing activities are completed prior to the start of the new building design and DEP permitting.

Stormwater infiltration and reuse practices can satisfy the runoff reduction requirements, but stormwater detention systems cannot. Sites that increase the impervious area will either have to capture stormwater for reuse or provide site areas suitable for onsite infiltration. This requirement will affect both the building and site design.

Langan can evaluate if sites are subject to the RRv requirements, and provide design solutions for compliance. **We strongly advise owners to begin the DEP permit process (and SWPPP design) before demolition begins.** Langan can also schedule a pre-application meeting with the DEP in advance of the demolition to validate and document the situation described above.

To discuss how this may affect your projects, please contact your Langan Project Manager or:



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