

Town of LeRay

Construction Oversight Program

Prepared by: Leland J. Carpenter, Town Supervisor

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Abbreviations:

CGP- Construction General Permit

DEC- Department of Environmental Conservation

E&SC- Erosion and Sediment Control

ERP- Enforcement Response Plan

MS4- Municipal Separate Storm Sewer System; refer to maps in SWMP Plan to determine which areas in your municipality apply

SMP- Stormwater Management Practice

SWCD- Soil and Water Conservation District; also referred to as Soil and Water

SWMP- Stormwater Management Program

SWMP Plan- Stormwater Management Program Plan

SWPPP- Stormwater Pollution Prevention Plan

When this program applies:

This MS4 Construction Oversight Program addresses stormwater runoff from construction activities that a.) result in a total land disturbance of an acre or more or b.) disturb less than an acre, but are part of a larger common plan of development (e.g. a single sub-one acre lot in a housing development.)

- General rule of thumb: if construction lies within, or outlets to, an MS4 and a SWPPP is required this program applies.
 - Refer to maps in SWMP Plan to determine MS4 area

*Note: if the MS4 operator is listed as the owner/ operator on the Notice of Intent for coverage under the Construction General Permit (CGP), these additional oversights are not required. That said, these sites should still be ranked as high or low priority and appear on the MS4's Construction Site Inventory. MS4 Operators must follow CGP guidance and MS4 good housekeeping procedures.

Goals of this program:

While the main objective of this program is to achieve compliance with the municipality's MS4 Stormwater permit, it also sets the stage for effective post-construction runoff control in the community. Over the past few years, the North Country has begun to experience a greater number of high-intensity rainfall events with this trend expected to continue into the future.

This necessitates a greater emphasis on stormwater planning in community design and careful consideration of the stormwater impacts of new development. By designing sites with proper residence time¹ the impacts of new development on stormwater runoff can be mitigated, protecting downstream neighbors from increased flooding. Considering the potential stormwater impacts of new development, and following best practices from the planning stage and beyond, allows communities to take an active role in minimizing the impacts of intense rainfall events.



Flooding at expanded Lowville Hospital site after intense rainstorm

¹ Residence time is an engineering term, which in this context would describe the amount of time it takes a drop of water falling on the site to leave the site. Post-construction SMPs should be designed to hold this raindrop for at least the same amount of time it would have taken to leave the site before development.

SWPPPS

Construction activity that requires a SWPPP:

Refer to Appendix B of the Construction General Permit 0-20-001 for a list of construction activities. Table 1 contains activities that require the preparation of a SWPPP that only includes Erosion and Sediment Controls. Table 2 contains activities that require the preparation of a SWPPP that includes post-construction stormwater management practices (SMPs).

Procedures for submission of SWPPPs:

If a submitted project is listed in either Table 1 or Table 2 of Appendix B in the Construction General Permit, then a SWPPP shall be submitted for review and acceptance prior to the commencement of ground-disturbing activities.

SWPPPs are reviewed as part of the applicable land use approval process, whether before the Planning Board, Zoning Board of Appeals (ZBA), or other approving authority, as applicable.

The project's applicant or their authorized representative is responsible for submitting the SWPPP as part of the applicant's Preliminary Review and overall land development application package, when applicable. A SWPPP is a required component of a complete application for any regulated construction activity, and applications submitted without a required SWPPP are not accepted as complete.

The SWPPP is submitted to the Town's designated administrative office responsible for land use and stormwater review, which serves as the point of intake for Planning Board, Zoning Board of Appeals (ZBA), zoning, and other applicable development reviews. For projects requiring a SWPPP that are not subject to Planning Board, ZBA, or zoning review, submission and review are coordinated through the Town Clerk's office in accordance with this Construction Oversight Program.

Submission is made in the same manner as other required application materials and includes the SWPPP submitted together with the applicable land development application, plans and drawings, supporting reports, and all other required submittal materials. Unless otherwise directed, applicants are required to submit one electronic (PDF) copy and one hard copy of the SWPPP for inclusion in the Town's project file.

Complete application packages, including the SWPPP when required, must be received by the Town no later than twelve (12) days prior to the scheduled meeting of the reviewing or approving authority at which the application is to be considered, unless otherwise

directed. Upon acceptance of the submission as complete, the SWPPP is distributed for review as part of the Town's standard land use review process. The SWPPP is reviewed concurrently with the associated development application by the applicable reviewing authority, with technical review assistance provided by the Town Engineer and other qualified reviewers as appropriate.

Any comments or required revisions identified during the review process are communicated to the applicant, and revised SWPPP materials must be resubmitted to the Town's designated administrative office for further review. Where required, proof of coverage under the NYSDEC Construction General Permit must be submitted to the Town prior to the commencement of any ground-disturbing activities.

SWPPP review Requirements:

MS4 operators must ensure individual(s) responsible for reviewing SWPPPs for acceptance have a valid DEC-endorsed 4-hour erosion and sediment control training certificate.

- Training attendance validates trainees for 3 years. Jefferson County Soil and Water Conservation District offers an annual training in March. Attendance is free for Coalition members.

Completion of this requirement must be documented in the SWMP.

Individuals without this certificate **can not review SWPPPs for acceptance unless they meet the definition of a *qualified professional*² or *qualified inspector*³.

Individuals responsible for reviewing SWPPPs must consider the size of the disturbance and/or common plan as well as for conformance with the Construction General Permit (CGP).

CGP considerations include:

- Erosion and sediment control conformance with the NYS E&SC 2016, or equivalent
- Individuals responsible for review of postconstruction SMPs are *qualified professionals* or under the supervision of a *qualified professional*

² Qualified Professional – a licensed Professional Engineer, Registered Landscape Architect, or other DEC endorsed individual(s).

³ Qualified Inspector – a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other DEC endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person is working under the direct supervision of the licensed Professional Engineer or Registered Landscape Architect and has a current DEC-endorsed erosion and sediment control certification.

- Post-construction SMPs must be reviewed for conformance with the NYS Stormwater Management Design Manual 2015 or equivalent, including:
 - All post-construction SMPs meet the sizing criteria contained in the Construction General Permit and Stormwater Management Design Manual
 - Deviations from the performance criteria in the NYS Stormwater Management Design Manual must demonstrate that they are equivalent
 - The SWPPP must include an operation and maintenance plan that includes inspection and maintenance schedules as well as actions to ensure continuous and effective operation of each post-construction SMP.
 - The SWPPP must identify the entity responsible for the long-term operation and maintenance of each post-construction BMP practice.

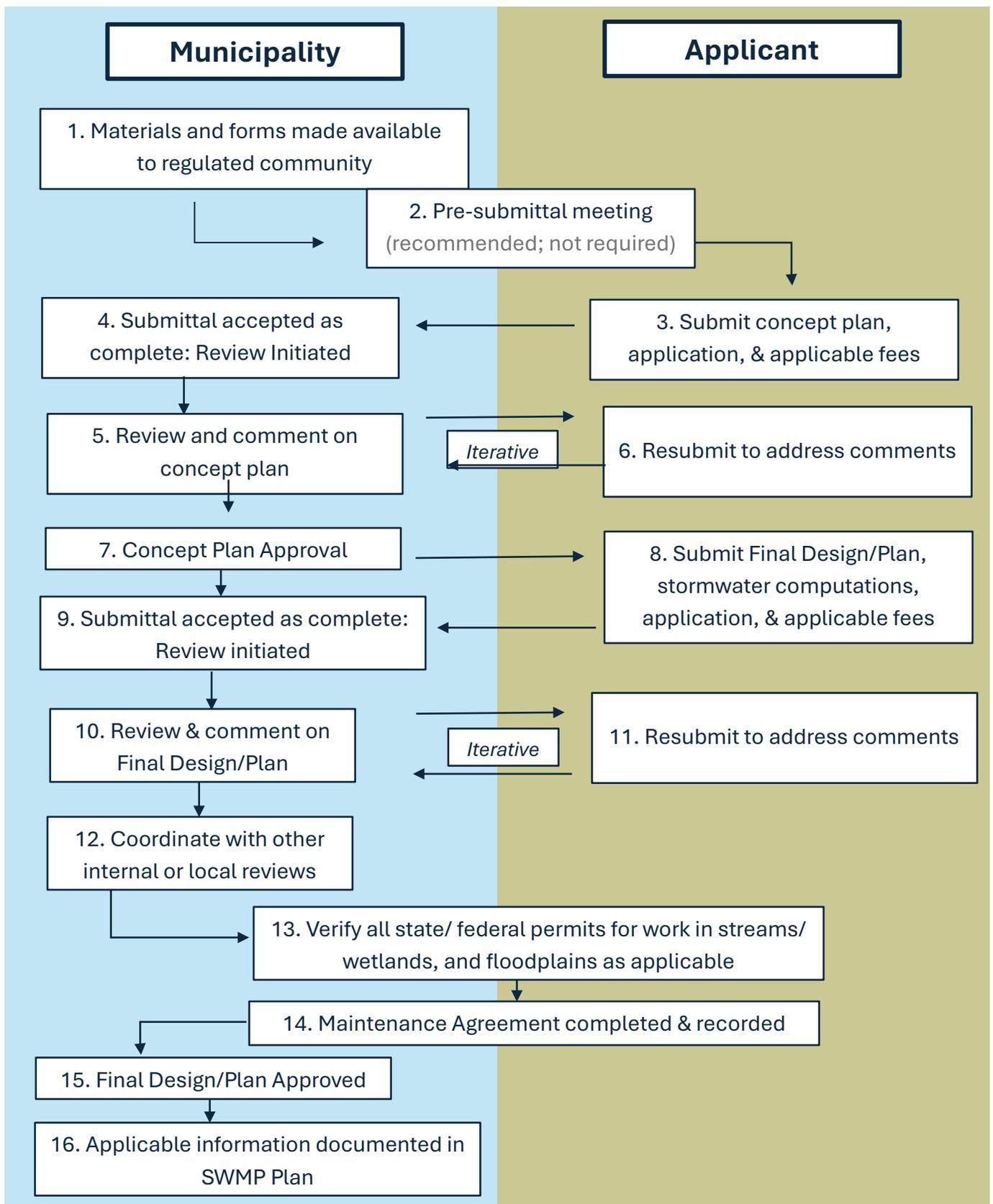
SWPPP Acceptance:

To notify construction site owners/operators that their SWPPP has been accepted use the SWPPP Acceptance Form found in Appendix A.

SWPPP documentation required for inclusion in the SWMP Plan:

- **Annually**, the SWMP Plan must be updated with the names, titles, and contact information of the individuals who have received 4-hour erosion and sediment control training.
- Add accepted SWPPPs to the table in the SWMP Plan and report to Jefferson County SWCD within 30 days
 - Consult with Jefferson County Soil and Water Conservation District to prioritize sites as high or low priority based on criteria outlined in MS4 general permit 0-24-001 section VI.D.5.a.
- Document SWPPP review, including the information found in Part III.B. of the Construction General Permit

Example SWPPP review process based on guidance from the Center for Watershed Protection's Guide for Building an Effective Post-Construction Program:



Pre-Construction Oversight Requirements:

Prior to the commencement of construction activities, the MS4 Operator must ensure a pre-construction meeting is conducted.

- The date and content of this meeting must be documented in the SWMP Plan
- The owner/operator listed on the CGP NOI, the MS4 Operator, contractor(s) responsible for the SWPPP for the construction activity, and the qualified inspector (if required for the construction activity by Part I.V.C. of the CGP) **must** attend the meeting in order to:
 - Confirm the approved project has received, or will receive, coverage under the CGP or an individual SPDES permit
 - Verify contractors and subcontractors have identified at least one individual that has a current DEC-endorsed four-hour erosion and sediment control certificate as required by the CGP and the MS4 General Permit
 - Review this construction oversight program and expectations for compliance
- If post-construction SMPs are included in the project plan (bioswales, retention ponds, permeable pavement, etc) identify pivotal points in construction for inspections to confirm proper installation **and** identify the responsible party for post-construction SMP inspections and maintenance
 - Document when these inspections are required and who is responsible
 - MS4s can charge for this service as outlined in adopted stormwater laws in Chapter 133 of Town of LeRay Municipal Code.

Construction Site Inspections:

Individuals responsible for construction site inspections **must** have a current DEC-endorsed four-hour erosion and sediment control certificate before conducting construction site inspections. MS4 Operators must document the completion of this training in the SWMP Plan.

******Individuals without this certificate can not review SWPPPs for acceptance unless they meet the definition of a *qualified professional* or *qualified inspector*.

Additionally, inspection staff **must** be trained on the Construction Oversight Procedures (this document) and applicable Enforcement Response Procedures (from your municipality's ERP). Training of the MS4 Operator's construction oversight procedures must be given prior to conducting construction oversight, after any policy change, or once every five years. This training must be reported to Jefferson County SWCD to be recorded in the SWMP.

All sites with *construction activity* identified in an MS4s construction site inventory must be annually inspected during active construction (after the pre-construction meeting), or sooner if deficiencies are noted that require attention.

- Follow-up inspections must confirm corrective actions are completed within timeframes established by the Construction General Permit (CGP) and the MS4 Operator's Enforcement Response Plan (ERP)

All inspections must be documented using the Construction Site Inspection Report Form, Appendix B. Completed forms must be included in the SWMP Plan and submitted to Jefferson County Soil and Water Conservation District.

Additional Inspections:

If the site has SMPs for post-construction stormwater management, inspections should occur at pivotal points throughout the installation process by an engineer. These "pivotal points" will vary by practice but should be identified in the SWPPP review process. By ensuring SMPs are built and installed correctly the municipality will ensure optimal storage and treatment of stormwater for the life of the practice, reducing potential flooding and water quality concerns⁴.

Construction Site Close-out:

For a project to be considered complete, the MS4 operator must ensure a.) a final construction site inspection is conducted and b.) the Notice of Termination is signed by the MS4 Operator as required by the CGP

- The final construction site inspection must either be documented using the Construction Site Inspection Report Form, Appendix B, or the MS4 operator can accept the construction site owner/operator's *qualified inspector's* final inspection certification required by the CGP

Report completed close-outs to Jefferson County Soil and Water Conservation District within 30-days and update "Current Project Status" to "Complete" on the construction site inventory in your municipality's SWMP Plan.

⁴ Ensuring SMPs in private developments are installed as designed before signing off via the construction site close-out process is a municipality's best chance to ensure the SMP will function as designed, as it is difficult to require modification after that point. A number of small things can go wrong throughout the installation process that could severely impact the amount of water an SMP will hold or treat. Some examples include site grading, stone/gravel size used, incorrect installation or lack of geotextile materials, compaction, etc.

Appendix A. SWPPP Acceptance Form:

(see next page)



Department of
Environmental
Conservation

NYS Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form

for

Construction Activities Seeking Authorization Under SPDES General Permit
*(NOTE: Attach Completed Form to Notice Of Intent and Submit to Address Above)

I. Project Owner/Operator Information

1. Owner/Operator Name:

2. Contact Person:

3. Street Address:

4. City/State/Zip:

II. Project Site Information

5. Project/Site Name:

6. Street Address:

7. City/State/Zip:

III. Stormwater Pollution Prevention Plan (SWPPP) Review and Acceptance Information

8. SWPPP Reviewed by:

9. Title/Position:

10. Date Final SWPPP Reviewed and Accepted:

IV. Regulated MS4 Information

11. Name of MS4:

12. MS4 SPDES Permit Identification Number: NYR20A

13. Contact Person:

14. Street Address:

15. City/State/Zip:

16. Telephone Number:

MS4 SWPPP Acceptance Form - continued

V. Certification Statement - MS4 Official (principal executive officer or ranking elected official) or Duly Authorized Representative

I hereby certify that the final Stormwater Pollution Prevention Plan (SWPPP) for the construction project identified in question 5 has been reviewed and meets the substantive requirements in the SPDES General Permit For Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).
Note: The MS4, through the acceptance of the SWPPP, assumes no responsibility for the accuracy and adequacy of the design included in the SWPPP. In addition, review and acceptance of the SWPPP by the MS4 does not relieve the owner/operator or their SWPPP preparer of responsibility or liability for errors or omissions in the plan.

Printed Name:

Title/Position:

Signature:

Date:

VI. Additional Information

Appendix B. Construction Site Inspection Report Form:

(see next page)



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**



 Department of Environmental Conservation		New York State Department of Environmental Conservation Construction Site Inspection Report for SPDES MS4 General Permit GP-0-24-001	
Project Name:		Date:	
Project Location:		Weather:	
Permit # (if any): NYR	Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Entry Time:	Exit Time:
Name of SPDES Permittee:	Inspection Type:	<input type="checkbox"/> NOT <input type="checkbox"/> Complaint	
Phone Number(s):		<input type="checkbox"/> Compliance <input type="checkbox"/> Referral	
On-site Representative(s) and Company(s):		MS4 Operator Name:	
		MS4 Permit ID: NYR20A	

SPDES Authority

Yes No N/A	Citation
1. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the project have permit coverage?	GP-0-20-001: I.A & II. B
2. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the NOI and Acknowledgment Letter available on site and accessible for viewing?	GP-0-20-001: II.D.2
3. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the MS4 SWPPP Acceptance Form available on site and accessible for viewing?	GP-0-20-001: II.D.2
4. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is an up-to-date copy of the signed SWPPP retained at the construction site?	GP-0-20-001: II.D.2 & III.A.4
5. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is a copy of the SPDES General Permit retained at the construction site?	GP-0-20-001: II.D.2
6. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the NOI accurately report the number of acres to be disturbed?	GP-0-20-001: II.B.4

SWPPP Content

Yes No N/A	Citation
7. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the erosion and sediment control measures to be employed?	GP-0-20-001: III.B.1.e
8. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP provide an inspection schedule and maintenance requirements for the E&SC measures?	GP-0-20-001: III.B.1.i
9. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP describe and identify the stormwater management practices to be employed?	GP-0-20-001: III.B.2
10. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?	GP-0-20-001: III.A.6
11. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP identify at least one trained individual from each contractor(s) and subcontractor(s) companies?	GP-0-20-001: III.A.6
12. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Does the SWPPP include all the necessary Contractor Certification Statements and signatures?	GP-0-20-001: III.A.6
13. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP signed by the permittee?	GP-0-20-001: VII.H.2
14. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Is the SWPPP prepared by a qualified professional (if post-construction stormwater management required)?	GP-0-20-001: III.A.3
15. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the SMPs conform to the Enhanced Phosphorus Removal Standards (projects in TMDL watersheds)?	GP-0-20-001: III.B.3

Recordkeeping

Yes No N/A	Citation
16. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are self-inspections performed as required by the permit (weekly, or twice weekly for >5 acres disturbed)?	GP-0-20-001:IV.C.2.a. & b
17. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Are the self-inspections performed and signed by a qualified inspector and retained on site?	GP-0-20-001:II.C.2.,IV.C.6 & VII.H.3
18. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do the qualified inspector's reports include the minimum reporting requirements?	GP-0-20-001: IV.C.4
19. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Do inspection reports identify corrective measures that have not been implemented or are recurring?	GP-0-20-001: IV.C.5



**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**



Visual Observations

Yes	No	N/A	Citation
20. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures installed properly? GP-0-20-001: VII.L
21. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all erosion and sediment control measures being maintained properly? GP-0-20-001: IV.A.1
22. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was written authorization issued for any disturbance greater than 5 acres? GP-0-20-001: II.D.3
23. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have stabilization measures been implemented in inactive areas per Permit (>5acres) or ESC Standard? GP-0-20-001: II.D.3.b & III.B.1.f
24. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are post-construction stormwater management practices constructed/installed correctly? GP-0-20-001: III.B.2
25. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has final site stabilization been achieved and temporary E&SC measures removed prior to NOT submittal? GP-0-20-001: V.A.2
26. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was there a discharge from the site on the day of inspection? GP-0-20-001: I.D
27. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there evidence that a discharge caused or contributed to a violation of water quality standards? ECL 17-0501, 6 NYCRR 703.2 & GP-0-20-001: I.D

Water Quality Observations

Describe the discharge(s): location, source(s), impact on receiving water(s), etc.

Describe the quality of the receiving water(s) both upstream and downstream of the discharge:

Describe any other water quality standards or permit violations:



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER



Additional Comments:

Photographs attached

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	
Name/Agency of Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	