

Appendix I: Construction Oversight Program

Construction Oversight Program

i. When the construction site stormwater control program applies (Part VI.D.1.);

The Construction site stormwater control program will apply to all construction projects that exceed the following minimum conditions;

- Any land development activity with an area of disturbance of 10,000 square feet or more.
- Any land development activity that involves excavation, filling, or a combination of excavation and filling, resulting in the movement of more than 50 cubic yards of fill, sod, loam, sand, gravel, stone or similar materials.
- Any activity that involves the laying, replacing, or enlarging of an underground pipe or other underground facility for a distance of 300 feet or more.
- The disturbance of the vegetative cover of a road ditch, drainage swale, or other channel, for a distance of 30 feet or more.
- Any land development activity, regardless of size, that the NYSDEC, Town Engineer, Code Enforcement Officer, or Director of Planning determines likely to cause adverse impacts to an environmentally sensitive area (including, but not limited to, wetlands, steep slopes, swimming beaches, fisheries, and important habitats), or may violate any other stormwater control standards set forth in this chapter.

ii. What types of construction activity require a SWPPP;

- Any soil disturbance activity that exceeds the thresholds outlined above.

Exemptions: A project may be exempted from the construction oversight program if the activity meets all of the following criteria:

- Does not exceed 1 acre of disturbance.
- Does not exceed 250 cubic yards of soil excavation or fill.
- The activity takes place on level grade (less than 2% slope).
- The activity does not take place within 20 feet of a roadside ditch.
- The activity does not take place within 50 feet of a stream or wetland
- The activity is surrounded by no less than a fifty-foot-wide perimeter of woody or grassy vegetation that will remain undisturbed.
- Lawful farm operations on lands the principal use of which is as a farm, if the farm operations: occupy three acres or more of land; or occupy less than three acres of land and are located within a county agricultural district created under the provisions of Article 25-AA of the New York State Agriculture and Markets Law. Notwithstanding the foregoing, this term shall not include the construction of new structures associated with such farm operations.
- Logging activity undertaken pursuant to an approved timber harvesting plan prepared by the New York State Department of Environmental Conservation, or

a New York State Cooperating Forester, which is to be made available on site for review by the Town and in which recommended best management practices for water quality protection have been developed and are implemented, except that landing areas and log haul roads are subject to this chapter.

- Cemetery graves.
- Installation of fence, sign, telephone, and electric poles, mailbox and newspaper posts, and other kinds of posts or poles, not including structural pilings, that will not alter existing terrain or drainage patterns.
- Emergency activity immediately necessary to protect life, property or natural resources as authorized by the Stormwater Management Officer and/or as the situation dictates.
- Activities of an individual engaging in home gardening by growing flowers, vegetables, and other plants primarily for use by that person and his or her family.
- Maintenance of landscaping or lawn areas associated with a one- or two-family dwelling.

iii. The procedures for submission of SWPPPs.

- The applicant will complete a SWPPP application via the Town of Ithaca OpenGov Permit and Licensing Software.
- Once submitted, OpenGov notifies the Engineering Department of the application.
- Based on the application materials the Engineering Department will reach out to the applicant for additional information and/or procedures.
- When a project requires a SPDES permit:
 - A SWPPP review fee is required for review and approval.
 - The applicant has an obligation to obtain permit coverage from NYSDEC.
 - The applicant must upload copies of the NOI Acknowledgement and Signed MS4 SWPPP Acceptance Form.

iv. SWPPP review requirements (Part VI.D.6.)

- All required materials must be submitted; must receive hard copy
- All SWPPPs and associated proposed temporary and permanent erosion control practices are reviewed for criteria in accordance with the Construction General Permit (CGP) and Sediment and Erosion Control Manual.
- If required by the Construction General Permit or deemed necessary by the town engineer, modeling hydraulic calculations will be reviewed by the town engineer.

v. Pre-construction oversight requirements (Part VI.D.7.)

- Pre-construction meetings are scheduled once all temporary erosion and sediment control practices have been installed but prior to construction work starting.
- Mass Earth Disturbance activity cannot take place until the SWPPP is approved, and the site is inspected.

vi. Construction site inspection requirements (Part VI.D.8.);

- Town conducts SWPPP inspections for all projects not required to provide inspections. Inspections are reported on OpenGov Permit and Licensing platform where the town staff will comment on any deficiencies that were seen on site where maintenance is needed.
- For all Active Construction sites requiring a SPDES Permit, inspections are conducted by a qualified inspector documenting the effectiveness of all erosion and sediment control practices. Town engineering staff will review the inspection report for violations and follow up with the Owner when necessary.

vii. Construction site close-out requirements (Part VI.D.9.);

- When required, the applicant must submit “as-built” drawings. The town does inspection of the site prior to closeout.
- Final site stabilization inspection in accordance with NYS CGP.

viii. Enforcement process/expectations for compliance; and

- All contractors and owners are expected and required to comply with the Town of Ithaca codes, NYS DEC Construction General Permit, NYS DEC MS4 permit and the Sediment and Erosion Control Manual.
- Town-conducted inspections are provided to the owner and outlines deficiencies observed.
- See Enforcement Response Plan (ERP)
 - Verbal warnings,
 - Violation letters,
 - Stop work orders,
 - Citations and fines,
 - Civil penalty and injunction.

ix. Other procedures associated with the control of stormwater runoff from applicable construction activities.