Department Note: As MS4 Permittees demonstrate compliance differently and MS4 Permittees may have different MS4 permit conditions, the following written program procedure is intended to provide ideas on various formats. Therefore, please note the provided example may not be appropriate, as is, for your community. Additionally, the following is a written program procedure that has been submitted to the Department by a MS4 Permittee. However, the MS4 Permittee name have been removed to keep them anonymous.

Post Construction Program

Construction Oversight
Depending on the type of project, differing degrees of construction oversight may be required by the City to implement the necessary inspection and enforcement practices during construction.

For road or capital improvement projects where City assets are being installed or modified, a higher degree of inspection and oversight is needed to confirm compliance with a) the improvement contract, b) the approved plans and specifications and 3) to properly manage contract finance and payment processes. In most cases, a City consultant will serve as the field inspector and our Project Manager will provide additional oversight.

For those cases that involve the installation or modifications of private improvements, a lower degree of inspection and oversight by the City is required to confirm compliance with the approved plans and regulations. Being private improvements, the majority of the field inspection done by the City Plumbing Inspector as part of plumbing permits with the Environmental Engineering / GIS Technician providing additional oversight.

For those projects that involve private site and development work, the City provides advance notice to the owner(s) to make them aware that the City has a post construction storm water management certification process, and that it remains the owner(s) responsibility to ensure that they are watching and collecting the necessary data during site construction in order to be able to prepare the required certification materials. This post construction storm water management certification processes is described in more detail in Section 6 below.

Post Construction Activities
Prior to the full completion of development construction for sites that have storm water management best management practice (BMP) devices, the City requires that the responsible party complete a storm water management certification process with the City. The responsible party is required to provide the City with post-construction or “as-built” plan and modeling data so that the City can confirm that the storm water management system was built in accordance with the approved plans and that the storm water management system functions as designed. Because of the numerous types of storm water management BMPs, this process can be slightly different from BMP to BMP. In some cases, the storm water management certification process is extended to include a site grading certification. The City requires that the storm water management certification process be completed prior to occupancy on any given site.

Once the post construction storm water management certification process has been completed and the site released for occupancy, the City transitions the site status over to a long term perpetual inspection and maintenance category. In this stage, the City requires the responsible party continue to maintain the storm water management system in compliance with the approved storm water management plan and the approved operation and maintenance plan outlined in the storm water management report.

For City owned storm water management BMPs, either the Department of Public Works (DPW) or the Environmental Engineering / GIS Technician will perform the necessary BMP inspections depending on the type of BMP. Typically structure based BMPs (manholes, MTU’s, etc.) are inspected by DPW when they are

cleaned, while surface based BMPs (basins, ponds, bio-retention, etc.) are inspected by the Environmental

Engineering / GIS Technician. For those BMPs that are inspected by the Environmental Engineering / GIS Technician, a report is given to our DPW for each BMP outlining the type of maintenance that is needed following each inspection cycle. Given current staffing limitations and time restraints, the City typically inspects each BMP at least once per year at a minimum.

For non-City owned BMPs, the City requires that on/around October 1st of each year the responsible part for any given BMP provide the City Engineering Office with a copy of the prior's year's storm water management inspection report(s) and records of maintenance activities for the prior year (October 1 – September 30). October 1st was chosen because this timeframe allows the City to review a given BMP if needed and it gives the responsible party time to still take action before winter begins in the event they need to provide any follow-up data or perform additional operation and maintenance activities. The City typically sends out a reminder letter to all BMP owners in August to remind them of the pending October 1st due date. Currently, the City does not specify who needs to perform the inspection and maintenance activities, or how the respective material is documented and provided to us.

Upon completion of, or receipt of the annual storm water management BMP operation and maintenance documents, we enter that information into a storm water management database which we use to inventory and track storm water management maintenance activity for any given BMP. It should be noted that our database contains quick access to the approved storm water management report and operation and maintenance procedures, as well as inspection and maintenance records and correspondence for each BMP to aid staff with review. As the City inventories this data, we are able to look at both past and present documentation as we work to determine if/how well the responsible party is doing at keeping their storm water management system in compliance from year to year.

Chapter 30 of the Municipal Code provides the City with the necessary authority to pursue inspection and enforcement response procedures to ensure storm water management compliance. Below is a general summary of the enforcement response procedures that we follow. Over time, we have found that a BMPs compliance status can generally be placed into one of three general categories:

a) <u>Items are submitted and confirm compliance</u>

   Items are added into the City SWM database. No further action is needed until the next permit cycle submittal.

b) <u>Items are submitted and confirm O&M was performed, yet guidance is required to improve means and methods</u>

   Items are added into the City SWM database. We provide a response to the responsible party to indicate where there are deficiencies and/or areas where improvements can be made so that the responsible party can self-correct their processes as part of the next permit cycle.

c) <u>Item are not submitted and site remains in non-compliance</u>

   For those BMPs were the City does not receive an annual submission of inspection and maintenance data, we attempt to follow-up with the responsible party to obtain compliance. We prefer to not engage in an overly aggressive enforcement process unless absolutely needed. Rather, we want to try to educate and train the responsible parties on what type of storm water management system they have, the benefits of it and the reason for compliance as we feel this approach leads to better long term success for BMP compliance. As we started with this program,

there were a large number of non-compliant BMPs. Given staffing limitations and time restraints, we have started to focus in on the least responsive BMPs first.

Ensuring on-going compliance of private BMP inspection and maintenance has proven challenging. Over time, we realized that many existing privately owned SWM BMPs were not being properly maintained and that inspection and maintenance records were either very minimal or non-existent. As we started to pursue compliance, we found that many land owners who purchase into a property with a BMP after the construction process were simply not aware of what they bought into, or their level of responsibility to inspect and maintain the BMP. This occurs most often in subdivision, or condominium type settings where multiple owners share the responsibility and there is not an overly active owners association in place. We also realized that each time there is a sale from one owner to another, many of the same issues tend to re-occur as the new owners are not always notified as part of their purchase and need to be educated. Because of these issues, we have noticed that response rates can vary year to year, especially if the person who was in charge of the BMP inspection and maintenance was the one moving.

Post Construction Storm Water Minimum Control Measures

The City continues to work towards compliance with current rules and regulations with our overall storm water management efforts. The City has established the following post construction storm water management minimum control measures:

- Ensure that plan review and approval processes are followed and provided for all future proposed developments that require post construction storm water management.

- Ensure that long term BMP inspection and maintenance is being performed. Our goal is to strive to obtain as close to a 100% compliance rate as possible and attempt to minimize those occurrences where the response rate may fluctuate down from year to year.

- Remain in compliance (MS4 areas) or continue to work towards final compliance (TMDL) for storm water waste load allocation reduction requirements for our MS4 and TMDL areas. While target waste load reductions have been identified for each TMDL reach, a specific final compliance date to reach those waste load reductions has not been specified. Current regulations require that the City continue to make progress towards the actual target reductions.