
Draft Best Management Practice (BMP) Maintenance Ordinance

Stormwater Equipment
Manufacturers Association

www.stormwaterassociation.com

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What are Stormwater Best Management Practices (BMPs)?

Stormwater BMP's are a practice or a combination of practices, whether land-based, proprietary or natural that provide a level of treatment and/or storage to improve the water quality of our watershed. BMPs are an effective and practicable means of preventing or reducing the amount of non-source pollution to a level compatible with water quality goals. In order for a BMP to be practicable it must combine the best of technology, economic considerations and effective stormwater treatment. These practices are installed on nearly every development project. Like a car, these practices require routine maintenance and inspection.

Stormwater Equipment Manufacturers Association (SWEMA) urges communities to adopt a stormwater management ordinance that includes BMP Maintenance.

The following model stormwater ordinance was developed in consultation with numerous stakeholders, including BMP manufacturers, BMP maintenance companies, and civil engineers.

About SWEMA

SWEMA is a trade association comprised of manufacturers of stormwater treatment technologies, maintenance service providers, regulators, and engineering consultants. The mission of SWEMA is to be the leader in advocating sustainable and effective solutions for stormwater quality through educational outreach to regulators, design professionals, developers, and other stakeholders in clean water initiatives.

Association members recognize that as cities, counties and states around the country develop stormwater initiatives, they have few resources to turn to for guidance and assistance. Tight budgets, limited research staff, and unique regional issues add to the challenge. SWEMA provides valuable experience, insight, and real hands-on help to regulators as they develop stormwater standards and regulations.

Additional Resources

SWEMA has also developed and made available a sample Maintenance Agreement and recommended inspection guidelines for BMP end users. Visit www.stormwaterassociation.com for more information.

Disclaimer

SWEMA recommends that any governmental body or organization using this draft ordinance consult with their legal counsel to ensure the provisions contained in this document are in compliance with local and state laws and requirements.

Stormwater Maintenance Ordinance for (name of community/jurisdiction)

Community/State

ORDINANCE NO. XXX

1) PURPOSE

The purpose of this Ordinance is to promote health, safety, resource conservation, and environmental stewardship within (name of community/jurisdiction) and its watershed by minimizing the non-source pollutants that enter the watershed. **(name of community/jurisdiction)** recognizes that stormwater best management practices (BMPs) are critical to protecting the watershed, but like any system, needs to be maintained from time to time. All development projects subject to review under the requirements of this Ordinance shall maintain all post-construction BMPs according to the Stormwater Pollution Prevention Plan (SWPPP) developed for the project by the designer/engineer. The SWPPP minimally will include an Operation and Maintenance Manual for each post-construction BMP on the property.

2) GENERAL REQUIREMENTS FOR STORMWATER BMPs

- a) Stormwater BMPs shall be designed to prevent flooding and protect water quality through appropriately designed maintenance and management of stormwater runoff and pollutants;
- b) Stormwater BMPs shall be designed by a registered professional engineer or other licensed professional per _____(state) and installed by a contractor qualified to perform such work;
- c) The stormwater engineer or designer shall include Operations and Maintenance instructions to the property owner along with a recommended maintenance schedule for each post-construction BMP on the project;
- d) It is recommended that soils from land-based nonpropriety BMPs be tested for pollutants on a regular schedule, based upon the expected pollutant load concentration conveyed in the runoff;

3) ACCESS

- a) All Stormwater BMPs must be designed for appropriate and safe maintenance access, including considerations for maintenance personnel, vehicles, and equipment.
- b) Access to such property must include but not be limited to any right of way access required to properly inspect or maintain the BMP's.
- c) By provision and acceptance of the Construction Permit the owner gives consent to the jurisdiction/MS4 to access the property for solely the purpose of inspection of post construction storm water BMPs.

4) MAINTENANCE FREQUENCY

- a) All project design specifications are to require an inspection and maintenance provision for the first twelve (12) months of BMP operation post-construction, such service provided will be bid as a separate bid item in the project documents, and performed in accordance with the provisions of Section 7.
- b) Upon filing of a Notice of Termination of the initial twelve (12) month operating period, the stormwater BMP owner will be responsible for continuing inspection and maintenance in perpetuity in accordance with the provisions in Section 7.

5) MAINTENANCE INSPECTION

- a) (Community/jurisdiction) shall ensure that BMP maintenance is performed by periodic inspection of all stormwater BMPs and corresponding inspection/maintenance service records under their jurisdiction.
- b) Inspection/maintenance service records shall be maintained by (property owner) for all stormwater BMPs.
- c) Inspection/maintenance service reports shall include the following:
 - i. The date of the inspection/maintenance service;
 - ii. Name of inspection/maintenance service provider;
 - iii. The condition of the BMP relative to:
 - a. Proper operation
 - b. Observable pollutant loads present in the BMP
 - c. Vegetative growth and species present;
 - d. Fences and other safety devices;
 - e. Inlet and outlet channels or structures;
 - f. Underground drainage;
 - g. Other features specific to the BMP type (reference the BMP Owner's Manual or see examples on SWEMA's website www.Stormwaterassociation.com).
- d) After notification is provided to the BMP owner regarding BMP condition and required maintenance, the owner shall have thirty (30) days (or other timeframe mutually agreed to between [community/jurisdiction] and the owner) to complete required maintenance

6) APPLICABILITY

- a) All development located within the (name of community/jurisdiction) must meet the minimum standards of this ordinance.
- b) Any project in this jurisdiction which has obtained building permits on or before (date) shall be exempt from the requirements of this ordinance.

7) THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM (DATE).