

Appendix C: Private Facility Inspection & Enforcement Protocol

Appendix C—Private Facility Inspection & Enforcement Protocol

Private Facility Inspection and Enforcement Protocol

<FULL NAME>

The Pocatello Urbanized Area Municipal Stormwater Permit (Permit) requires that the <PERMITTEE> protect water quality and reduce the discharge of pollutants into receiving waters. As part of the Permit, the <PERMITTEE> must reduce pollutant discharges from stormwater management facilities.



This protocol outlines the <PERMITTEE>'s procedures for ensuring private stormwater facilities are maintained according to <PERMITTEE> standards (see *PVSDM, Chapter 9*) **<Modify with reference to appropriate code/manuals>**.

The facilities that may be impacted include privately owned and maintained ponds, tanks, vaults, swales, drywells and other stormwater management facilities that drain (or overflow) to the MS4, as well as ditches, creeks, and rivers.

Inspection Schedule & Facility Prioritization

Facilities identified as 'High Priority' must be inspected annually (see *Phase II Permit, 3.4.5.1*).

- **>Schedule/stagger inspection seasons as needed to accommodate crew workloads.**
- **Inspection priority systems are required, and must be described below.>**

Table A-1 Private Stormwater Facility Inspection Frequencies				
Priority Level	Within MS4	Permittee Inspection Frequency	Owner Inspection Frequency (if applicable)	Permittee Inspection Timing
<i>High priority systems in the MS4 must be inspected at least annually (see Phase II Permit 3.4.5.1).</i>				
High	YES	Annually (see Phase II Permit 3.4.5.1)	Annually	April through June
Other	YES	??? (not required)	Annually	April through June
High	NO	??? (not required)	Annually	April through June
Other	NO	??? (not required)	Annually	April through June

Appendix C—Private Facility Inspection & Enforcement Protocol

The <PERMITTEE> used the following relevant factors to target and establish ‘High Priority’ stormwater facilities (see *Phase II Permit 3.4.5*):

- **<Describe factors and process for determining factors here. Consider:**
 - **<REQUIRED> Development & drainage area size (all new facilities resulting from land disturbance over 1 acre must be high priority ((see *Phase II Permit 3.4.5.1*))**
 - **Site land use**
 - **Sensitivity or impaired status of receiving waters**
 - **History of non-compliance at the site during construction**
 - **Age of facility/date of construction>**

Inspection and Enforcement

All privately-owned stormwater facilities that discharge to the public stormwater collection and conveyance system (including pipes, ditches, creeks, and rivers) must be maintained in accordance with the approved facility O&M Plan (see PVSDM, Chapter 9). These facilities shall be subject to inspection by the <PERMITTEE> (see <POST-CONSTRUCTION CODE REFERENCE>).

The following protocol describes the <PERMITTEE>’s procedures for inspecting and enforcing maintenance standards for private facilities.

Overview

Owners of private stormwater facilities assume the responsibility of maintaining their facilities in a manner that prevents stormwater pollution and maintains the original function of the facility. Maintenance activities include annual inspections, record keeping, and reporting. Using the schedule provided in Table A-2, the <PERMITTEE> will track and enforce these operations and maintenance responsibilities. Private owners must perform or hire crews to perform the inspection and maintenance actions, and to submit records to the <PERMITTEE> for long term record keeping.

Additionally, the <PERMITTEE> assumes responsibility for inspection of select private stormwater facilities, as outlined in Table A-1. The inspection program includes record keeping and reporting. Using the schedule provided in Table A-3, the <PERMITTEE> will inform each facility owner of maintenance actions that are necessary to maintain the facility in a manner that prevents stormwater pollution and maintains the original function of the facility. Private owners must perform or hire crews to perform the maintenance actions and submit records to the <PERMITTEE> for long term record keeping.

Appendix C—Private Facility Inspection & Enforcement Protocol

Table A-2 Annual private facility City inspection, maintenance and reporting schedule	
Action Item	Date
City inspection report letter sent to private facility owner with identified maintenance activities.	<#DAYS after inspection>
Owners complete identified maintenance activities	<DATE>
Inspection and maintenance activities completed by owner	<DATE>
Inspection and maintenance report submitted to <PERMITTEE> by owner	<DATE>
Reminder letter to owners that have not returned a maintenance report	<MONTH>

Table A-3 Annual private owner inspection, maintenance and reporting schedule	
Action Item	Date
Initial letter to owners to conduct their facility inspection	<DATE>
Inspection and maintenance activities completed by owner	<DATE>
Inspection and maintenance report submitted to <PERMITTEE> by owner	<DATE>
Reminder letter to owners that have not returned an inspection & maintenance report	<MONTH>

The <PERMITTEE> inspection program includes the following procedures:

- The private facility inspection program is the responsibility of <TITLE/DEPARTMENT>.
- The <PERMITTEE> maintains a map and database of private facilities that discharge to the <PERMITTEE>'s stormwater conveyance system. The information is stored in <LOCATION>.
- It is the owner's responsibility to maintain access to facilities for inspection purposes. Inaccessible facilities will subject the owner to enforcement action under <ORDINANCE REFERENCE>.
- The <PERMITTEE> inspects all facilities per Table A-1, using the checklists in Appendix A of the O&M Plan to document conditions at each private facility.
 - The <PERMITTEE> will send a letter with the inspection report to the owner per Table A-2. The report will identify all required maintenance activities necessary for each facility and a required date of completion.
 - Identified maintenance activities must be completed by the owner, with a report sent to the <PERMITTEE> per Table A-2.
 - <TITLE> will review all maintenance reports and enter the information in the private facility database. Reminder letters for maintenance reports will be sent per Table A-3.
- Additionally, Table A-1 provides the frequency for owners inspecting their own facilities.
 - The <PERMITTEE> will send a reminder letter to all affected facility owners per Table A-3. The letter includes a required completion date for facility inspections, instructions for completing an inspection, and the applicable inspection checklist from Appendix A of the O&M Plan. **<Alternatively, post the inspection checklists online and direct owners to**

Appendix C—Private Facility Inspection & Enforcement Protocol

the City's website.>

- Private facilities are to be inspected per Table A-3 by a 3rd party hired by facility owner.
- <DEPARTMENT> will review all inspection and maintenance reports and enter the information in the private facility database. Reminder letters for inspection & maintenance reports will be sent per Table A-3.
- **<Include steps for follow-up and enforcement actions specific to your jurisdiction. Some considerations:**
 - **Will the PERMITTEE conduct inspections for those owners who do not meet the due date?**
 - **Will there be a late fee, fine, or enforcement action for those who miss the due date?**
 - **Will there be an inspection fee if the PERMITTEE has to conduct the inspection?**
 - **Will any spot-checks be performed to verify inspections (not required)?**
 - **Include references to relevant ordinances for fines, fees, and other enforcement>**

Staff training

<Required> Staff reviewing plans, as well as inspecting and enforcing stormwater facility operations and maintenance shall be appropriately trained and qualified to implement and maintain stormwater BMPs. New staff shall receive training within 6 months of hiring. If outside parties are used, they must be trained or otherwise qualified in stormwater BMP O&M (see *Phase II Permit 3.4.7*).

Recordkeeping

<NAME/TITLE> is responsible for keeping records of private facility stormwater collection and conveyance system maintenance activities. Reports and documents, including inspection and maintenance records should be stored in <LOCATION>.

<Required> Permit required data shall be kept for at least: 1) 5 years following activity; and 2) the duration of the permit (see *Phase II Permit 6.3*).

In addition, material or liquid spills should be promptly reported to <NAME> and all paperwork related to the spill and cleanup activities should be maintained at <LOCATION>.

Permit required data tracking

Private stormwater facilities system inspections and maintenance

- Prioritization level for all known stormwater facilities, including inspection schedule and checklist (including self-inspection), responsible party, O&M agreements and requirements, and Enforcement Response Policy (ERP)
- All available data for stormwater facilities
- Inspection, enforcement and maintenance records for all known stormwater facilities

Illicit Discharge

- Number and type of illicit discharges reported, detected and eliminated, including timeframe and any enforcement actions taken.
- Spills of hazardous material, deleterious material, or petroleum products which may impact ground or surface water (Waters of the State). *May require 24-hour reporting to DEQ/EPA (see Phase II Permit 3.2.7.1).*