

BMP Maintenance Certifier (BMC) Program
for
All Regulated Stormwater BMPs in the City of Durham

City of Durham
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Background

The City of Durham (City) recognizes the importance of controlling stormwater, both quality and quantity, to preserve the City's natural resources, provide public safety, and ensure the overall well-being of its citizens. The techniques developed to improve stormwater quality and quantity are referred to most commonly as "Best Management Practices" (BMPs). While it is recognized that the term "Stormwater Control Measure (SCM)" is used primarily in Durham and "Best Management Practice (BMP)" is used more commonly, for the purposes of continuity, the City's Maintenance Program will continue to be referred to as the BMC Program. Also note that, throughout the BMC documents, the terms "BMP" and "SCM" may be used interchangeably.

The proper design and construction of an engineered stormwater BMP is essential to its ability to detain runoff and adequately remove pollutants from the stormwater. Equally important is the proper operation and upkeep of such a facility. Without proper maintenance, a BMP will not function as it is intended and, in some instances, may cause a host of problems from endangering the public to nuisance odors to reduced property values.

Like many jurisdictions in North Carolina, the City of Durham Stormwater Services & GIS Division (SSD) requires annual inspections (e.g., maintenance certifications) of all BMPs in operation within the City limits. The City of Durham Ordinance Sec. 70-743 requires that an annual inspection report that meets City Stormwater Standards be provided for each SCM by the persons or entities responsible for such facility. In addition, such persons or entities shall maintain inspection and repair reports regarding the SCMs as required by City Stormwater Standards. It shall also be noted that these annual maintenance certifications are required under the recorded agreement executed by the owner and the City during the construction drawing and permitting process for each Stormwater BMP. Noncompliance with the above requirements may subject the owner to specific enforcement actions by the City, as outlined in the agreement and in the City's Code of Ordinances Sec. 70-744 found at:

<http://library.municode.com/index.aspx?clientID=19967&stateID=33&statename=North%20Carolina>.

The purpose of this document is to specify the inspection certification requirements and procedures for the BMP Maintenance Certifier (BMC) Program, which are to be followed by all who provide BMP annual maintenance certifications in the City.

Minimum Qualifications to Obtain a BMC Certification

In order for the City of Durham, North Carolina, to certify a registered North Carolina Professional Engineer or North Carolina Registered Landscape Architect as a “BMP Maintenance Certifier,” or “BMC,” the following qualifications and evidence must be submitted to SSD:

1. The applicant must submit an application to perform annual BMP maintenance certification inspections in the City of Durham. The applicant must have completed no less than 10 construction and/or maintenance BMP inspections in the last 12 months. The application is to include an attached professional resume of applicable BMP inspection (either construction or maintenance or both) experience. The resume must provide a list of the BMPs inspected (including the type, date, and location) during the aforementioned 12-month period. Applications can be obtained from SSD directly or can be downloaded off the City’s webpage.
2. The applicant must be either a registered North Carolina Professional Engineer (PE) or a North Carolina Registered Landscape Architect (RLA). The applicant must provide his/her North Carolina PE or RLA seal on the application.
3. The applicant must complete an SSD approved BMP maintenance and inspection training workshop, similar to the workshop offered by Dr. Bill Hunt with North Carolina State University. Evidence of the training, such as a certification number or other certificate demonstrating the successful completion of such a workshop, is to be included with the application. Certifications must be maintained in order to remain valid.

Note 1: Applicants who maintain a valid BCE (BMP Certifying Engineer) certification on file with SSD will only have to provide evidence of qualification No. 3 with their application. As such, a resume of inspection experience will not be required.

Note 2: A BCE does not have to be a BMC, and a BMC does not have to be a BCE.

Disciplinary Actions

Conducting business with regard to the inspection of BMPs governed by the City’s NPDES permit is deemed a privilege and should not be taken lightly. Currently, SSD does not have the resources to perform quality control for the annual maintenance inspection of every BMP in the City of Durham. However, it is anticipated that SSD will, on an annual basis, inspect a minimum of 20% of those BMPs in operation. If SSD performs such an inspection and discovers that a BMC has filed an egregiously false maintenance certification, the following penalties will apply (Note: An “egregiously false certification” includes, but is not limited to, the following examples: (1) Certification of a facility that was never built; (2) Certification of a facility that was never “completed” during the development/construction process; (3) Certification of a

facility that contains significant functional and/or safety deficiencies that appear to have been in existence at the time the certification was submitted.):

1. The BMC, who filed the false certification, will have his/her certification revoked and will be unable to reapply for recertification for at least six months from the date the City revoked the certification. Note: If the BMC is also a BCE, that individual's BCE certification will also be revoked, and the individual will be required to follow the BCE protocol for BCE certification to become recertified as a BCE.
2. The BMC, who filed the false certification, will be reported to his/her respective licensing board for possible disciplinary action.

Program Application

For NCPEs and NCRLAs who wish to submit BMP annual maintenance certifications in the City of Durham, enrollment in this program is mandatory.

Program Implementation

This program is already in effect.