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September 10, 2010

To: All BMP Maintenance Certifiers and BMP Maintenance Professionals Practicing in the City of Durham, NC

From: Robert N. Joyner, Jr. PE *RJ*
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Subject: Letter to Industry 09-10-10: Clarifications to the BMP Annual Maintenance Certification Protocol

Background

In accordance with the BMP Annual Maintenance Certification Protocol (Maintenance Protocol), the City of Durham Stormwater Services Section (S3) of the Engineering and Stormwater Services Division requires annual BMP maintenance certifications (Certifications) of all stormwater BMPs in operation within the City limits. These Certifications are required by ordinance and in accordance with the recorded stormwater facility agreement for each BMP.

Complete Certifications

In accordance with the Maintenance Protocol, all Certifications must be complete. Incomplete submittals will be returned to the BMP Maintenance Certifier (BMC) with no review or inspection provided.

A complete Certification includes the following items:

1. Two (2) copies of the sealed BMP Annual Maintenance Certification form;
2. Two (2) copies of the sealed BMP Inspection Report;
3. Two (2) copies of the photographic journal for the facility;
4. Two (2) hard copies of the sealed up-to-date Operation and Maintenance Manual for the facility;
5. One (1) copy (in *Word* format on a CD) of the up-to-date Operation and Maintenance Manual for the facility; and
6. Two (2) copies of the Owner's Financial Disclosure for the operation, inspection, and maintenance of the BMP.

It shall be the responsibility of the BMC to ensure that all Certifications are complete. Again, incomplete submittals will be returned to the BMC with no review or inspection provided.

Expired Conditional Certifications

A Conditional Certification is similar to a Certification except that it is conditioned on the completion of specific remedial repair items to be completed by the BMP Owner/Permittee in accordance with an approved Implementation Schedule.

For a Conditional Certification, the maximum time allotted to implement the completion of all remedial repair items is ninety (90) days from the date of the Conditional Certification. If the required repair items cannot be completed within this time frame, the repair work should be completed in accordance with the provisions of the Engineering Modification Report/Engineering Modification Plan.

Conditional Certifications older than 90-days will be returned to the BMC, and the owner of the BMP will be put on notice that he/she/they are in non-compliance with the Protocol, the recorded stormwater facility agreement, and the City's ordinances. A copy of the notice will be provided to the BMC. Within 10 business days of receiving the City's notice, the BMP owner is to submit a letter of intent to the City of Durham. This letter is to include an intended plan for how the owner proposes to bring the facility into compliance with City requirements. If this letter is not received by the City, the City may levy fines against the owner of the BMP, place liens upon the property, or pursue other legal means to have the facility brought into compliance with City requirements, all at the BMP owner's expense.

If you have any questions or need clarification regarding any aspect of the above, please contact Raghu Badami, Mike Fuller, or Richard Reynolds of S3 at 919/560-4326.