

Post-Construction SMP

Inspection and Maintenance Program

Jefferson County Stormwater Coalition

Updated: 2024

Abbreviations:

DEC- Department of Environmental Conservation

ERP- Enforcement Response Plan

MS4- Municipal Separate Storm Sewer System; refer to maps in SWMP Plan to determine which areas in your municipality apply

Post-Construction SMP inventory- Spreadsheet located in municipalities SWMP Plan; tab titled "MCM5- SMP Inventory"

SMP- Stormwater Management Practice

SWCD- Soil and Water Conservation District; also referred to as Soil and Water

SWMP- Stormwater Management Program

SWMP Plan- Stormwater Management Program Plan

SWPPP- Stormwater Pollution Prevention Plan

When this program applies:

This MS4 Post-Construction SMP oversight program applies to each SMP identified in the *Post-Construction SMP inventory*.

Purpose:

The purpose of the Post-Construction SMP (Stormwater Management Practice) Inspection and Maintenance Program is to ensure stormwater management systems are functioning as designed, effectively capturing and treating stormwater runoff and/or reducing pollutant loads leaving the site. This is done through regular inspections; allowing any issues or deterioration to be identified and addressed.

Inspections:

Each SMP identified in the post-construction SMP inventory **must** be inspected at the frequency specified in the NYS DEC Maintenance Guidance (2017) or as specified in the operation and maintenance plan contained in the approved SWPPP.

- Inspection deadlines should be listed in the municipality's SWMP Plan in the "MCM5- SMP Inventory" tab
- If the private owner of the SMP wishes to conduct their own inspection, the MS4 operator can only accept Level 1 inspections as described in NYS DEC Maintenance Guidance 2017.¹

Inspections conducted by MS4 staff must utilize the Post-Construction SMP Inspection Checklist for each practice (Link in Appendix A). The completed checklist must be included in the SWMP Plan.

- **Report Completed Inspections to Jefferson County SWCD within 30 days**

Fees for Services:

As outlined in local law, the MS4 operator may require the SMP owner to pay reasonable costs at prevailing rates for the review of SWPPPs, inspections, and/or SMP maintenance performed by the MS4 Operator or a third party contracted with the MS4 Operator.

¹ Local laws adopted say, "[Municipality]'s Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs)." AND "the [Municipality' name] Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law" so you could require private entities to conduct these inspections. Ideally, this would be discussed at the pre-construction meeting.

Follow-up Actions:

Any necessary **follow-up actions** (i.e. maintenance, repair, or higher-level inspection) are **required to be completed within 30 days of the inspection.**

Refer to your municipality's MS4 Enforcement Response Plan (ERP) for next steps. Step 3 outlines the formal and informal notice of violation options available. Either way, these interactions must be documented.

Enforcement:

Enforcement must be initiated within 60 days of the inspection if follow-up actions are not complete.

If compliance has not been achieved within 60 days of the initial inspection, enforcement actions must escalate. Refer back to the ERP, documenting all notices and interactions accordingly.

Training Requirements:

- 1) If new staff are added, training on the MS4 Operator's post-construction SMP inspection and maintenance procedures must be given, **and** they must hold a valid DEC-Endorsed erosion and sediment Control Certification prior to conducting any post-construction SMP inspection and maintenance.
- 2) For existing staff, training on the MS4 Operator's post-construction SMP inspection and maintenance procedures must be given at least once every five (5) years, or when procedures are changed

**The names, titles, and contact information for the individuals who have received Post-Construction SMP inspection and maintenance training must be updated annually by April 1 and recorded in the SWMP Plan. Report this information to Jefferson County Soil and Water Conservation District.

Appendix A. SWMP Inspection Checklist:

The full SWMP inspection checklist can be found in DEC’s “Construction Stormwater Toolbox” in the “Supplemental Documents to the Technical Documents” section. The document is titled, “Stormwater Management Practices Inspection Checklist (PDF)”

Link: https://extapps.dec.ny.gov/docs/water_pdf/smpinspchklist.pdf