

Section 5

BMP Implementation and Evaluation

5.1 Introduction

As noted in Section 1 each municipality regulated under stormwater NPDES permits, whether categorized as a Phase I or Phase II municipality, is required to implement a stormwater management program and to assess the effectiveness of the program. Although specific program requirements and the level of implementation required differ between Phase I and Phase II municipalities, both prohibit non-stormwater discharges into storm drains, and require controls to reduce the discharge of pollutants to the maximum extent practicable (MEP). As part of the program, the municipalities are required to address public agency (municipal) operations to reduce the discharge of pollutants and to assess these efforts. Section 2 provides information on some of the necessary elements and steps involved in identifying BMPs for municipal activities occurring at fixed facilities and in field programs, whereas this Section discusses the components necessary to successfully implement a BMP and evaluate its effectiveness.

5.2 BMP Implementation

Municipal employees perform numerous municipal activities that have the potential to discharge pollutants. Staff should consistently implement the procedures or BMPs applicable to these activities. Some municipal activities are contracted to other parties. For example, many municipalities contract out street sweeping or waste collection. Similarly, many municipalities lease city-owned facilities to other parties, at which activities take place that have the potential to discharge pollutants. To ensure measures are taken to reduce pollutants while contractors or lessees perform such activities, contract and lease language should explicitly specify requirements to comply with all BMP specifications. Sample contract/lease language is presented in Appendix D.

Successful implementation of a BMP is dependent on the following components:

- Effective training of municipal and contract employees working in both fixed facilities and field programs.
- Regular inspections of fixed facilities, field programs, and treatment controls.
- Maintenance of treatment controls as needed to ensure proper functioning.
- Periodic evaluation/monitoring of BMP performance consistent with NPDES permit requirements.
- Follow-up action to correct deficiencies in BMP implementation noted during inspections.

- Accurate record keeping to track training, inspections, monitoring, and BMP maintenance.
- Submittal of an annual report to the applicable RWQCB regarding the effectiveness of the municipal efforts to reduce pollutants from fixed facilities and field programs.
- For Phase II Programs, documentation showing how the municipality has met its measurable goals, or revisions to those goals with supporting documentation.

5.3 Staff Training

Education and training is the key to the success of BMP implementation. Typically, municipalities provide annual training sessions. In addition to municipally sponsored training, staff may also attend local, regional, statewide, or national training seminars or workshops related to stormwater management and water quality conducted by other organizations.

In general, a municipality should consider a training program for employees working in fixed facilities and/or field programs. The training program should address the following subjects:

- **Maintenance Procedure Implementation and Inspection** – In this training effort, proper procedures for performing municipal activities that may adversely affect stormwater quality are addressed. Maintenance procedures cover a wide range of municipal activities and the training may address either all maintenance procedures applicable to the municipality or a specific procedure (e.g. fertilizer and pesticide use). This training can be conducted in either a formal or a tailgate-style format.
- **Pollution Prevention/Spill Awareness** – This training addresses the general techniques municipal staff may implement to prevent pollution, as well as to respond to spills once they have occurred. Training can be tailored to management and other municipal staff who oversee pollution prevention measures, to field staff conducting activities that may result in spills, or to field staff who may encounter spills or illicit discharges.

5.4 Site Inspections

Inspections of municipal fixed facilities and field programs should be performed to verify that BMPs are being implemented, that they are appropriate for that facility or program, and that they continue to reduce the discharge of pollutants. Inspections generally consist of the following:

- **Fixed Facilities** – Inspections are typically performed by a combination of stormwater program staff and on-site fixed facility managers. The inspection of a fixed facility may include spot checks of the facility and activities being performed at the facility, and interviews with key line staff.

- **Field Programs**– Inspections are typically performed by a combination of stormwater program staff and field program supervisors. The inspection of a field program may include spot checks of activities being performed, and interviews with key staff.
- **Contracted Activities** – Inspections are typically performed by municipal staff to supplement and check on self-inspections and reporting by the management staff of the contract firm performing the activity. Performance should be checked against contract/lease language (see Appendix D).
- **Leased Facilities** – Inspections are typically performed by municipal staff to supplement and check on self-inspections and reporting by the management staff of the lessor (see Appendix D).

Inspection Frequencies

Fixed facility or field program inspection frequency depends on the nature of the facility or program. Annual inspection is typical, with a more frequent schedule for facilities/activities that pose a greater threat to discharge pollutants (e.g. corporation yards). In the event of an observed problem, such as ineffective maintenance procedures or detected non-stormwater discharges, the inspection frequency should be increased as appropriate to facilitate correction of the problem.

Inspection Documentation Procedures

Inspection forms may be developed and used to properly document all inspections and gather the necessary information for record keeping and annual reporting. Examples include:

- **General Inspection Forms** – These primary forms provide for a general characterization of the fixed facility or field program being inspected, including the type of facility or program, the reason for inspection, activities that may take place, and BMPs applicable for the facility. A general form for all inspections and a single fixed facility specific form should be completed.
- **Activity Specific Inspection Forms** – These secondary forms include a series of questions or checklist items about specific activities taking place at a fixed facility or as part of a field program, as well as a list of suggested corrective action plans that can be implemented should a problem be found. All forms applicable to the activities being performed at a fixed facility or field program should be completed.

5.5 Analytical Monitoring

Although expensive, stormwater monitoring is a valuable way to assess long-term BMP effectiveness and cost-effectiveness of selected BMPs at reducing pollutants to the “maximum extent practicable”. For Phase I municipalities, specific monitoring requirements depend on the individual NPDES permits issued. Phase II municipalities are covered by the Phase II General NPDES Permit and are not explicitly required to conduct

chemical monitoring. Monitoring activities can include source identification, and chemical characterization of effluent/runoff, and non-stormwater discharges.

It is beyond the scope of this handbook to describe specific sampling and analytical techniques. For guidance on conventional stormwater sampling techniques and protocol, the reader should refer to NPDES Stormwater Sampling Guidance Document, 1992, published by the USEPA, or Caltrans' Guidance Manual: Stormwater Monitoring Protocols, 2000.

5.6 Enforcement

To ensure proper BMP performance, enforcement procedures and mechanisms should be established for the municipal fixed facilities and field programs. Enforcement actions may occur as a result of a problem found during an inspection or in response to a complaint that is received. Several different types of enforcement mechanisms and penalties can be utilized to ensure compliance. The internal enforcement procedures, directed toward municipal staff, include initial verbal warnings, written warnings, and more serious disciplinary actions if verbal and written warnings do not result in appropriate action. External enforcement procedures which pertain to municipal contractors may be undertaken primarily by the municipality's inspectors, managers, and supervisors who possess enforcement authority through established policies and procedures or ordinances. Depending on the severity of the violation, enforcement could range from the issuance of a notice of noncompliance to the loss of a contract or lease, or a fine.

5.7 Recordkeeping

As applicable, the municipality should maintain records demonstrating successful implementation of BMPs. Recordkeeping may include training, site inspection and maintenance, and if applicable, monitoring.

Training and Workshops

Records of all training sessions provided to staff should be maintained to allow for:

- Determining which staff requires which training;
- Determining when training sessions must be conducted; and
- Documenting training activities for enforcement and compliance purposes.

Municipal staff may attend training sessions or workshops sponsored by non-Permittees such as local or national organizations. For these sessions, the following information should be recorded:

- Name of Workshop/Training

- Sponsoring Organization
- General Description of the Subject Matter
- Location and Date
- Attendee information (name, title, department, phone and/or email)

Site Inspection and BMP Maintenance

Inspection reports should be kept to track frequency and results of inspections, BMPs implemented, condition of BMPs inspected, and follow-up actions taken. It is also important to keep a record of maintenance activities or any other BMPs that are of an “action” nature. It is easy to demonstrate that a BMP that involves a physical change, such as berming or covering, has been accomplished. However, actions that relate to good housekeeping can only be demonstrated by recordkeeping. Besides demonstrating compliance, records can assist in BMP management. Keeping a record of catch basin cleaning, for example, also provides insight into how long it takes for the catch basin sump to refill.

Monitoring

Records of all stormwater monitoring information, inspections and visual observations, certifications, corrective actions and follow-up activities, and copies of all reports must be retained for a period of at least five years. These records shall include at a minimum, when applicable:

- Date, place, and time of sampling, visual observations, and/or measurements.
- Individual(s) who performed the sampling, visual observations, and or measurements.
- Visual observation records for storm events.
- Visual observations and inspections of non-stormwater discharges.
- Calibration and maintenance records of on-site instruments used.
- Visual observations and sample collection exception records.
- Date and approximate time of analyses.
- Individual who performed the analyses.
- Analytical results, method detection limits, and the analytical techniques or methods used.
- Quality assurance/quality control records and results.

- Sampling and analysis exemption and reduction certifications and supporting documentation.
- Records of any corrective actions and follow-up activities that resulted from the visual observations.

5.8 Reporting

Phase I municipalities are required to submit annual reports documenting BMP implementation, with due dates varying depending on individual NPDES permit requirements. Specific reporting requirements differ between individual permits. Typically, they include, but are not limited to, the following:

- Program implementation status.
- Summary of stormwater activities performed.
- Stormwater monitoring results summary and analysis.
- Assessment of the effectiveness of selected control measures or BMPs.
- Changes or suggested changes to the BMP that will improve overall effectiveness of the program.

Phase II municipalities will be required under the Phase II General NDPEs Permit, beginning in 2004, to submit annual reports to the Michigan Department of Environmental Quality on October 1 of each year, or as otherwise required. Specific reporting requirements will include:

- Program implementation status.
- Summary of stormwater activities performed.
- Results of information collected, such as monitoring data.
- Summary of proposed stormwater activities for the next reporting cycle.
- Changes made in BMP selection.
- Changes in stormwater management personnel.
- Changes made in program or measurable goals.