

Implementing a Stormwater BMP Inspection & Maintenance Program

A Guidance Manual for New Hampshire Municipalities

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- Attachment A. Example Regulatory Language
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Introduction

The 2017 New Hampshire Small Municipal Separate Storm Sewer System General Permit (MS4 Permit) requires regulated communities to have procedures in place to ensure adequate long-term inspection and maintenance (I&M) of privately-owned, structural stormwater best management practices (BMPs) that have been approved under the new development/redevelopment regulations. This guidance manual was developed at the request of the New Hampshire Seacoast Stormwater Coalition (NH SSC) to help MS4-regulated communities fulfill this MS4 Permit requirement and promote, track, and enforce I&M of privately owned structural BMPs.

The intent of the MS4 Permit requirement and this guidance manual is to help communities ensure that BMPs continue to function as intended. BMPs are designed to remove pollutants and mitigate peak flows, but over time their effectiveness wanes or fails as they inevitably will fill with sediment and other debris causing outlets to clog, structures to break, slopes erode, and other deterioration if not maintained. Routine inspection and maintenance along with as-needed repairs are critical to preventing this deterioration and consequently critical to protecting the water quality of downstream waterbodies.

1.1 Guidance Manual Contents & Organization

Each section of this guidance manual covers a key element to ensuring long-term I&M of BMPs occurs on private property. Some communities may have already implemented certain elements, especially those covered in Sections 2 and 3, in which case, these communities may focus on the most relevant sections, as appropriate. However, other communities may find they need a broader array of measures, such as adopting adequate regulatory authority to require and enforce long-term I&M. These communities will probably want to do a more thorough review of each section. The manual is organized into the following sections:

Section 2. Establishing Regulatory Authority

- › Recommends regulatory authority that a municipality should have in place before requiring I&M of privately owned BMPs

Section 3. Initial I&M Approval

- › Outlines approach for ensuring I&M Plan is adequate at the time of submittal, since long-term I&M activities will be based on this initial plan

Section 4. Annual Reporting

- › Provides methods to streamline annual I&M report request and collection procedures

Section 5. I&M Tracking

- › Details several possible strategies for collecting and storing I&M data

Section 6. Future Considerations

- › Proposes future efforts that could help promote long-term I&M but that are not included in this manual

Attachments A, B & C. Example Language & Templates

- › Attachments A through C include example regulatory language for requiring and enforcing I&M as well as customizable templates for an I&M reporting request form, a BMP I&M fact sheet, and several letters to follow up with BMP owners

1.2 Guidance Manual Purpose

As mentioned above, this manual was developed to help MS4 communities comply with the MS4 Permit's provision requiring procedures for adequate long-term I&M of privately-owned, structural stormwater BMPs that have been approved under the new development/redevelopment regulations.

This provision can be found in Section 2.3.6.b of the MS4 Permit and says:

"The new development/redevelopment program shall have procedures to ensure adequate long-term operation and maintenance of stormwater management practices that remain in place after the completion of a construction project. These procedures may include the use of dedicated funds or escrow accounts for development projects or the acceptance of ownership by the permittee of all privately owned BMPs. These procedures may also include the development of maintenance contracts between the owner of the BMP and the permittee. Alternatively, these procedures may include the submission of an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The procedures to require submission of as-built drawings and ensure long term operation and maintenance shall be a part of the SWMP. The permittee shall report in the annual report on the measures that the permittee has utilized to meet this requirement."

Stated more simply, the MS4 Permit outlines three approaches that communities might use to ensure adequate long-term I&M of privately-owned BMPs approved under the new development/redevelopment program:

1. The MS4 community can accept ownership and I&M responsibility of BMPs and if desired, require developers to pay into an escrow fund to cover the expense of I&M activity.
2. The MS4 community can enter into maintenance contracts with BMP owners and perform I&M.
3. The MS4 community can require BMP owners to perform I&M and to submit annual certification documenting work over the last 12 months.

This guidance manual focuses on the third option, which relies on BMP owners to inspect and maintain their own BMPs. This third option was chosen by the NH SSC as the most feasible to implement and most aligned with the interests of NH SSC members, since the

other options could add administrative burdens such as hiring new staff and collecting fees. Further, in choosing the third option, the NH SSC understood that many private property owners must already perform I&M to satisfy the New Hampshire Department of Environmental Services Alteration of Terrain (AoT) I&M requirements (Env-Wq 1507.07) and, thus, requiring annual reporting of these activities posed no undue hardship. Finally, the NH SSC wanted to develop a consistent regional approach to I&M tracking to make I&M easier to navigate for responsible parties that own property in multiple MS4 communities.

In addition to helping communities meet MS4 Permit requirements, this guidance manual also helps protect waterbodies. Many property owners may not understand the importance of BMP I&M or even that they are required to do it. Adequate I&M—including routine inspection, routine maintenance, and repairs when necessary—is essential to preserving a BMP’s ability to remove pollutants from stormwater and protect the quality of downstream waters.

Establishing Regulatory Authority

To effectively implement this manual's guidance, MS4 communities must first make sure they have established sufficient regulatory authority in their site development and subdivision regulations. Therefore, municipal officials should first evaluate their ordinances and related regulations to confirm they contain certain regulatory components. This section outlines minimum regulatory components for implementing an I&M reporting program and provides references that can be used if regulations need updates.

2.1 Recommended Regulatory Authority

By now MS4 communities should have ordinances and/or regulations that establish the authority to require I&M of privately-owned BMPs. The MS4 Permit's deadline for implementing these regulations was June 30, 2021, or within three years of the effective date of the MS4 Permit. Further, communities regulated under the previous 2003 MS4 Permit were also required to have procedures in place requiring long-term I&M, since the 2003 Permit included the following provision in Part II.B.5:

"The post construction program must include... procedures to ensure adequate long-term operation and maintenance of best management practices."

Even if regulations have been established, the exact content and language of these regulations will determine how well a community can execute a sustainable, enforceable program. Communities should confirm that their regulations require, at a minimum, the following five components.

New development/ redevelopment regulations should:

1. Require submission of an I&M Plan with specific key elements
2. Require filing of records at the Registry of Deeds to ensure I&M obligations follow the land in the case of ownership transfer
3. Require annual reporting of I&M activities in accordance with the I&M Plan
4. Provide the authority to allow municipal personnel access to the property to inspect or maintain drainage infrastructure, if necessary
5. Provide the authority to impose fines or other enforcement actions for non-compliance

Communities should closely review their current regulations with legal counsel to ensure they contain the components outlined above. The suggested components not only help to comply with the MS4 Permit, but also help to establish a more rigorous program for tracking and enforcing this I&M activity. For example, if an MS4 community's regulations do not require annual reporting of I&M activities (item 3 above) but instead require I&M records "to be made available upon request," this may require more effort on the part of municipal staff to request and retrieve such records every year. Explicitly requiring annual reporting within the regulations and establishing a specific due date, takes some of the burden off the MS4 community and places the responsibility on the property owner. If after careful review of regulations, certain components are missing or are not explicit, the regulations should be revised to include the five elements above. These revisions are necessary to utilize the subsequent sections of this manual.

2.2 Reasons to Revisit and Update Local Regulations

Even MS4 communities who developed regulations with careful consideration of the MS4 Permit requirements should take time to review them against the five components above. The 2020 modifications to the post-construction development requirements of Section 2.3.6 of the NH MS4 Permit directed MS4 communities, at a minimum, to adopt two key elements of the 2012 Southwest Watershed Alliance (SWA) Model Standards. More specifically, Section 2.3.6.a.i of the 2020 modified MS4 Permit reads:

"The permittee shall develop or modify, as appropriate, an ordinance or other regulatory mechanism within three (3) years of the effective date of the permit to be at least as stringent as Section 4 Element C and Element D of the Southeast Watershed Alliance's Model Stormwater Standards for Coastal Watershed Communities (SWA Model Standards)."

Elements C and D of the [2012 Southeast Watershed Alliance Model Stormwater Standards](#) are very important for stormwater treatment design as they pertain to peak flow control stormwater treatment and water quality protection. However, the MS4 Permit did not explicitly reference Elements E, F and G of the SWA Standards, which are relevant to ensuring post-construction BMP I&M and should also be included in local regulations. If communities did not include these latter elements of the SWA Standards because they were not explicitly required by the MS4 Permit, then communities may want to review these sections of the Model Standards against municipal regulations to ensure an effective BMP I&M Program. The [2017 updates to the SWA Model Standards](#) provide even more clarity with regard to requiring annual reporting of post-construction I&M activity for approved privately-owned BMPs. Several communities have adopted this language directly while others have deferred adoption or relied on older I&M language given the uncertainty when the MS4 Permit was being reviewed and modified during the 2018 to 2020 period. Nonetheless, communities should revisit their regulations to ensure that the specific I&M requirements are included.

If communities decide revisions are necessary to fully address the five elements in Section 2.1 of this manual, they can refer to **Attachment A** which includes examples of regulatory language used by various New Hampshire communities as well as some language pulled from model regulations.

Initial I&M Plan Approval

In general, the review process for proposed development and redevelopment projects tends to focus on the proposed design and construction elements of a project and may overlook elements related to post-construction, such as stormwater BMP I&M. This section provides suggestions for ensuring I&M Plans are adequate before they are approved. This is because if an I&M Plan is approved with omissions or inconsistencies, each year I&M activities following this Plan will also contain omissions or inconsistencies. In theory, MS4 communities should already have procedures for ensuring I&M Plans are adequate. However, given how critical adequate I&M Plans are to a successful I&M program, it is worth confirming these procedures are in place before following the rest of this guidance manual.

3.1 Approaches to Ensuring Adequate I&M Plan Submittals

To help ensure that I&M Plans are thoroughly reviewed and contain the necessary components, communities should consider adopting the following review approaches:

- 1. Include multiple municipal departments in the review process, especially staff who will be responsible for long-term I&M tracking.**

Review should be performed by personnel involved in MS4 Permit compliance and I&M tracking. This may sound obvious, but often non-stormwater specialists such as Engineering or Planning staff are responsible for reviewing applications, including I&M Plans. Even if these staff ultimately sign off on approval, the municipal staff managing MS4 Permit compliance and I&M tracking must have a say in the approval process.

- 2. Employ a review checklist to ensure all necessary I&M Plan components are included in submittals.**

When reviewing submittals, staff should reference a detailed checklist to ensure the essential components of the I&M Plan are included and are adequate. This checklist should match the required elements laid out in a community's stormwater regulations, and therefore may vary between communities. The following section lists essential components of the I&M Plan, which can be used to develop a review checklist.

3.2 Components of Adequate I&M Plan Submittals

Before following subsequent sections of this guidance manual, MS4 communities should make sure they have clearly defined in their regulations the required components of an

adequate I&M Plan. Many communities may have already done this and can direct their focus on subsequent sections of this guidance manual. However, it is worth taking the time to confirm that regulations require all elements of an adequate I&M Plan. This will result in more initial submittals containing adequate I&M Plans, lessening the review burden for MS4 communities. It will also decrease the risk of inadequate I&M Plans getting approved.

To further encourage adequate I&M Plan submittals, MS4 communities may choose to align I&M Plan requirements with Alteration of Terrain Permit (AoT) requirements. Many projects under review by municipalities may also require an AoT Permit through the New Hampshire Department of Environmental Services (NHDES) for which an I&M manual must be submitted to the NHDES (under Env-Wq 1507.07). By aligning municipal and AoT requirements, the I&M Plan preparation process is streamlined for applicants and the chance of incomplete applications decreases.

The following is a list of recommended components of I&M Plans. This list includes all required components of the AoT I&M manual, indicated in italics, and additional components recommended for clarity and comprehensiveness:

- Summary of drainage infrastructure and BMPs on site
- *Plan showing the locations of all stormwater practices* including at a minimum a site plan, drainage plan, grading plan, landscape plan and detail drawings relevant to drainage infrastructure
- Description of I&M practices to be implemented for all drainage infrastructure and BMPs (broken out by BMP/structure type), *including:*
 - *frequency of inspections*
 - *a requirement to photograph each BMP during each inspection*
 - *actions to be taken to control invasive species*
- List of easements with a description of their purpose (i.e. drainage, access or slope encroachment, etc.) and exact limits of each
- *Inspection checklists*
- Maintenance checklists
- *Blank inspection logs* designed to record all relevant information
- *Blank maintenance logs* designed to record all relevant information
- *Name of long-term I&M responsible party*
- Contact information of long-term I&M responsible party (should be verified)
- Procedures for transfer of I&M responsibility
- Signed agreement to implement I&M Plan and either submit annual documentation of I&M or make documentation available upon request, depending on requirements (optional but serves as a reminder that I&M responsibilities are long-term)
- *Deicing log to track the amount and type of deicing materials applied to the site* (doesn't impact stormwater BMP I&M but included here for consistency with AoT I&M manual requirements)

3.3 Registry of Deeds Records

Once approved, communities should ensure that proper documentation of I&M responsibilities is recorded at the Registry of Deeds. This requirement is important to ensure that I&M requirements follow the property in perpetuity (i.e., if the property is sold). In addition, if an easement exists that is essential to the function or maintenance of a stormwater BMP, a deed restriction should be established at the Registry.

Ideally, I&M Plans and all associated documents should be recorded at the Registry of Deeds. Additionally, as-built plans should be recorded once a Certificate of Completion or Occupancy is issued for the site (after construction is complete and as-built plans are submitted). If these documents are recorded, a new property owner can access them even if the property seller did not provide them with such documents. However, some Registries are strict about how many documents can be filed. If a particular Registry of Deeds does not allow filing of many or large documents, such as I&M Plans or as-built plans, it is essential to ensure that the Registry of Deeds at least maintains documentation of the I&M responsibilities of the property owner. This way, this documentation will provide notice of I&M responsibilities to all those who may acquire the property.

4

Annual Reporting

Once construction of an approved project is completed, usually months to years after the review and approval process, MS4 communities must annually track I&M activity of stormwater BMPs at these sites to meet MS4 Permit requirements. Each MS4 community will take a different approach to collecting annual I&M documentation, and approaches will vary based on staff availability, technological capabilities, the number of properties to track, and specifics of regulations. This section outlines an array of options for annual reporting procedures and provides template forms and letters to streamline these procedures.

4.1 Annual Reporting Requests

As discussed, new development/ redevelopment regulations should require I&M responsible parties to submit records to the MS4 community on an annual basis, documenting that I&M activities have been completed in accordance with the property's I&M Plan. Municipal staff will likely need to maintain a database of properties to track which I&M records are required (database organization is discussed further in Section 5) and to establish a contact database for each property to provide materials and/or prompt responsible parties to perform I&M and submit annual reports.

Attachment B contains templates for an I&M reporting form, a cover letter to this form, and a fact sheet that gives additional context to this form. MS4 communities should customize whichever templates are helpful and provide them to I&M responsible parties prior to the annual I&M reporting deadline. Each template is described below:

1. **Cover letter**, *Attachment B1*
 - Gives context for the enclosed form and contains sender contact information
2. **I&M reporting form**, *Attachment B2*
 - Requests information about I&M activities at the property over the past year
 - Contains basic I&M questions that should be relatively easy to complete, but asks the I&M responsible party to attach inspection and maintenance logs, which can be reviewed to evaluate compliance with the I&M Plan
3. **Fact sheet**, *Attachment B3*
 - Explains the water quality benefits of I&M, why I&M is tracked by MS4 communities, and basic tips for inspecting BMPs
 - This is intended for those who receive the form and have no context for I&M

The above templates are provided in Microsoft Word and Microsoft PowerPoint format (as Attachments B1, B2 and B3) so that they can be easily customized. For example, if an MS4 community is customizing the cover letter template and choosing to mail a hard copy, the cover letter should be placed onto municipal letterhead and include contact information for the municipal staff-person responsible for I&M tracking. If customizing the I&M reporting form template, an MS4 community should enter community-specific information (e.g., the name of the municipality) where brackets indicate such information is needed.

Even with these templates, there are a range of methods that MS4 communities can use to collect annual I&M reports from I&M responsible parties. For example, some communities may prefer to request I&M reporting each year from all I&M responsible parties, while others may wish to reach out to responsible parties only if they did not submit an annual report form by a date specified in the regulations. Some communities may decide to start with the former more proactive approach, but plan to fall back on the latter more reactive approach in a few years as responsible parties become more familiar with requirements.

Outlined below are three possible approaches to soliciting and collecting annual I&M reports. Each approach assumes that regulations require I&M responsible parties to submit annual I&M reports, but the three approaches vary in how much effort an MS4 community initially puts into soliciting I&M reporting.

1. **Option 1. No Report Requests**

In this option, MS4 communities do not initially request I&M reports from I&M responsible parties. Instead, this approach relies on the MS4 community's regulations requiring responsible parties to perform long-term I&M and to submit records annually. If this option is chosen, MS4 communities should post an I&M reporting form and fact sheet to their website. Then, when a project is approved or construction is completed, the MS4 community should direct the I&M responsible party to the form and explain that forms should be submitted each year. If after the deadline, annual reports are not received, the MS4 community should follow up and ask for reports (see Section 4.2).

2. **Option 2. Manual Report Requests**

In this option, MS4 communities prompt all I&M responsible parties of completed projects approximately one month before the I&M reporting deadline. This prompt should include an I&M reporting form as well as a cover letter that orients a recipient to the form and a fact sheet that gives the recipient more context for BMP I&M. Although this option initially requires more time investment than Option 1, the investment may pay off if it results in a much higher response rate.

Depending on an MS4 community's inclinations, I&M reporting request materials could be sent to recipients via mail or electronically. If communities choose to send materials using electronic methods, there are several options. Documents could be sent using email attachments, online survey software (e.g., Google Forms), or forms associated with a geospatial database (e.g., Survey123), each of which has its own pros and cons and should be chosen in coordination with I&M tracking systems (**discussed in Section 5**).

3. **Option 3. Automated Report Requests**

This option involves sending automated annual reminders to I&M responsible parties requesting I&M reports. The methods of implementing this option will vary based on the MS4 community's existing software and capabilities but could be as simple as setting up recurring Outlook calendar events that prompts the I&M responsible party. Methods could also be more sophisticated and utilize a work order software that is connected to an internal permitting or mapping database. Regardless of approach, the automated request should include explanatory text taken from the cover letter template and a link to the reporting form and fact sheet.

Each of the above options may appeal to different communities for different reasons, and communities may need to switch between options depending on what proves effective. No matter the approach, MS4 staff will need to track who submitted annual reports, review each report for completeness, and follow up with those who did not submit or who did not provide a complete submittal.

4.2 **Follow-up Letters**

Ideally, I&M responsible parties would regularly perform I&M and promptly return forms to record these efforts. Realistically, however, not all parties will return forms, and some will return partially completed forms. Therefore, MS4 communities should plan to review reports after the reporting deadline to evaluate the received responses for completeness and identify I&M responsible parties that failed to respond. If a complete evaluation of received responses is not possible given the number of submitted I&M reporting forms and lack of staff capacity for review, MS4 communities should consider developing an auditing system where, for example, 10 to 20% of submissions are field verified by staff each year.

Attachment C provides four letter templates that MS4 communities can utilize to follow up with I&M responsible parties. Each template was written for a different follow-up scenario. Below is a list of four possible follow-up scenarios, each corresponding with a follow-up letter template, as well as a description of actions that should be taken for each scenario:

1. **Form returned indicating that all required I&M was completed**, *Attachment C1*
 - No action required. MS4 community may choose to send follow-up letters to thank permittees for responding, underscore the importance of I&M, and prompt permittees to look for another request the following year.
2. **Form returned indicating inadequate I&M**, *Attachment C2*
 - Follow-up letters should thank permittees for responding, underscore the importance of I&M, identify the site's I&M deficiencies, and request resubmittal of the reporting form once the required I&M is complete.
3. **Form not returned**, *Attachment C3*
 - Follow-up letters should explain that a reporting form was not received, request the I&M report, and threaten fines or other penalties if a form is not returned after a certain date.

- Some recipients of the letter may not be familiar with the I&M process, so follow-up letters should instruct permittees to refer to their I&M Plan, which can be found on file with the Registry of Deeds or the community, depending on procedures.
- Some recipients of I&M reporting request may not be the correct recipients, such as those who sold the permitted property. As such, follow-up letters should also request that recipients notify the MS4 community if they are the incorrect recipient.

Follow-up letters should spur many initially delinquent permittees to return forms or perform additional required I&M activities, but a handful of permittees still may not have responded after receiving a follow-up letter. These permittees fall into a fourth category:

4. Form not returned, even after follow-up letter, Attachment C4

- MS4 communities should first ensure that previous letters have been directed to the correct recipients. This may involve phone calls, research at the Registry of Deeds, or review of the permittee's stormwater permit, for example. If during this process, it becomes clear that recipient contact information was incorrect or had changed, the contact information should be resolved, and the initial I&M reporting request process should begin over.
- If after the above review, on-file recipient contact information is confirmed, a second follow-up letter is warranted. This second follow-up letter should be more strongly worded than the last and emphasize potential fines or other penalties. This letter should be sent approximately one month to six weeks after the last letter, or at whatever date was provided as a deadline in the last letter.
- To ensure the letter has been received, the MS4 community should consider sending this letter through certified mail. However, this decision may depend on the nature of the scenario and the responsiveness of the responsible party, since less compliant responsible parties could reject certified mail in order to say they never received a follow-up letter.
- Because some recipients may be avoiding I&M reporting due to confusion about the process, it is advised to attach the permittee's I&M Plan to this second letter.

As with the templates in Attachment B, the letter templates in Attachment C are provided in Microsoft Word format so that communities can customize them and use them in whatever way best suits their needs. For example, communities may use the template language verbatim or borrow some language for use in a different letter. Further, follow-up scenarios may not proceed exactly as the progression of template letters suggests and MS4 communities will have to adjust template letters appropriately. For example, MS4 communities may want to send more than one reminder letter before threatening penalties. It is also worth noting that communities should feel free to include Attachment B's fact sheet with follow-up letters if this education seems necessary or appropriate. Finally, if follow-up letters prove ineffective, communities should coordinate with NHDES if the project is also regulated under a AoT permit. Leveraging the overlapping I&M requirements of municipal and state I&M programs may be useful in achieving greater compliance.

4.3 Enforcement Measures

For some properties, enforcement measures may be necessary if I&M responsible parties are non-responsive and fail to submit the required documentation. Before considering any enforcement, communities should evaluate their stormwater regulations to ensure they possess adequate authority to utilize various enforcement measures. Depending on the available authority, and the circumstance of each violation, communities should determine the best course of action. Possible enforcement measures include:

1. Send a written notice requiring that non-compliance and/or obvious maintenance needs are rectified and/or remediated.
 - Consult legal counsel to draft and send order.
2. Administer a fine
 - Consult legal counsel and/or review municipal regulations and Revised Statutes Annotated of New Hampshire to understand allowable amounts and frequencies.
 - If a property owner refuses to pay fines, the MS4 community can place a lien on the property.
3. Conduct the inspection and/or maintenance on behalf of the I&M responsible party and demand reimbursement
 - The community should have legal authority to enter all properties approved under the new development/ redevelopment program for I&M purposes, assuming regulatory authority is sufficient (see Section 2).
 - This avenue may be necessary if emergency repairs are needed and the I&M responsible party is non-responsive.
 - If a property owner refuses to reimburse the MS4 community, the MS4 community can place a lien on the property.

Communities will need to decide what levels of enforcement they are willing to initiate. Some communities will be more accustomed to initiating enforcement actions than others and it is prudent to consult legal counsel before initiating enforcement actions. It is also worth brainstorming to determine if other less contentious leverage is available. It may be possible to deny approval of any future building permit if the I&M responsible party remains noncompliant. Ultimately, however, communities are required by the MS4 Permit to ensure adequate long-term I&M, and sometimes enforcement is the only way to ensure this.

I&M Tracking

5.1 Introduction

Perhaps the most critical aspect to ensuring long-term I&M of private BMPs is implementing a robust tracking program. A tracking system helps to tie together all the elements of a long-term I&M program, including initial approval, annual reporting, compliance, and enforcement, and can help with other water quality initiatives, such as pollutant removal accounting. Investing in developing a sound tracking system will help with long-term record-keeping and smooth implementation of the I&M program.

Each community will need to determine which department and staff are best suited for I&M tracking. Roles and responsibilities may spread across different departments and may change over time. For example, the Planning Department may be responsible for recording a project upon approval, but responsibility for tracking long-term I&M may shift to the Department of Public Works. Responsibilities should be clearly defined when creating a tracking system and the system design should ensure that all parties involved can access and update the data as needed.

For any property that requires long-term I&M as part of a municipally approved project, the following information will be important to collect:

- › Property location (may be tied to parcel information and if possible, spatial)
- › Number, location, and type of BMPs and drainage assets (spatially, if possible)
- › Property owner contact information (including email address)
- › I&M responsible party (including email address)
- › Copy of approved I&M Plan
- › Annual reporting records
- › History of enforcement actions

Many communities may also use the New Hampshire Department of Environmental Services' Pollutant Tracking and Accounting Project (PTAP) to collect BMP type and property information, as well as pollutant removal information. While PTAP is not yet configured to fully track I&M activities, an MS4 community's I&M tracking system should be designed with consideration of how I&M information can be linked to the BMPs in PTAP.

5.2 I&M Tracking System Options

Any robust tracking and reporting system requires setting up a data framework in advance of data collection. Therefore, the first step in establishing procedures to track and enforce I&M is to decide on a data storage platform and develop a data management plan that is compatible with this platform. Because each MS4 community has different staffing and technical resources, processes, and inclinations, there is no “one size fits all” data framework. Instead, this manual outlines a spectrum of approaches, ranging from the “high-tech GIS database approach” to the “low-tech binder approach” to accommodate the varying needs of communities.

5.2.1 GIS Database Approach

MS4 communities that rely on Geographical Information Systems (GIS) to manage existing datasets, such as parcel information and drainage infrastructure data, should consider a GIS database approach to track information related to I&M of privately-owned BMPs. If using this approach, feature classes (i.e., layers) should be established for properties (or parcels) and BMPs.

The property layer should represent parcel boundaries and include the following information:

- › Property name
- › Property address
- › Parcel ID
- › Project ID and Site Plan approval date
- › Owner contact information (address, phone, email)
- › I&M responsible party contact information (organization, address, phone, email)
- › I&M annual reporting compliance (one option would be to record rate of response for each year in separate columns/fields)
- › Enforcement actions taken (including dates and results)

The approved I&M Plan should also be attached to each feature in the property layer along with any other relevant documentation, such as change in ownership forms or plan amendments. Additionally, any enforcement letters or notices sent to the property owner can be attached to the property features to ensure all data is maintained in the same location for a given project.

Annual reporting forms can also be associated with the property features, either by attaching PDFs scanned from submitted paper forms or by electronically entering information from submitted paper forms into a related table associated with the property feature class. Municipalities opting to use a related table could either manually enter data into the related table or develop a public-facing entry form for property owners (or their delegates) to enter the information directly. Any BMP maintenance or inspection logs, photos, or other related records could be attached to the related annual reporting record.

The BMP layer should represent the outline of each structural stormwater BMP (both surface and subsurface BMPs) and contain the following information:

- › Owner
- › BMP type
- › Construction date
- › Project ID
- › Parcel ID

Municipalities can choose to link the BMP features to those mapped in PTAP. Municipalities may also choose to track I&M activities by BMP and request this information from property owners annually. This level of detail could allow communities to better track compliance by BMP and understand the condition of each BMP more easily.

5.2.2 Spreadsheet Approach

Some MS4 communities may not have access to GIS or, due to staff skillsets, may not be inclined to store inspection data using GIS. Whatever the reason, such communities should consider a spreadsheet approach. The spreadsheet approach has many benefits. Data is stored electronically, can be backed up, accessed by multiple people, searched easily, and kept organized. Further, no data entry is needed if online survey software such as a Google Form is sent to applicants. Google Forms can be set up such that every respondent answers the same questions, and data is aggregated into a spreadsheet for the survey creator. This saves time for municipalities, and keeps data documented and organized.

For the spreadsheet approach, similar information to that needed for the database approach (Section 5.2.1) should be collected and maintained, with the major difference being that there is no spatial component to the data and attachments would need to be linked and saved in a separate location. A master spreadsheet can be set up that has one master tab followed by tabs for each annual reporting period. The master tab could contain tracked properties in the first column with other columns containing property information such as information collected during site plan approval (e.g., I&M responsible party, address, parcel ID). Although most of the information in the master tab would be static, the master tab could have one column summarizing compliance history. Annual reporting tabs could be created for each new year and could contain a column for each question asked in the annual I&M form. If using Google Forms, the survey summary spreadsheet produced would essentially comprise an annual reporting tab.

5.2.3 Binder Approach

The 3-ring binder approach is for municipalities that feel data would be most accessible in paper form. Similar to the spreadsheet approach, a binder could have a section for each permitted property, along with a master list containing property information and an inventory of what is included in each binder's section. Note that depending on the amount of paper used, accordion folders may be required for each property instead of binder sections.

5.3 Gathering Data from Previously Approved Projects

After selecting a data management approach and setting up a framework to collect data, communities should begin collecting and entering information from previously approved projects as far back as their regulations required such I&M activity. (As mentioned in Section 2.1, the 2003 Permit also required long-term I&M, so communities that were regulated under the previous MS4 Permit could be compiling decades of data.) This could be challenging depending on a community's prior organization and tracking system, but communities should begin identifying previously approved projects where stormwater BMPs and related I&M plans were approved and begin entering them into a database framework. Once properties are entered, the communities can begin tracking I&M from that point on. Communities should make sure to record the site plan approval date, especially if the community only recently enacted an ordinance or other regulatory mechanism to mandate I&M submittals. MS4 communities can only require I&M submittals from properties that were approved while this requirement was in place, although they may still request I&M submittals and see how property owners respond. If it is difficult to acquire annual I&M reporting from previously approved projects, it may still be worthwhile to provide guidance to these property owners about the importance of BMP I&M.

6

Future Considerations

The level of effort needed for an MS4 community to ensure adequate long-term inspection and maintenance of privately-owned BMPs will vary depending on intensity of development or redevelopment (especially commercial and industrial), staffing levels, existing systems for tracking I&M, and the availability of GIS or other asset management software. No matter the circumstance, the implementation of an I&M reporting program will present challenges and will likely require refinement as the program progresses. This guidance manual provides recommendations and resources to set up a program. However, as lessons are learned, MS4 communities will need to continue to collaborate to develop additional resources, such as:

- › Updated model regulations that include recommended components listed in Section 2.1
- › Detailed legal guidance for handling enforcement in New Hampshire
- › Shared legal counsel or resources on enforcement approaches for I&M non-compliance
- › Database templates for tracking privately-owned BMPs and annual I&M
- › Educational materials and public outreach events to increase awareness about the importance of long-term BMP I&M
- › Guidance on best practices for periodic auditing of I&M activity

Even without these additional resources, however, as municipal I&M programs mature, stormwater BMP I&M will become a routine part of property management and MS4 communities will hopefully receive annual I&M reports without expending extensive staff resources. With a strong I&M program that establishes adequate regulatory authority, ensures initial submittals are comprehensive, streamlines annual reporting procedures, and employs consistent follow up and enforcement, the implementation process should go more smoothly. This program will not only help communities to avoid future adverse effects to downstream properties and related infrastructure that may result from stormwater treatment BMP failures, but also the greater likelihood for improved water quality in downstream waters by prolonging the functional life and effectiveness of the approved private BMPs .

Attachment A.
Example Regulatory
Language

Selected Examples of Regulation Language

Section 2.1 explains that in order to run a sustainable, enforceable I&M tracking program, MS4 communities should have regulations that meet the following five criteria:

1. Require submission of an I&M Plan with specified elements
2. Require filing of records at the Registry of Deeds to ensure I&M obligations follow the land in the case of ownership transfer
3. Require annual reporting of I&M activities in accordance with the I&M Plan
4. Provide the MS4 community with authority to access the property to inspect or maintain drainage infrastructure, if necessary
5. Provide the MS4 community with authority to impose fines or other enforcement actions for non-compliance

If MS4 communities compare current regulations to the above components and find they need to revise regulations to include some or all components, they can draw from several resources, including other New Hampshire MS4 communities' regulations, the 2017 Southeast Watershed Alliance (SWA) Model Stormwater [Standards](#), and the 2019 Neponset River Watershed Association's (NepRWA) Model Stormwater [Bylaw](#) and [Regulations](#). (Although the NepRWA model bylaw and associated regulations were created for Massachusetts MS4 communities, they can be useful to New Hampshire MS4 communities, since the Massachusetts 2016 MS4 Permit and the New Hampshire 2017 MS4 Permit have identical I&M requirements. That said, be sure to consult legal counsel if borrowing any NepRWA language related to enforcement, since New Hampshire and Massachusetts enforcement powers may vary based on state law.) Of course, sample language should be used as a starting point and should be customized to each community, but for convenience, selected sample language is included below to address each of the five recommended components from Section 2.1.

1. Require submission of an I&M Plan with specified elements*

*See Section 3.2 of the Guidance Manual for elements that should be required in regulations

2017 SWA Model Stormwater Standards, Element E, #1:

The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include...

2019 NepRWA Model Stormwater Regulations, Section 10, A & B:

A stand-alone Operation and Maintenance Plan is required at the time of application for all projects that include structural and non-structural stormwater BMPs. The Operation and Maintenance Plan shall be designed to ensure compliance with the Permit and these regulations for the life of the system. The Operation and Maintenance Plan shall remain on file with the Stormwater Authority and shall be an ongoing requirement. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs. The Operation and Maintenance Plan shall include...

City of Dover Site Review Regulations, Chapter 149-14, p. 149-25:

The owner shall be responsible for continued inspection and maintenance requirements. An operation and maintenance manual shall be created with the following information...

City of Portsmouth Site Plan Review Regulations, Section 7.6.5, #1, p. 51:

The applicant shall develop and execute an enforceable inspection and maintenance plan for both erosion control measures and permanent stormwater treatment measures to maintain their effectiveness for the duration of their useful life. The I&M Plan shall contain relevant protective covenants or land preservation commitments with a long-term agreement that specifies who will be responsible for inspecting and maintaining the long-term integrity and the stormwater BMP functions and protected area. The I&M Plan shall be provided to the Planning Board as part of the application review process prior to issuance of any local permits for land disturbance and construction activities. The Plan shall include the following items at a minimum...

2. Require Filing of Records at the Registry of Deeds

City of Dover Site Review Regulations, Chapter 149-14, p. 149-25:

The owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements and responsibilities described in the approved STORMWATER Management Plan. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers to the requirements for maintenance and reporting.

2017 SWA Model Stormwater Standards, Element F, #1:

Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan. A Notice of Decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The Notice of Decision shall be referenced to the property deed (title/book/page number) and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

3. Require annual reporting of I&M in accordance with I&M Plan

Town of Exeter Site Plan Review and Subdivision Regulations, Section 9.5.2, #6:

All inspections shall be documented in written form. A Maintenance Log and Inspection & Maintenance Checklist is required for the proposed onsite stormwater management facilities that deal the ongoing maintenance to insure the long-term functionality of the infrastructure. The written inspection forms, Maintenance Log, and Inspection & Maintenance Checklist shall be completed annually and submitted to the Exeter Public Works Department on or before January 31st of each year. The form may be proposed by the responsible party, unless or until the Town provides a specific form to be utilized. The town inspector or their agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the inspection reports filed by the applicant.

2017 SWA Model Stormwater Standards, Optional Standard:

Landowners shall be responsible for submitting an annual report to the Planning Board by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their annual report and include detail regarding when the infrastructure shall be repaired and functioning as approved. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.

2019 NepRWA Model Stormwater Regulations, Section 10, B6:

To ensure adequate long-term operation and maintenance of stormwater management practices, applicants are required to ... [submit]... an annual certification documenting the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures.

4. Provide the MS4 community authority to access the property to inspect or maintain drainage infrastructure

2017 SWA Model Stormwater Standards, Element E, #2:

The applicant shall provide legally binding documents for filing with the registry of deeds which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.

2019 NepRWA Model Stormwater Bylaw, Section 7B:

- 3) *If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, [Town] may, at its option, undertake such work, and expenses thereof shall be charged to the violator.*
- 4) *Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by [Town], including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall*

begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.

5. Provide the MS4 community with authority to impose fines or other enforcement actions for non-compliance

City of Dover Site Review Regulations, Chapter 149-18, p. 149-67:

If, after an occupancy permit, temporary or permanent has been issued and the building or buildings are occupied and/or used, the Planning Board finds that any of the conditions of an approved final site review application are in violation, the Planning Board, or its authorized representative, shall order the owner to make such corrections as it deems necessary to bring the use and operation into conformity with the provisions of such approval. Such order shall be complied with within a period of time extending not more than thirty (30) days from the original notice. Where the owner fails to comply with the notice of the Planning Board, a fine not to exceed one hundred dollars (\$100.) per day may be levied against said owner, and the CERTIFICATE OF OCCUPANCY shall be revoked as per RSA 676:4-a.

2019 NepRWA Model Stormwater Bylaw, Section 7A:

Criminal and Civil relief.

- 1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.*
- 2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation...*

If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it...

Attachment B.
Templates for Annual I&M
Report Requests

Cover Letter for Annual I&M Reporting Request

[Town/City Name]
[Department Name]
[Address]

[Date]

[Recipient Contact Information]
[Recipient Address]

Subject: Request for Stormwater BMP Inspection & Maintenance Annual Reporting Form

This letter is to request the submission of the attached Annual Inspection & Maintenance (I&M) Reporting Form, as required to maintain compliance with the [Site Plan Approval/ Stormwater Permit] for [Address] ([Project Name/Number]). Under this property's [Site Plan Approval/ Stormwater Permit] granted by the [Town/City of X], you are required to report annually on inspection and maintenance (I&M) activities related to stormwater management features on your property. Please reference this property's approved Stormwater I&M Plan to identify the I&M activities outlined in the Plan.

The purpose of annual stormwater I&M is to ensure that each property's stormwater management features are operating as designed so that surrounding land and water resources are protected from flooding and pollution. The [Town/City] is also required by Federal law to ensure adequate I&M is taking place on your property. Non-compliance with this requirement can result in enforcement actions such as [insert enforcement actions listed in appropriate ordinance/regulations, e.g., fines], as outlined in the [Town/City's Ordinance/ Regulations Name] and associated project approval conditions, as well as RSA Chapter 676, Section 17.

Please complete, sign, and return the attached Stormwater BMP Annual I&M Reporting Form to [Name] at [Address] within [timeframe]. If you need information regarding the stormwater BMP I&M requirements, please consult your property's Stormwater I&M Plan and the [website name and link]. Please contact the [Town/City Name]'s [Responsible Department] at [Email], or [Phone Number] if you have any questions, if the project is still under construction, if you are no longer the property owner or responsible party, or if you feel this request was sent in error.

Sincerely,

[Signature]

[Name]
[Title]
[Department Name]
[Town/City Name]

Annual I&M Reporting Request Form



Stormwater Best Management Practice (BMP) Annual Inspection & Maintenance (I&M) Reporting Form

Please fill out and sign the following form and return to [Name] at [Address] within [timeframe]. Under this property's [Site Plan] Approval granted by the [Town/City of X], you are required to report annually on inspection and maintenance (I&M) activities related to stormwater management features on your property. These required I&M activities can be referenced in the property's I&M Plan, which was submitted with this property's [Site Plan Approval] application and approved by the [Town/City]. The purpose of this requirement is to ensure each property's stormwater management features are operating as designed so that surrounding land and water resources are protected from flooding and pollution. Non-compliance with this requirement can result in enforcement actions such as [insert enforcement actions listed in Ordinance/regs, e.g., fines of up to \$300 per day], as outlined in the [Town/City's Stormwater Management Ordinance/Site Plan Regulations (Chapter X)] and associated project approval conditions, as well as RSA Chapter 676, Section 17.

PROPERTY OWNER

Name _____ Organization _____
Address _____
City/State/Zip _____
Phone _____ Email _____

I&M RESPONSIBLE PARTY

Name _____ Organization _____
Address _____
City/State/Zip _____
Phone _____ Email _____

PROPERTY INFORMATION

Property Name _____
Approval ID _____ Parcel ID _____
Address _____
City/State/Zip _____

Has owner changed since site plan approval? Yes No

If answer above is yes, what was date of ownership transfer (MM/DD/YY)? _____

Describe changes on site in past year (include construction, site improvement, renovation, property sale, etc.).



Stormwater Best Management Practice (BMP) Annual Inspection & Maintenance (I&M) Reporting Form

Are all stormwater treatment measures included in the I&M Plan still in operation? Yes No

If answer above is no, please describe. _____

Have stormwater treatment measures been inspected in the past year? Yes No

Did any stormwater treatment measures need to be repaired or rehabilitated? Yes No

If answer above is yes, describe work completed to repair or rehabilitate stormwater treatment measures. If work is not yet complete, describe planned work, including schedule for completion.

What routine maintenance was performed? Check all that apply.

- | | |
|---|---|
| <input type="checkbox"/> Mowing | <input type="checkbox"/> Organic debris removal |
| <input type="checkbox"/> Vegetation Management (e.g., invasive plant removal) | <input type="checkbox"/> Trash removal |
| <input type="checkbox"/> Re-establishing vegetation (e.g., seeding, planting) | <input type="checkbox"/> Sediment removal |

What other routine maintenance has been completed or is planned? _____

Please attach all inspection logs, photos, maintenance records (if applicable), and the site's I&M Plan if it has been revised since site plan approval. Indicate attachments below.

- Inspection logs (required)
- Photos (required)
- Maintenance records (if applicable)
- Revised I&M Plan (if applicable)
- Other

Does winter maintenance at this property include the use of road salt? Yes No

If professionals are hired for salting, are they Green SnowPro certified? Yes No NA- no one hired

Salt is a pollutant. Have you seen NH DES's Road Salt Reduction website? Yes No

Learn more about practices to minimize salt pollution at: <https://www.des.nh.gov/land/roads/road-salt-reduction>

I certify that the information in this form and all attachments is true and correct to the best of my knowledge.

Signature _____ **Date** _____

I&M Request Form Fact Sheet

FACT SHEET

Additional Information about Required Annual Inspection & Maintenance (I&M) Reporting



Why am I required to report on I&M at my property?

- › The Federal Clean Water Act requires that certain New Hampshire municipalities have regulations pertaining to stormwater management on new development and redevelopment sites. These regulations must require that projects under their jurisdiction inspect and maintain stormwater best management practices (BMPs) and report on these activities annually.
- › The purpose is to ensure that BMPs continue to function as designed and improve quality of stormwater leaving the site for their entire lifespan.

How do I inspect a BMP?

- › Refer to your I&M Plan, which was approved as part of your site plan approval, and contains instructions for inspection that are specific to the BMPs on your property
- › In general, inspections involve looking at inlets, outlets and basins/units for:
 - Damaged structures
 - Obstructions
 - Sediment accumulation
 - Debris
 - Erosion
 - Poor vegetative health
 - Soil compaction
 - Standing water 72 hrs. after rain

Examples of BMPs

Dry Infiltration Basin



Source: MassDOT

Gravel Wetland



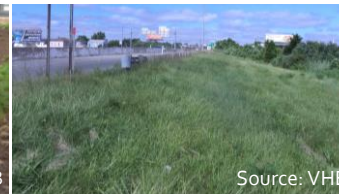
Source: UNH

Rain Garden



Source: VHB

Vegetated Buffer



Source: VHB

Sub-surface Infiltration



Source: VHB

Water Quality Unit



Source: MassDEP

How do I maintain a BMP?

Routine Maintenance Examples

- Remove accumulated trash/ debris
- Remove accumulated sediment
- Remove obstructions to flow
- Replace filters
- Mow/ prune vegetation
- Water vegetated areas during drought

- › Refer to your I&M Plan, which was approved as part of your site-development submittal, and contains instructions for maintenance that are specific to the BMPs on your property
- › Some maintenance will need to be conducted routinely (months to decades), while some maintenance will only be necessary if a BMP is damaged or failing

As-needed Maintenance Examples

- Repair soil erosion
- Repair/ replace damaged structures
- Re-plant vegetation
- Remove invasive species of vegetation
- Re-grade for proper drainage

Attachment C.
Templates for Follow-up
Letters & Enforcement

Template Letter to Confirm Receipt of I&M Reporting Form

[Town/City Name]
[Department Name]
[Address]

[Date]

[Recipient Contact Information]
[Recipient Address]

Subject: Receipt Confirmation of Stormwater BMP Inspection & Maintenance Report for [Address], [Site Plan Approval Project/ Permit Number]

This letter is to confirm receipt of the Annual Inspection & Maintenance (I&M) Reporting Form associated with the [Site Plan Approval/ Permit] for [Address] ([site plan approval/ permit number]). Thank you very much for complying with this requirement. As you know, I&M is critical to ensuring that BMPs continue to perform as designed and remove pollutants from stormwater to protect downstream waterbodies.

Please continue to inspect and maintain the BMPs associated with this property and continue to respond to our requests for I&M reporting annually. If you have any questions or need assistance, please contact [municipal contact] at [email address].

Sincerely,

[Signature]

[Name]
[Title]
[Department Name]
[Town/City Name]

Template Letter to Request Resubmittal of I&M Reporting Form

[Town/City Name]
[Department Name]
[Address]

[Date]

[Recipient Contact Information]
[Recipient Address]

Subject: ACTION REQUIRED—Resubmittal Required of Stormwater BMP Inspection & Maintenance Reporting Form for [Address], [site plan approval project/ permit number]

The [Town/City] has received the Annual Inspection & Maintenance (I&M) Reporting Form associated with the [Site Plan Approval/ Permit] for [Address] ([Site Plan Approval Project Name/ Number]). Thank you very much for submitting this form to our office, as required. Unfortunately, according to the submitted response, certain required elements of the approved Stormwater Best Management Practice (BMP) I&M Plan were not completed. Proper I&M is critical to ensuring that BMPs continue to perform as designed, removing pollutants from stormwater to protect downstream waterbodies. In addition, the [Town/City] is required by Federal law to ensure adequate I&M is taking place at your property.

Please review this property's Stormwater BMP I&M Plan and update your I&M Reporting Form to document that the missing items have been completed. These include: [list items that must be completed based on the initial Stormwater BMP I&M Plan submitted as part of the project approval]. Please update and resubmit the I&M Reporting Form (which can be found on [Town/City Website Name and Link]) by [Date] after all required I&M is completed. You can contact me at [email] or [phone number] if you foresee a problem with this request or have any questions.

Thank you,

[Signature]

[Name]
[Title]
[Department Name]
[Town/City Name]

Template First Notice of Violation

[Town/City Name]
[Department Name]
[Address]

[Date]

[Recipient Contact Information]
[Recipient Address]

Subject: Required Stormwater BMP Inspection & Maintenance Reporting Form for [Address], [Site Plan Approval Project/ Permit Number]

NOTICE OF VIOLATION

This letter serves to remind you that you are required to annually submit an Inspection & Maintenance (I&M) Reporting Form documenting that your onsite stormwater best management practices (BMPs) have been inspected and maintained, as needed, in accordance with your property's Stormwater BMP I&M Plan that was approved as a condition of your property's [Site Plan Approval/ Stormwater Permit]. The I&M Plan was required by the [City/Town's Ordinance/Regulation Title] that was in effect at the time of your property's [Site Plan Approval/ Stormwater Permitting]. We have not received an I&M Reporting Form for [Year].

Please submit a completed I&M Reporting Form within [Number of Days] calendar days of receiving this Notice of Violation in order to avoid enforcement actions as authorized under the [Town's/City's Ordinance/Regulation Name] for non-compliance of approved conditions. Please refer to the [Town's/City's Ordinance/Regulation Name] for more information on the [Town/City Name]'s enforcement actions on non-compliance of project approval conditions, as well as RSA Chapter 676, Section 17.

Your prompt attention to this matter is greatly appreciated. Proper I&M of stormwater BMPs is critical to ensuring that BMPs continue to perform as designed, removing pollutants from stormwater to protect downstream waterbodies. In addition, the [Town/City] is required by Federal law to ensure adequate I&M is taking place at your property.

If you need information regarding the stormwater BMP I&M requirements, including a copy of a blank I&M Reporting Form, please consult the [website name and link]. If you have any questions about the project's approved I&M Plan, please contact the [Town/City Name]'s [Department Name] at [Email], or [Phone Number].

[Signature]

[Name]
[Title]
[Department Name]
[Town/City Name]

Template Second Notice of Violation

[Town/City Name]
[Department Name]
[Address]

[Date]

[Recipient Contact Information]
[Recipient Address]

Subject: Required Stormwater BMP Inspection & Maintenance Reporting Form for [Address], [Site Plan Approval Project / Permit Number]

SECOND NOTICE OF VIOLATION

This letter serves as a Second Notice of Violation of the conditions of approval of your property's [Site Plan Approval/ Stormwater Permit]. As outlined in the [Town's/City's Ordinance/Regulation Title] that was in effect at the time of approval, you are required to annually submit an Inspection & Maintenance (I&M) Reporting Form documenting that your onsite stormwater management best management practices (BMPs) have been inspected and maintained, as needed, in accordance with your approved Stormwater BMP I&M Plan. We have not received an I&M Reporting Form for [Year]. Failure to submit a completed I&M Reporting Form is a violation of your property's [Site Plan Approval/ Stormwater Permit] and may lead to enforcement actions if not remedied as soon as possible.

Our office previously sent a reminder letter notifying you of this matter on [Date]. To avoid enforcement action, which may include fines and/or other actions outlined in the [Town's/City's Ordinance/Regulation Name] and authorized under New Hampshire RSA Chapter 676, Section 17.a, please submit a completed I&M Reporting Form to our office in the next [Number of Days] calendar days using the contact information listed below. If additional time is needed to complete this matter, please contact our office so that we can develop a mutually agreeable timeline for completion.

If you need information regarding the stormwater I&M requirements, including a copy of a blank I&M Reporting Form, please consult the [Town/City Website Name and Link]. If you have any questions, contact [Town/City Name]'s [Department Name] at [Email], or [Phone Number].

[Signature]

[Name]
[Title]
[Department Name]
[Town/City Name]