



TOWN OF CARRBORO

STORMWATER DIVISION

STORMWATER CONTROL MEASURE MAINTENANCE AND INSPECTION PROGRAM GUIDE

1 PURPOSE

The purpose of this guide is to clarify the procedure, scheduling, reporting and enforcement requirements related to the Town of Carrboro’s Post-Construction Program.

2 SCOPE

The Town of Carrboro’s Post-Construction Program applies to privately-owned Stormwater Control Measures (SCMs), previously known as Stormwater Best Management Practices (BMPs), within the Town’s jurisdiction.

3 CONTEXT

SCMs are regulated stormwater devices that treat runoff to reduce both water quantity and quality impacts. Since the 1980s, the Town’s Land Use Ordinance (LUO) has required stormwater management as part of development projects. Beginning in 2004, the Town’s stormwater management efforts have been regulated under an NPDES (National Pollution Discharge Elimination System) permit. One section of the permit is for “post-construction” stormwater management, which includes requirements for maintenance and inspection of SCMs.

In 2007, the Town wrote explicit maintenance requirements into the [Land Use Ordinance \(Section 15-263.1\)](#) to codify those implicit in construction plans and permit approvals that include stormwater management devices. The Stormwater Utility was created in 2017, and the North Carolina Department of Environmental Quality (NCDEQ) audited the stormwater management program in August 2020; this led to the development of a comprehensive SCM M&I Program to ensure SCMs are being maintained and inspected in Town.

Since this time, the Stormwater Division has developed administrative practices to provide additional structure for managing these requirements and ensuring owners fulfill their obligations. This guide provides additional context and clarification for property owners.

4 REQUIREMENTS

The Town of Carrboro requires the property owner to take responsibility for maintenance and inspection of stormwater devices. Property owners are required to do the following regarding SCMs:

- Conduct maintenance regularly to ensure the function of the device, in accordance with minimum requirements set by the NCDEQ (See Section 5)
- Maintain records of maintenance performed (See Section 5)
- Have each SCM inspected at least annually by a qualified North Carolina professional (See Section 6)
- Submit an annual report including the results of the inspection and maintenance records from the previous year (See Section 7)

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- Set aside funds sufficient to pay for costs associated with keeping the SCM in proper condition (See Section 8)
- Submit a report annually stating that such funds have been set aside (See Section 8)

5 MAINTENANCE

Property owners are required to maintain SCMs in accordance with the [recommendations of NCDEQ](#). The Town does not specifically require additional requirements beyond these. However, if annual self-inspections and/or Town inspections of SCMs show that regular maintenance is not sufficient to ensure the integrity of the SCM, additional maintenance may be required.

Owners are required to maintain records of maintenance that is performed. This can include logs, photos, work orders, purchase orders, or other documentation showing that required maintenance was performed. Such records are required to be submitted along with the annual inspection report (See Section 7).

6 QUALIFIED PROFESSIONALS

Carrboro requires that SCMs be inspected annually by a qualified North Carolina professional. Appropriate inspectors include Professional Engineers, Professional Landscape Architects, or others specially qualified by an appropriate certification program.

The Town of Carrboro does not specifically recommend any companies or individuals. However, the Town has published, and continues to update, a list of contractors who provide stormwater-related services on a residential scale on its [Contractor Directory webpage](#). SCM Maintenance and Inspection professionals are listed under the orange “Green Residential Stormwater Infrastructure” tab.

View two additional lists of qualified people at the following links:

- [A list curated by the Town of Chapel Hill](#)
- [A list curated by the City of Durham](#)

The annual inspection report requires details regarding the inspector’s qualifications to be filled in the provided spaces.

7 ANNUAL REPORTING

7.1 Purpose

All owners of SCMs are required to submit annual reports. Reports shall include the result of annual inspections by qualified professionals, maintenance records from the previous year, and a statement that funds have been set aside for routine costs associated with the SCM.

7.2 Due Date

The due date of the first annual inspection report shall be one year from the end of the month that the as-built drawings were certified. If as-builts are not available, or if annual reports have not been sent in regularly based on this date, staff may set a different due date and communicate it in writing to responsible parties. The end of this month shall continue to serve as the due date for annual reports for each year following. Annual inspections may be conducted up to 90 days prior to the due date.

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7.3 Notification

Town staff shall notify responsible parties in writing of their responsibility to conduct annual inspections. If no annual reports have been received to date, staff shall notify responsible parties at least 6 months prior to the due date. If no communication has been received from responsible parties, staff will again communicate 3 months prior to the due date, and again 30 days before the due date.

7.4 Contents of Report

The Annual Report shall include the following documents:

- Annual Inspection Report Cover Sheet
- Inspection Checklist(s) – one for each SCM on the property
- Relevant maintenance logs or documents
- Maintenance and Repair Funds Certification

Templates for the cover sheet and inspection checklists are available for [download on the Town's website](#) and have the most recent revision date.

7.5 Completion of Report

The cover sheet requires information about the property owner, responsible party (e.g. property manager, HOA chair) and SCM inspector, but requires a signature and certification by the inspector. The date that the inspector signs and certifies the results of the inspection on the cover sheet constitutes the Signature Date, which is used as the start date for all compliance periods during which repairs must be made.

A checklist must be completed for each SCM on the property, using the applicable template for each type of SCM (e.g. dry pond, Filterra). The inspector should assign a compliance status for each line item on the checklist, and then for the site overall on the cover sheet: Compliant (C), Compliant with Maintenance (C/M) or Non-Compliance (NC). A Compliant status is only achievable if every line item is also Compliant. The overall compliance status of the site should reflect the lowest status recorded in the line items for the SCM (i.e. if even one item is C/M, then the site should be C/M; the same is true for NC).

The report should be compiled into a single PDF including the cover sheet, all applicable checklists, and any photos and sent digitally to stormwater@carrboronc.gov. Note that the maximum attachment size is 20MB.

8 MAINTENANCE AND REPAIR FUNDS CERTIFICATION

Property owners are required to set aside funds sufficient to pay major, non-routine costs associated with keeping the SCM in proper condition, and to submit a report annually stating that such funds have been set aside. This certification is part of the annual inspection report cover sheet.

The certification form requires information regarding where the funds are held but does not ask for bank account numbers or other confidential information. Owners are required to submit the Project Name, SCM ID numbers, Parcel Identification Numbers, type of funding, and the name and address of the institution where the funds are held. This information is required to verify that sufficient funds are being held.

The form also includes a certification statement, to be read and understood by the owner or duly authorized representative of the property, signing that such information is accurate to the best of his/her/their knowledge.

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9 REPAIRS

9.1 Repair Due Dates

Sites with SCMs that are all in compliance require no further action by the property owner beyond regularly scheduled maintenance until the next annual report is due. Sites with SCMs that are Compliant with Maintenance or Non-Compliant begin a repair period that is determined by the Signature Date on the cover sheet and the compliance status of the site.

For sites that are Compliant with Maintenance, the property owner begins a 60-day repair period during which all repairs must be completed. By the end of the repair period, the owner or responsible party must send photo documentation that repairs have been completed. After completion, the site is closed out for the annual inspection cycle.

For sites that are Non-Compliant, the property owner begins a 120-day repair period during which all repairs must be completed. Before the end of this repair period, the site must be re-inspected by a qualified party, following all requirements of the annual inspection report. When the site has been re-inspected and assigned a status of Compliant, the site is closed out for the annual inspection cycle.

9.2 Repair Period Extensions

Sites that are in a state of extreme disrepair that will require extensive design and/or construction, and/or will be prohibitively expensive for the property owner to fix may be granted an extension on the repair period on a case-by-case basis. Extensions are available to acknowledge that sites can differ greatly in need, topography, resource availability, and other factors that are not easily incorporated into this program's structure. Additionally, the Town grants extensions to encourage property owners to pursue compliance rather than become overwhelmed or intimidated by the repair needs and simply refuse to perform the work. The following requirements apply to repair period extensions:

1. When the property is approaching the end of its repair period, the owner, responsible party or inspector (acting on the owner's behalf) must request an extension in writing for documentation purposes. This can be a signed letter or a simple email.
2. Responsible parties must demonstrate that reasonable progress has been made on the site within the previous repair period and that additional work is planned for the extension period. This includes physical work being done (such as vegetation removal, grading, installation of outlet structures) as well as contracting with an engineer or designer, conducting a topographical survey, or other work that requires additional time. It will be up to the discretion of Town staff whether the work completed and planned are reasonable when choosing to grant an extension.
3. Extensions shall be in 60-day periods.
4. Extensions cannot be granted proactively. For instance, the Town cannot issue two additional 60-day extension periods for a total 120-day extension period. Each extension must be individually evaluated at the time of its due date. For this reason, the Town will evaluate the need for an extension no earlier than 14 days prior to the expiration of the extension period.
5. A maximum of one 60-day extension may be granted for sites that are Compliant with Maintenance, for a total 120-day repair period from the Signature Date on the report.
6. Sites that are Non-Compliant may continue to receive 60-day extensions until the required work has been completed. However, even if repairs are still underway, the site must be re-inspected by the annual inspection due date every year. Each 60-day extension must be requested in writing and contain the demonstrable progress report as described in #2 above.

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10 ENFORCEMENT

10.1 Formal Notice

Town staff will make reasonable attempts to contact property owners, provide technical assistance and guidance to achieve compliance, and notify responsible parties of upcoming due dates. However, the responsibility to comply with these standards rests upon the responsible party. As such, formal notices of noncompliance with requirements will be issued under the following circumstances:

1. An annual inspection report has not been received within 30 days after its due date.
2. A repair period has elapsed with no written request for an extension.

The written notice will be addressed and sent to the responsible party.

11 TOWN INSPECTIONS

Town staff shall conduct independent inspections of each privately-owned SCM at least once every 5 years. Inspections will be conducted by staff who have received SCM Maintenance and Inspection Certification.

11.1 Inspection Fees

For property owners that do not fulfill the responsibilities of ongoing maintenance, self-inspections and reporting, the Town may charge an inspection fee as specified in the Town's [fee schedule](#). Fees are as follows:

- Sites with 1 or 2 SCMs - \$125.00
- Sites with more than 2 SCMs - \$250.00
- SCM Re-inspection - \$75.00

11.2 Results of Town Inspections

Town staff will communicate the results of the inspection to responsible parties within 30 days of the inspection. If repairs are needed, the date that the results are sent to the party constitute the beginning of the repair period. Repair periods are of the same duration as for self-inspections. As such:

1. Sites that receive a status of Compliance with Maintenance from a Town Inspection are granted an initial 60-day repair period.
2. Sites that receive a status of Non-Compliant from a Town Inspection are granted an initial 120-day repair period.

If these repair periods coincide with annual inspection repair periods, the later due date will be enforced. Repair period extensions may be granted in accordance with Section 9.2 above.

12 INFORMATION SHARING

12.1 Communications

All communications with staff are subject to the requirements of the Open Public Records Act.

12.2 File Sharing

Files are shared with external parties by utilizing the Town of Carrboro Sharefile website, located at <https://townofcarrboro.sharefile.com>. This is a secure website that allows larger files to be accessed by anybody with the private link. Note that files shared through this website are automatically deleted after 60 days.

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13 ADDITIONAL INFORMATION

For additional information, contact the Stormwater Division:

- Visit the [Stormwater Webpage](#)
- Email stormwater@carrboronc.gov
- Leave a voicemail at 919-913-2999