



Permanent Stormwater System Maintenance and Responsibility Agreement

Under the South Carolina Stormwater Management and Sediment Reduction Act of 1991 (48-14-10, et. seq.), Regulation 72-308 requires the Landowner, its successors and assigns, including any homeowners association, shall adequately maintain and inspect the stormwater management/Best Management Practices (BMP) facilities. This includes all necessary pipes and channels built to convey stormwater to the facility for proper BMP function designed to meet water quantity and quality requirements as determined by the Department. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions.

The South Carolina Department of Environmental Services (SCDES) requires that the Landowner, its successors and assigns, shall develop a permanent maintenance plan for all necessary water quality and quantity BMPs for the entire facility (ex. berms, outlet structure, pond areas, access roads, etc.). Any additional conveyance systems may be deemed necessary for inspection by the Department or the inspection agency. The maintenance plan must be kept with the C-SWPPP and establish schedules for inspections and maintenance of all BMPs as described in the South Carolina NPDES General Permit for Stormwater Discharges from Construction Activities.

The Landowner, its successors and assigns, hereby grant permission to the SCDES, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management/BMP facilities whenever SCDES deems necessary. The purpose of inspection is to follow-up on reported deficiencies and/or to respond to citizen complaints. SCDES shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

This Agreement imposes no liability of any kind whatsoever on SCDES and the Landowner agrees to hold SCDES harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.

I accept responsibility for ownership and proper maintenance of the stormwater system (pond, swales, etc.) on the _____ site per the approved maintenance plan. I will complete any necessary repairs and/or preventive maintenance procedures in a timely manner to ensure proper functioning as a stormwater management device(s).

It is my understanding that the maintenance plan may be amended/revised at any time by SCDES, and I will abide by any prescribed changes.

I will continue to own and maintain the pond until SCDES is notified in writing of a transfer in ownership and maintenance responsibility. The notification will include a date for the transfer of responsibility and a letter of acceptance from the new owner.

I understand that failure to adhere to the signed maintenance agreement may result in fines of up to \$1,000.00 per day, per violation and /or the institution of a court action.

Signature of Owner/Agent

Printed Name of Owner/Agent

Date

Mailing Address

City/State/Zip

Phone Number

Notary Stamp/Signature/Date