

Example Language
That Should Be Contained
in State, Regional, or Local
Stormwater Management Regulations

Source: Operation, Maintenance and Management of Stormwater Management Systems,
Watershed Management Institute, Inc., August 1997.

This appendix contains a discussion of essential concepts needed in stormwater regulations to effectively assure the proper design, construction, inspection, and operation and maintenance of stormwater management systems.

Several of the recommended sections might be more appropriately included in a BMP Manual if the program has one. In this case, the regulations need to adopt the Manual by reference and require compliance with the Manual's criteria. These sections are designated by (BMP Manual) at the end of the recommendation.

The recommendations are divided into four major issue areas:

- Design and review requirements
- Construction requirements
- Legal operation and maintenance requirements
- Maintenance inspection requirements

A. Design and Review Requirements for Stormwater Facilities and Plans

Design review requirements need to be considered from several different perspectives:

- Proper design and construction of the stormwater management system to ensure proper performance. Unfortunately, experience has shown that systems often are inappropriately designed for site conditions or are not constructed properly;
- Inclusion of long term maintenance and operation considerations in the design of the stormwater system. This helps assure that maintenance can be done relatively easily. This helps assure that systems will perform for a maximum time frame given their expected design flows and pollutant loadings; and
- Institutional issues such as warranty requirements or review and approval of the legal operation and maintenance entity along with its accompanying legal documents. This provides the legal framework for subsequent inspection and maintenance by a specific entity, either public or private.

Recommended language includes:

1. Stormwater system design will include careful consideration of maintenance as an essential design element. All stormwater management systems and plans shall be designed in accordance with the BMP Design Manual dated ,with approved supplements.
2. The applicant shall provide a legally dedicated easement with an access road to retention, detention, and filtration facilities from a public right of way. The access road shall be a minimum of 15 feet wide and suitable to allow heavy maintenance

vehicles access to all points needed to maintain the facility.

3. Stormwater management facilities serving residential developments and the access roads serving these facilities shall be placed in separate tracts, owned in common by the property owners served by the facility or by the development's Property Owners Association.
4. Projects reviewed and approved for sediment control and permanent Stormwater management shall have a certified site inspector (may want to limit type of activity, e.g., projects over 5 acres, etc.). The certified site inspector shall be responsible for the following items:
 - A. Inspection of active construction sites on at least a weekly basis.
 - B. Submitting a completed inspection form which documents site conditions to the contractor, developer, and permitting agency within five calendar days.
5. It shall be the responsibility of the permittee to maintain all erosion and sediment control and permanent Stormwater management facilities in good operating condition during the lifetime of the permit. The permittee shall clean and repair or replace all erosion control practices as often as necessary to maintain their effectiveness and level of performance, or as directed by a certified inspector or by the permit authority. In addition, the permittee shall be responsible for assuring that any practices damaged during floods, storms, or other adverse weather conditions are returned to normal operating conditions within a defined time frame as determined by the certified inspector or permitting agency.
6. Land area adjacent to the Stormwater management facility must be set aside for disposal of sediments removed from the facility when maintenance is performed. The land set aside for facility maintenance shall be sized as follows: (only suggested sizing)
 - A. The set aside area shall accommodate at least 2% of the stormwater management facility volume to the elevation of the 2 year storm storage volume elevation,
 - B. The maximum depth of the set aside volume shall be one foot,
 - C. The slope of the set aside area shall not exceed 5%, and
 - D. The area and slope of the set aside area may be modified if an alternative area or method of disposal is approved by the appropriate plan approval agency. (BMP Manual)
7. A clear statement of defined maintenance responsibility, an operation and maintenance schedule, and the specific parties responsible for maintenance shall be established during the plan review and approval process.

8. Prior to the issuance of any building or grading permit for which stormwater management is required, the responsible plan approval agency shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspection by an inspection agency.

B. Construction Requirements for Stormwater Management Systems

Construction activities can have a significant negative impact on the short or long term performance of stormwater management facilities. ***Improper control of pollutants, especially sediments, during site construction, or improper construction of the stormwater management facility itself, can significantly reduce the expected performance and lifespan of the facility. Criteria and recommendations to address both of these situations are needed to ensure long term performance.***

1. Protection of Permanent Stormwater Management Facilities From Premature Failure Caused By Pollutant Entry During Site Construction.

To a large extent, the treatment performance of stormwater management facilities depends on the available storage volume. In addition, several treatment practices rely upon the permeability of surrounding soils or filter media. Consequently, excess sedimentation can significantly reduce treatment performance or prevent proper functioning of the facility.

The practical aspects of site control during construction are discussed in Chapter 6. However, ensuring effective site control during construction and protecting stormwater management facilities from entry of construction site pollutants, especially sediments, also requires a strong legal foundation. Typically, the program's regulations adopt by reference its BMP Manual, and requires all plans and stormwater systems to be designed, constructed, operated, and maintained in accordance with the Manual's requirements. The program's BMP Manual needs to include specific recommendations for each of the different practices, along with general statements meant to cover all stormwater management facilities.

The following recommendations are directed towards structural stormwater management practices. However, it is extremely important to implement nonstructural, pollution prevention practices on all projects with structural stormwater management practices. These nonstructural controls serve as an overlay applicable to all types of structural stormwater management practices.

Recommended language includes:

Stormwater Detention Practices

Detention practices are often used for sediment trapping during construction. When the approved erosion and sediment control plan uses a permanent detention facility for sediment control, the following requirements should be included in the stormwater

regulations or in the BMP Design Manual:

1. The detention facility shall be installed in compliance with all approved design requirements and specifications. Special attention shall be paid to installation of the principal spillway cradle, anti-seep mechanisms (whether collars or diaphragm), core trench, compaction, and emergency spillway.
2. The principal outlet structure shall have a temporary structure attached to it which provides effective filtering of sediments prior to the release of runoff from the site. This temporary structure can either be a riser attachment surrounded by filter fabric and stone, or a horizontal pipe at the foot of the riser assembly which extends horizontally on the detention facility bottom and is covered by filter fabric and stone. Other filtering variations should be considered depending on their use, performance, and experience within the stormwater program. (BMP Manual)
3. Sediment cleanout must be accomplished before the detention facility storage to the crest of the principal spillway is reduced by 25% (may be more stringent depending on the specific jurisdiction). (BMP Manual)
4. Removal of the temporary sediment control modifications to the outlet structure shall be done only after the site has been vegetatively stabilized in accordance with the approved erosion and sediment control plan and the detention system's design bottom elevations have been met. (BMP Manual)
5. Wetland plantings, where required, shall not be performed until final site stabilization has been accomplished. (BMP Manual)

Infiltration Practices

Infiltration facilities are extremely sensitive to clogging by construction generated sediments. Therefore, stringent requirements are needed during construction to assure their long term performance once construction activities are completed. ***The following recommendations may be controversial. They need to be discussed thoroughly by the implementing agency and with the regulated community to recognize difficulties in implementation and gain support for their inclusion in the program.***

1. Infiltration facilities should not be constructed or operated prior to overall site stabilization. (BMP Manual)
2. Infiltration facilities, other than dry wells and porous pavement, shall be off-line and have pretreatment practices to reduce sediment loadings into the facility. Pretreatment can be provided by sediment sumps, biofiltration, extended detention ponding, or other means approved by the permitting agency. (BMP Manual)

3. Infiltration basin facilities shall not be used as sediment basins during construction. Sediment basins shall be constructed upstream of the infiltration basin and construction runoff shall bypass the infiltration basin until site stabilization has been completed. (BMP Manual)
4. To prevent soil compaction, areas to be used for infiltration facilities will be clearly marked and construction equipment prevented from entering them. (BMP Manual)

Filtration Practices

Treatment in filtration practices is accomplished by passing runoff through a filter media. They often are used as a component of construction site sediment control. However, filters used for stormwater treatment need to have certain requirements placed upon them to better assure long term performance:

1. If used to filter sediments during construction, the filter media shall be completely re placed once the site is fully stabilized and before the filter is placed into operation for stormwater treatment. (BMP Manual)
2. If not used during construction for filtering sediments, runoff shall be diverted around the filter and filter media shall not be placed in the facility until the contributing drain age area has been stabilized. (BMP Manual)
3. Underdrain or outlet structures shall be protected from excess sediment entry. (BMP Manual)

Biofiltration Practices

Biofiltration practices rely on vegetative filtering of stormwater runoff and, in many cases, infiltration. Their effective performance depends on their length, slope, soils, vegetative stand, and flow velocity. As such, activities which may adversely impact on any of the treatment mechanisms should be addressed during construction.

1. If the biofiltration practice will rely upon infiltration, then all recommendations for infiltration facilities need to be followed for biofiltration practices. (BMP Manual)
2. The facility shall be protected from excess sedimentation which could retard or smother vegetation, or impair percolation. (BMP Manual)
3. Biofiltration facilities can be used as a component of an erosion and sediment

control plan, but primarily as a secondary sediment trapping facility. Examples include treatment of stormwater flows after discharge from a sediment trap, or sheet flow from a residential site into a biofiltration facility which, during the erosion and sediment control phase, has stone check dams to reduce flow velocities. Before being placed into service for stormwater management, biofiltration facilities will be cleared of all accumulated sediments, excavated to the design depth, and vegetatively stabilized. (BMP Manual)

4. Once the biofiltration practice has been shaped to final contours, it shall be sodded or erosion control matting or other practices shall be used to protect the soil and grades until vegetation has become established to minimum density requirements. (BMP Manual)

2. Ensuring Proper Construction of the Stormwater Management Facility

To help assure that stormwater systems are constructed properly, three essential institutional components need to be included in the stormwater program: financial assurances, periodic inspections and as-built certifications. Recommended rule language includes:

Financial assurances

1. Prior to the issuance of any building or grading permit for which stormwater management facilities are required, the plan approval agency shall require the applicant or owner to submit a financial guarantee to ensure the initial function of the completed stormwater management facility. That guarantee shall be either a surety or cash bond, or irrevocable letter of credit. The amount of the guarantee shall be established by the plan approval agency but shall not be less than 50% (actual percentage can be determined by individual state program) of the estimated construction cost of the storm-water management system.

Periodic inspections

The inspection entity, whether a public agency, state certified inspector, or site engineer, must have a visible presence during construction of stormwater management facilities. ***Inspections need to be made at specified stages of construction rather than at an assigned time frequency.*** Construction phasing may mean that a stormwater management facility may not be actively under construction for extensive time periods. Therefore, communication between contractor, consultant, and the inspection entity is critical. The following steps should be taken to assure inspections are conducted at the appropriate stages of construction:

1. The land developer shall notify the inspection entity before initiation of construction, at the construction stages specified below, and upon project completion, when a final inspection will be conducted to ensure compliance with the approved plan.

The land developer or contractor shall request an inspection at least 24 hours ahead of time. Inspectors will be required to approve work as it is completed at the critical stages of construction specified below for the different types of stormwater management facilities.

3. The approved stormwater management system plans shall be on the project site at all times during construction.
4. Site personnel shall be notified of any site inspection and receive a written report of site conditions. The report shall specify any corrections that are necessary to bring the site and the stormwater management facility into compliance with approved plans.
5. All stormwater detention systems shall be inspected at the following stages of construction:
 - A. Upon completion of excavation to sub-foundation and, where required, installation of structural supports or reinforcement for structures, including, but not limited to:
 - (1) Core trenches for structural embankments,
 - (2) Inlet-outlet structures and anti-seep structures, watertight connectors on pipes, and
 - (3) Trenches for enclosed storm drain facilities.
 - B. During placement of structural fill, concrete, and installation of piping and catch basins;
 - C. During backfill of foundations and trenches;
 - D. During embankment construction; and
 - E. Upon completion of final grading and establishment of permanent vegetation.
6. Infiltration facilities shall be inspected at the following times:
 - A. When the area to be used for the infiltration facility has been staked out prior to its construction;
 - B. During excavation to ensure minimal compaction and verify soil conditions;
 - C. Upon completion of excavation and, if appropriate, before filling of the facility with stone or other fill material; and
 - D. Upon completion of facility construction, including complete establishment of vegetation, if appropriate.
7. Filtration facilities shall be inspected at the following times:
 - A. Upon completion of excavation;
 - B. Upon completion of structural components, such as reinforcing bars, but prior

- to
any concrete pouring;
- C. For prefabricated units, during joining of prefabricated sections to ensure good sealing between sections;
- D. After the facility has been filled with water to determine whether there is any leak
age: and
- E. For sand filters which are part of a detention system, inspections shall occur as specified for detention facilities and before and after placement of underdrain pipes, geotextile fabrics, and filter media.

As-built Certifications and Record Drawings

1. Completed construction of the stormwater management system shall be documented on an As-built Certification and Record Drawing, prepared and sealed by a construction professional. Normally, this is the registered professional engineer who has supervised the construction of the stormwater system. These documents certify that construction of the stormwater management system was done according to the approved plan. Any variation from the approved plan must be noted.
2. Prior to requesting a final inspection, the permittee shall have a registered professional engineer, or other qualified design professional (depending upon state or local requirements), inspect the stormwater management system, submit a complete set of drawings, and certify on the plans that:
 - A. The stormwater management facilities were constructed in compliance with the approved plans. The Record Drawings will show all pertinent constructed dimensions, elevations, shapes, and materials;
 - B. All variations in construction from the approved design plan shall be identified, including omissions to and additions from the approved plan;
 - C. If there are modifications from the approved plan, what changes or improvements are required to bring the project into compliance with the approved plan; and
 - D. Any changes which might conflict with local, state, or federal regulations.

C. Legal Operation and Maintenance Requirements for Stormwater Systems

A very important element which must be considered during the design phase is determining how to assure proper operation and maintenance of the stormwater system, both for the short and long term. ***For the short term, it is recommended that there be a warranty period during which the original developer of the site is responsible for all maintenance and operation. However, for the long term, a permanent operation***

and maintenance entity must be identified which has appropriate legal authority to own, operate, maintain the stormwater system, and raise funds to complete maintenance when needed.

When there is one property owner, the maintenance responsibility is clearly defined. **However, a major concern arises when the owner or permittee involved in development and implementation of site controls eventually sells all or part of the property.** The new owners often will not be aware of permit requirements and will find that they have a permanent stormwater management facility on their property that they must inspect and maintain. This problem is especially compounded at residential developments, where there will be many different property owners. **Typically, a property owners association will be responsible for stormwater system operation and maintenance. Experience in urban runoff control programs around the country shows that, even with the best intentions, maintenance of stormwater management facilities by these associations generally is not accomplished (WMI, 1997).**

Example wording for both situations follows :

General Assurances

1. The owner or permittee shall assure that the stormwater management system is at all times properly operated, maintained, and managed in accordance with the requirements of the permit and the approved stormwater pollution prevention plan.
2. Stormwater management facilities shall be maintained so that their performance is not diminished or impaired. Failure to maintain stormwater facilities shall be considered a permit violation and subject the responsible maintenance entity to any and all penalties established by law or these regulations.
3. Stormwater management systems shall not be modified without specific approval of the permitting agency unless such modifications are part of an approved maintenance schedule.
4. Stormwater management facilities shall be located on commonly owned property and not located on one individual's property unless that individual accepts full maintenance responsibility for the facility. There shall be dedicated easements for access to all components of the stormwater management system.
5. The owners, with a record interest in any non-public stormwater management facility, commercial, industrial, and other private practice, shall sign and record a

covenant which runs with the land and binds the property on which the private stormwater management facility is located to maintain the facility.

6. An operation and maintenance plan and schedule shall be provided to the owner or the legal operation and maintenance entity.
7. The appropriate public inspection agency shall have authority to inspect private stormwater management facilities at any time to ensure compliance with maintenance schedules and requirements, and that the facilities are operating as designed and constructed.

Warranty Period

1. The permittee shall be responsible for all maintenance and proper operation of stormwater facilities for a period of two years after completion of the overall project. The permittee shall satisfactorily maintain the facility and repair any failure within this two year period. Additionally, the permittee shall post and maintain a maintenance bond or other security acceptable to the permitting agency during this two year initial maintenance period. The purpose of the maintenance bond is to cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be ten percent of the construction cost of the stormwater management facilities.
2. The permittee shall be responsible for proper operation and maintenance of the stormwater system. If the permittee is going to sell or otherwise divest its interest in the permitted development or property, then a legal operation and maintenance entity, as specified below, shall be accept responsibility for the operation and maintenance of the stormwater system.
3. The permittee shall give the responsible maintenance entity copies of possible maintenance inspection forms and other appropriate documentation to educate them about their legal responsibilities of owning a stormwater management system.
4. The permittee shall provide a copy of an "as-built" plan of the stormwater management system to the responsible maintenance entity.

Legal Operation and Maintenance Entity

1. The following entities are acceptable for meeting the requirements necessary to ensure that the stormwater management system will be operated and maintained in compliance with the requirements of these regulations:
 - A. Local governmental units including counties or municipalities, or special taxing districts.
 - B. State or federal agencies; or
 - C. Duly constituted stormwater, water, communications, sewer, electrical, or other public utilities.

2. The property owner or developer is normally not acceptable as a responsible entity when the property is intended to be subdivided. The property owner or developer shall be acceptable in any of the following circumstances:
 - A. Written proof is furnished either by letter or resolution, that a governmental entity or such other acceptable entity as set forth in 1 above will accept the operation and maintenance of the stormwater management system at a specified time in the future;
 - B. Proof of bonding or assurance of a similar nature is furnished in an amount sufficient to cover the cost of the operation and maintenance of the stormwater management system;
 - C. The property is wholly owned by the permittee and ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example; or
 - D. The ownership of the property is retained by the permittee and is either leased or rented to third parties such as in shopping centers or mobile home parks.
3. Profit or nonprofit corporations including homeowners associations, property owners associations, condominium owners associations or master associations shall be acceptable only under certain conditions that ensure the corporation has the financial, legal and administrative capability to provide for the long term operation and maintenance of the stormwater management system.

4. Entity requirements.

- A. If a multimember association such as a homeowner, property owner, condominium or master association is proposed, the owner or developer must submit Articles of Incorporation for the association, and Declaration of Covenants and Restrictions, or such other organizational and operational documents which affirmatively assign authority and responsibility for the operation or maintenance of the stormwater management system.
- B. The association shall have sufficient powers reflected in its organizational or operational documents to:
 1. Operate and maintain the stormwater management system as permitted or exempted by the approval authority;
 2. Establish rules and regulations;
 3. Assess members a fee for the cost system operation and maintenance and enforce collection of such assessments;
 4. Contract for services to provide for operation and maintenance;
 5. Exist in perpetuity. The Articles of Incorporation must provide that if the association is dissolved, the stormwater management system shall be transferred to and maintained by an entity acceptable to the approval authority. Transfer of maintenance responsibility shall be effectuated prior to dissolution of the association;
 6. Enforce the restrictions relating to the operation and maintenance of the stormwater management system;

7. Provide that the portions of the Declarations which relate to the operation and maintenance may be enforced by the approval authority in a proceeding at law or inequity; and
8. Require that amendments to the documents which alter the stormwater management system beyond maintaining it's original condition must receive approval agency approval before taking effect.

5. Phased Projects

- A. If an operation and maintenance entity is proposed for a project which will be constructed in phases, and subsequent phases will use the same stormwater management system as the initial phase or phases, the entity shall have the ability to accept responsibility for the operation and maintenance of stormwater management systems for future phases of the project.
- B. If the development scheme contemplates independent operation and maintenance entities for different phases, and the stormwater system is integrated throughout the project, the entities either separately or collectively shall have the authority and responsibility to operate and maintain the stormwater system for the entire project. That authority shall include cross easements for stormwater management and the ability to enter and maintain the various facilities, should any sub-entity fail to maintain a portion of the stormwater management system within the project. In the event the legal operation and maintenance entity fails to maintain the stormwater management system in good working condition, the permitting authority or local jurisdiction must have the legal authority to enter the property, maintain the stormwater management system,

assess the property owners, and be able to place a lien on the property if the owners do not pay the assessment. This may be necessary for safety reasons or it may be the only way to ensure that the facility is maintained as constructed. There are several examples of legal maintenance agreements provided at the end of this Chapter which offer wording regarding this legal authority.

D. Maintenance Inspection Requirements for Stormwater Management Systems

To assure that the legal operation and maintenance entity is performing all required maintenance activities, periodic inspections and certifications are needed. ***Whether these inspections are done by a public agency, such as the permitting authority, by a state certified inspector, or by a registered professional engineer, will depend upon the stormwater program's institutional framework and staff resources. Unfortunately, due to a lack of adequate funding, most public agencies will never have enough inspectors to regularly inspect completed stormwater management systems.*** To address this problem, Florida's program is implementing a certified inspector program and recommending that local governments implement renewable Operating Permits for stormwater systems.

A question that often arises is how frequently should stormwater management systems be inspected to assure proper performance. Often this is site-specific, depending on many factors such as the types of BMPs used, the pollutant loadings, the facility's size, the contributing drainage area, and whether it is on-line or off-line. For example, while wet detention systems may only need annual inspections, BMPs such as oil/grit separators or sand filters may need monthly inspections. **Chapter 6 provides recommendations on how often different types of BMPs need inspecting. Additionally, Appendix 4-1 includes a table prepared by the Florida Department of Environmental Protection that is included in NPDES municipal stormwater permits.**

Recommended rule inspection language follows:

General Inspection Requirements

1. The permittee or responsible maintenance entity shall conduct regular inspections of all components of the stormwater management. The person conducting the inspection shall complete and retain a stormwater management facility inspection form after each inspection.
2. At least once each year, the permittee or responsible maintenance entity shall arrange for an inspection of their stormwater management system by either a public agency inspector or a private inspector.
3. Inspection reports (detailed in **Chapter 7**) shall be maintained by the responsible inspection agency. The inspection reports shall include the following items:
 - A. Date of inspection
 - B. Name of the inspector
 - C. The condition of:
 - (1) vegetation,
 - (2) fences,
 - (3) spillways,
 - (4) embankments,
 - (5) reservoir area,
 - (6) outlet channels,
 - (7) underground drainage,
 - (8) Filter media,
 - (9) sediment load, or
 - (10) other items
 - D. If maintenance activities are needed, the recommendations for maintenance and an expected time for completion of the needed maintenance activities will be noted on the form.

4. The permitting (or inspection) agency shall implement procedures to ensure that deficiencies indicated by inspections are rectified in a timely manner. These shall include:
 - A. Notification of the responsible maintenance entity of deficiencies and needed maintenance activities, including a time frame for repairs;
 - B. After the maintenance activities have been completed, the inspector will be notified so that the facilities can be reinspected. The inspector will complete a new inspection form, noting whether all recommended maintenance activities have been completed and if any other actions are needed to assure proper operation of the facility.
 - C. Effective enforcement procedures or procedures to refer projects to the appropriate legal entity if repairs are not undertaken or are not done properly.
5. Copies of all stormwater management facility "As-Built" Plans shall be provided to the appropriate maintenance inspection agency and to the legal maintenance entity responsible for performing maintenance.
6. All public agency or private inspectors of permanent stormwater management facilities shall attend and pass a Departmental course on stormwater system maintenance. In addition, individuals responsible for maintenance of completed stormwater management facilities shall also be required to attend this stormwater management maintenance course. The course shall include discussion of at least the following topics:
 - A. Context of the course.
 - B. Aspects of law and regulation.
 - C. Soils information including texture, limitations, erodibility, and classification.
 - D. Stormwater management facilities and the importance of their proper function and performance.
 - E. Inspection and problem documentation.
 - F. Proper approach to actual maintenance including erosion and sediment control during maintenance.
 - G. Disposal of materials removed from the practice.
 - H. Submission of an activity completion form.

Public Agency Inspections

1. The responsible public inspection agency shall conduct inspections of all stormwater management systems at least once per year. More frequent inspections will be conducted after an unusually high runoff event or for stormwater systems with a higher potential to fail such as filters or oil and grit separators.

Private Inspections

1. If there is no responsible public inspection agency, the legal maintenance entity shall provide for period inspections of their stormwater management system by either a registered professional engineer or a state certified inspector.
2. Inspections shall be conducted at least once per year, with more frequent inspections after an unusually high rainfall or for stormwater systems such as filters or oil and grit separators.
3. The inspector shall provide the legal maintenance entity with a copy of all inspection reports and send one to the permitting or responsible inspection agency.
4. The legal maintenance entity shall complete all maintenance activities and repairs recommended in the inspector's report within the time frame specified and request the inspector to reinspect the stormwater system following completion of all maintenance activities.

ciated aesthetic concerns.

Overcoming these obstacles requires sound program administrative requirements for operation and maintenance and, most importantly, an adequate program funding mechanism, such as a stormwater utility. Additionally, ***some local governments have required Maintenance Agreements between the residential development and the local government. A key aspect of these Agreements is the clear delineation of responsibilities. The local government accepts responsibility for inspecting and maintaining the stormwater system's structural components, including the periodic removal of debris and accumulated sediments. However, aesthetic maintenance and pollution prevention still rests with the Property Owners Association.***