

Stormwater Pond Maintenance Frequently Asked Questions

*last updated August 2009

Who is responsible for maintaining the stormwater pond by my house?

In Section 15.4 of the current Delaware Sediment and Stormwater Regulations (<http://regulations.delaware.gov/AdminCode/title7/5000/5101.shtml>), “The owner or person responsible shall perform or cause to be performed preventive maintenance of all completed stormwater management practices to ensure proper functioning. The responsible inspection agency shall ensure preventive maintenance through inspection of all stormwater management practices.”

According to these regulations, it is the property owner’s responsibility to maintain the stormwater management facility onsite. If the stormwater facility is located in a housing development, the responsibility would lie with the owner(s) of the jointly-owned parcel. In many instances, the governing body for this parcel would be the homeowner’s association, the maintenance corporation, or the civic association for that particular housing development.

To obtain technical information on maintaining stormwater facilities, please visit:
<http://www.swc.dnrec.delaware.gov/Drainage/Pages/Homeowners.aspx>

Is there a “vegetation requirement” according to State of Delaware Sediment and Stormwater Regulations?

Although there is no state requirement specifically addressing vegetative specifications, a facility must be “properly functioning” in order to comply with Section 15 of the current Delaware Sediment and Stormwater Regulations (<http://regulations.delaware.gov/AdminCode/title7/5000/5101.shtml>). This could entail a requirement for managing vegetation to achieve these standards.

“Properly functioning” is currently determined by DNREC’s Delegated Agencies based on jurisdiction (<http://www.swc.dnrec.delaware.gov/Drainage/Pages/DelegatedAgencies.aspx>). This determination is communicated through the annual maintenance inspection report. Proper function really comes down to having proper storage volume, well stabilized banks that do not input sediment into the system, proper flow both in and out of all pipes and structures, and ensuring the longevity of all structural components within the facility.

Be advised that there may be local codes or ordinances that may additionally address vegetation management for open space and/or stormwater management facilities; therefore, consult with your town or municipality and county to obtain this information.

My stormwater pond is being inundated with algae and aquatic vegetation. How do I get rid of it? Can I do it myself?

First, encourage community residents to decrease the use of lawn fertilizers throughout the community. Work with your lawn care company to be sure that grass clippings are not dumped into the pond. This will reduce nutrients into the system. Algae removal is typically optional (not required), unless there is potential for flow impediment or other unforeseen factors.

We recommend that you hire a professional who has both a commercial business license and aquatic pesticide applicator's certification through the Delaware Department of Agriculture (<http://dda.delaware.gov/pesticides/index.shtml>). For a list of professionals who perform these types of services, in addition to other helpful technical information, please go to: <http://www.swc.dnrec.delaware.gov/Drainage/Pages/Homeowners.aspx>

There has been recent debate over interpretation of the Delaware Pesticide Law regarding homeowners applying their own chemicals to their stormwater ponds within their own developments. If the homeowner's association is in agreement that they should chemically treat the pond themselves, since it is basically their *own land* (commonly owned), they can do it themselves if it is a pesticide that is *not* a restricted use pesticide. If they choose to do this on property other than their own (outside of their development), such as their neighboring development's stormwater pond, they will then need to be certified (Aquatic Pesticide Applicator) through the DE Department of Agriculture (<http://dda.delaware.gov/pesticides/index.shtml>). All pesticides that are restricted use will say in large letters "restricted use pesticide" at the top of the label. For the law in entirety, please see the Delaware Code, or call the Delaware Department of Agriculture for specific questions about restricted use pesticides.

There is algae in my pond. Can I get a permit for grass carp to be put into the pond to help with the problem?

No. Grass carp are not effective at controlling algae. In addition, stormwater ponds are designed to overflow in extreme rain events; therefore, the use of grass carp is not permitted in stormwater ponds. To obtain more information, please consult the DNREC Division of Fish and Wildlife's Grass Carp Policy at <http://www.dnrec.state.de.us/fw/warmwater/grasscarppolicy.pdf>

How can I get a fountain put in my pond?

We recommend consulting with a professional for the installation and maintenance of aeration systems, since there are many models on the market having various water capacities and maintenance requirements. For a list of professionals who will perform this type of service, please consult the following website: <http://www.swc.dnrec.delaware.gov/Drainage/Pages/Homeowners.aspx>

I would like to know more about stormwater pond maintenance and would like to obtain technical resources.

The following link contains a list of resources that you should first consult, including list of contractors who perform stormwater pond maintenance

<http://www.swc.dnrec.delaware.gov/Drainage/Pages/Homeowners.aspx>

For additional technical assistance, please contact the DNREC Sediment and Stormwater Program at 302-739-9921.