

7.0 Post Construction Maintenance of Stormwater Management Systems

- 7.1 Stormwater management systems constructed to comply with 7 Del.C. Ch. 40 and these regulations shall be maintained in accordance with the provisions of this section.
 - 7.1.1 Maintenance responsibility lies with the Owner until the time that a legal transfer of ownership has been executed. Prior notice of the transfer shall be provided to the Department or Delegated Agency 30 business days before the transfer occurs.
 - 7.1.2 The stormwater management system shall run with the land and be binding upon the landowner and any successors in interest. Maintenance of these systems shall ensure that the stormwater management system is performing in accordance with the approved engineered design, within the tolerances of the accepted post construction verification documents, and in compliance with these regulations.
 - ~~7.1.3~~ The Owner of a stormwater management system established in accordance with these regulations may offer for dedication to a delegated agency, public entity, municipality, stormwater utility, or private entity, a stormwater management system, together with the easements and appurtenances as may be reasonably necessary for the proper functioning of the system.
 - ~~———— All stormwater management systems must be designed so as to be accessible for maintenance. If required, a maintenance right-of-way or easement must extend to the stormwater management system from a public or private road. The easement or right of way shall specify the ownership and party responsible for maintenance.~~

~~7.1.37.1.4~~

7.2 Owner Responsibilities

~~———— The Owner shall conduct regular maintenance reviews of stormwater management systems to determine that routine maintenance obligations are being met. The frequency of the reviews will be contained in the Operation and Maintenance Plan.~~

- 7.2.1 The Owner shall ensure that the stormwater management system is functioning in accordance with the approved engineering design, within the tolerances of the accepted post construction verification documents, and in compliance with these regulations. The Owner will promptly repair and restore stormwater management systems.
 - 7.2.1.1 Such repairs, restoration, or maintenance shall be conducted in accordance with the approved Sediment and Stormwater Management Plan, the Operation and Maintenance Plan, Standard Guidelines for Operation and Maintenance of Stormwater Management Systems, and directions provided by the Department or Delegated Agency.
 - 7.2.1.2 When the Department or Delegated Agency gives direction for maintenance, those maintenance activities shall be conducted by the Owner within the time period established by the Department or Delegated Agency.
- 7.2.2 Any change made to the stormwater management system shall require the Owner to obtain approval of the Department or Delegated Agency, including updating of the Operation and Maintenance Plan and Planting Plan details as necessary.
- 7.2.3 The Owner shall submit a scope of work for non-routine maintenance to the Department or Delegated Agency for approval prior to implementation.
- 7.2.4 Maintenance responsibilities may be shared through a legal agreement between the Owner and another entity such as a delegated agency, public utility, municipality, stormwater utility, maintenance company, or other private entity. Responsibility for maintenance shall be joint and several among the parties to the agreement to share those responsibilities.
- 7.2.5 If the Sediment and Stormwater Management Plan includes structural or nonstructural stormwater management measures located within a tax ditch right-of-way the Owner shall enter into an agreement with the tax ditch organization for maintenance of those

stormwater management measures.

~~7.2.57.2.6~~ The Owner shall provide the Department or Delegated Agency with the contact information for the current person responsible for receiving the Department or Delegated Agency maintenance review reports.

7.3 Maintenance Reviews

7.3.1 The Department, Delegated Agency, or duly authorized agent shall conduct maintenance reviews of completed stormwater management systems. The Department, Delegated Agency, or duly authorized agent shall have the right of entry and access at reasonable times to perform stormwater management system maintenance reviews.

7.3.2 The maintenance review performed by the Department, Delegated Agency, or duly authorized agent shall document maintenance and repair needs and any discrepancies from the Operation and Maintenance Plan. A copy of the review shall be provided to the Owner.

7.3.3 The Owner of the stormwater management system shall comply with the conditions of the maintenance review within the timeframe specified by the Department or Delegated Agency.

7.4 Minimum Maintenance Requirements

7.4.1 A properly functioning stormwater management system shall be free of excessive sediment deposition.

7.4.2 A properly functioning stormwater management system shall have well stabilized slopes, swales, and other vegetated areas in accordance with the approved engineered design.

7.4.3 A properly functioning stormwater management system containing trash racks, inlets, outlets, and low flow orifices (where applicable) shall be clear of trash, debris, and sediment.

7.4.4 A properly functioning stormwater management system shall be free of woody vegetation that could impede the performance of any structural component of the stormwater management system.

7.4.5 A properly functioning stormwater management system shall comply with final post construction stormwater management Operation and Maintenance Plan and the applicable BMP Standards and Specifications sheet. The Operation and Maintenance Plan of a stormwater management system shall be composed of the stormwater management BMP facility sheet including the final accepted PCVD.

7.4.6 Trees shall be removed if found growing, on or within 15 feet of all pond embankments, on pond slopes or safety benches, and within 10 feet of structural components, such as pipe inlets.

7.4.7 When the facility is excavated to remove accumulated sediment, the disposal area shall be permanently stabilized so that so that it does not recreate an erosion problem.

~~7.4 Enforcement of Maintenance Responsibilities~~

~~7.4.1 The Department may seek enforcement action against an Owner deemed negligent in fulfilling the requirements of Section 7 of these regulations.~~

~~7.4.2 Enforcement will be conducted in accordance with Section 8 of these regulations.~~