

Appendix O

DRAFT

**O.1 Sample forms - As-Built Certification by Professional Engineer Form**

**AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

Within 21 days after completion of construction of all stormwater best management practices (BMPs), stormwater infrastructure, and land covers (collectively the "Facility"), please send this page to the <local jurisdiction>

1. **Facility information:**

Source Name: \_\_\_\_\_

Source Location: Street: \_\_\_\_\_

City: \_\_\_\_\_

<local jurisdiction> Permit No.: \_\_\_\_\_

Date Issued: \_\_\_\_\_

2. **As Built Certification**

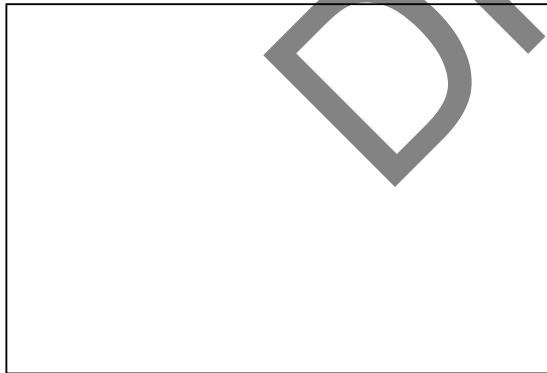
I hereby certify that all stormwater best management practices (BMPs), stormwater infrastructure, and land covers have been built substantially in accordance with the approved plans and specifications and that any deviations noted below will not prevent the system from functioning in compliance with the requirements under XXX of <local jurisdiction> when properly maintained and operated. These determinations have been based upon on-site observation of construction, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (Please Type)

\_\_\_\_\_  
South Carolina Reg. No.

Affix Seal:



Substantial deviations from the approved plans and specifications (attach additional sheets if required).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**O.2 Sample forms – Statement by Professional Engineer Form**

**STATEMENT BY PROFESSIONAL ENGINEER REGISTERED IN  
SOUTH CAROLINA**

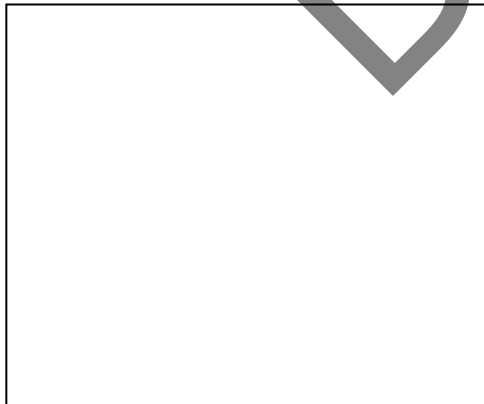
This is to certify that the engineering features of all stormwater best management practices (BMPs), stormwater infrastructure, and land covers (collectively the “Facility”) have been designed/examined by me and found to be in conformity with modern engineering principles applicable to the treatment and disposal of stormwater pollutants. I further certify that the Facility has been designed in accordance with the specification required under XXX of <local jurisdiction>. It is also stated that the undersigned has furnished the applicant with a set of instructions for the maintenance and operation of the site’s Facility.

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date \_\_\_\_\_ Phone No. \_\_\_\_\_

Affix Seal:



**O.3 Sample forms – Grading and Drainage Certification**

**GRADING AND DRAINAGE CERTIFICATION**

I hereby certify the grading and resulting drainage as presented on the approved plan provides for positive and proper drainage within the site. Where water leaves the site to off-site discharge points, off-site drainage facilities have been evaluated and determined to be of sufficient capacity and condition for 25-year storm flows with no impact to downstream properties and or structures.

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date \_\_\_\_\_ Phone No. \_\_\_\_\_

Affix Seal:



**O.4 Sample forms – Extreme Flood Certification**

**EXTREME FLOOD CERTIFICATION**

I hereby certify onsite and off-site 100-year storm overflow paths have been evaluated and determined to not impact proposed or existing structures in accordance with the requirements of the Southern Lowcountry Stormwater Ordinance and Design Manual.

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date \_\_\_\_\_ Phone No. \_\_\_\_\_

Affix Seal:



**O.5 Statement by Person Responsible for Maintenance Form**

**STATEMENT BY PERSON RESPONSIBLE FOR MAINTENANCE**

The undersigned agrees to maintain compliance with the performance requirements and other provisions of XXX of <local jurisdiction>. This includes maintaining and operating stormwater best management practices (BMPs), stormwater infrastructure, and land covers as specified in the Stormwater Management Plan approved by the <local jurisdiction>.

Responsibility for maintenance and operation may be transferred to another entity upon written notice to the <local jurisdiction> from the undersigned and the entity assuming responsibility. This notice must certify that the transfer of responsibility for maintenance and operation is in compliance with XXX of <local jurisdiction>.

**DRAFT**

\_\_\_\_\_  
Signature of the property owner

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone No:

**O.4 Sample forms – Statement by Person Responsible for Achieving Off-Site Retention Form**

**STATEMENT BY PERSON RESPONSIBLE FOR ACHIEVING  
OFF-SITE RETENTION**

This site has an off-site retention volume (Offv) obligation. The Offv for this site equals \_\_\_\_\_(gallons).

The undersigned agrees to satisfy the obligation to achieve Offv, in such a manner as to comply with the provisions required under XXX of <local jurisdiction>.

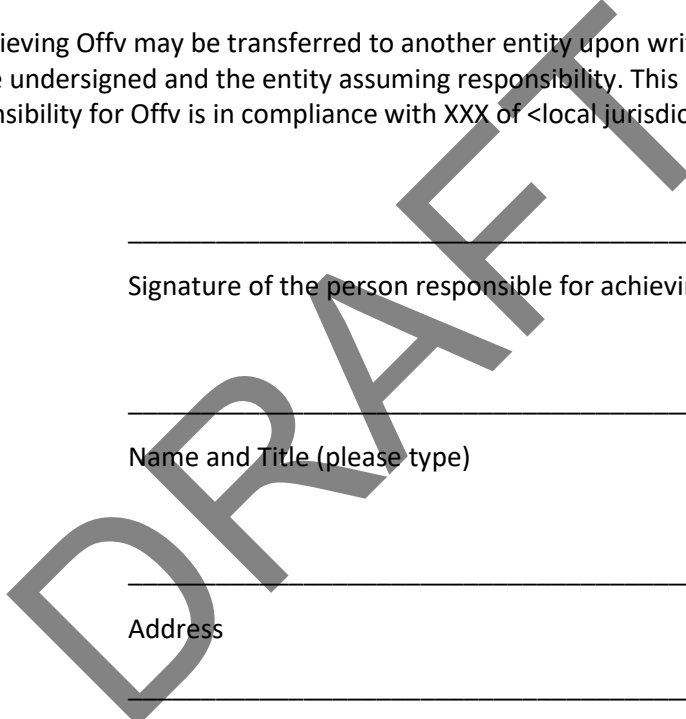
Responsibility for achieving Offv may be transferred to another entity upon written notice to the <local jurisdiction> from the undersigned and the entity assuming responsibility. This notice must certify that the transfer of responsibility for Offv is in compliance with XXX of <local jurisdiction>.

\_\_\_\_\_  
Signature of the person responsible for achieving Offv

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date \_\_\_\_\_ Phone No: \_\_\_\_\_



**O.5 Declaration of Covenants/Maintenance Agreement Template.**

**E.3 Sample Maintenance Agreement**

State of South Carolina     )  
   )  
County of Beaufort         )                     **Permanent Stormwater Facility Maintenance  
   )                     and Responsibility Agreement  
   )                     Tax Map No. \_\_\_\_\_**

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter referred to as "Landowner") and the County of Beaufort, political subdivision of the State of South Carolina (hereinafter referred to as "County").

It is agreed as follows:

**Landowner Responsible for Stormwater Facility:**

The South Carolina Stormwater Management and Sediment Reduction Act of 1991 (§48-14-10, et. seq.) and Regulation 72-308 provide that a Landowner shall adequately establish and maintain stormwater management/Best Management Practices (BMP) facilities upon making certain improvements to the Landowner's property. This law applies to any individual, partnership, corporation or other entity, constructing a stormwater facility. It also applies to all subsequent owners of the property. The obligation applies to the maintenance of all pipes, equipment, and channels built to convey stormwater to a retention facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater on the property. (All fixtures and graded or excavated improvements for controlling stormwater are herein the "Facility"). Adequate maintenance is herein defined as keeping the Facility in good working condition so that the Facility is performing all of its design functions in accordance with the purposes for which it is designed.

**Maintenance Required:**

The Landowner, its successors and assigns, will perform the maintenance, repair, and replacement necessary to keep the Facility in good working order. In the event a maintenance schedule for the Facility (including sediment removal) is outlined on the approved plans, the schedule must be followed.

**Inspection Required:**

The Landowner, its successors and assigns, shall regularly and periodically inspect the Facility in its entirety. Records shall be kept to identify the dates and maintenance performed and shall be made available to the County at the County's request. The purpose of the inspection is to assure safe and proper functioning of the Facility. The inspection shall cover all parts of the Facility including, but not limited to, berms, outlet structures, pond areas, and access roads. The Landowner's failure to inspect shall be treated as a breach of this Agreement just as much as a failure to repair if repair is needed after inspection.

**Access Permitted:**

The Landowner grants permission to the County, its authorized employees and agents, to enter upon the Property and to inspect the Facility whenever the County deems necessary. The purpose of inspection is to follow-up on reported or observed deficiencies, to respond to citizen complaints, or to make an inspection if a significant time has passed after the last inspection. The County shall provide the Landowner a copy of the inspection findings and a directive to commence with the repairs if necessary. In the case of multiple Landowners of a single property, notice to one shall suffice as notice to all.



**No Duty on the County:**

This Agreement creates no affirmative duty on the County to inspect, and it imposes no liability of any kind whatsoever on the County for omissions in inspecting. The Landowner agrees to hold the County harmless from any liability in the event the Facility fails to operate properly due to the Landowner's failure to abide by the terms of this Agreement.

**Landowner Covenants:**

The Landowner accepts responsibility for ownership and proper maintenance of the stormwater system, the Facility (pond, swales, etc.) on parcel # (R \_\_\_\_\_) located at \_\_\_\_\_, (see attached Site Map) Beaufort, South Carolina, per the approved maintenance plan. The specific BMPs on the property are listed below:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

Landowner will complete any necessary repairs and/or preventive maintenance procedures in a timely manner to ensure proper functioning as a stormwater management device(s).

Landowner understands that the maintenance plan may be amended or revised at any time by the County in order to address changed conditions or to address conditions not being effectively met by the Facility. Following the County's sending notice, Landowner will abide by any prescribed changes.

This covenant to maintain the Facility shall run with the land. Landowner will continue to own and maintain the Facility until the County is notified in writing of a transfer in ownership and maintenance responsibility. The notification will include a date for the transfer of responsibility which will become effective upon the County's receipt of a letter of acceptance from the new owner. Notwithstanding the provision for a letter of acceptance, any new Landowner shall be responsible for all duties and obligations created by this Permanent Stormwater Facility and Maintenance Responsibility Agreement upon it being executed and filed in the Register of Deeds Office for Beaufort County.

Landowner understands 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, or such other and additional penalties, fines, or assessments as shall be enacted and provided for by the general law of the state or by local regulation lawfully enacted.

(Signatures contained on the next page)

IN WITNESS our hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
WITNESS 1

Land Owner Name: \_\_\_\_\_  
(Print)

\_\_\_\_\_  
WITNESS 2

Land Owner Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
Phone Number: \_\_\_\_\_

\_\_\_\_\_  
County of Beaufort

\_\_\_\_\_  
WITNESS 1

BY: \_\_\_\_\_

\_\_\_\_\_  
WITNESS 2

ITS: County Administrator

STATE OF SOUTH CAROLINA )

ACKNOWLEDGEMENT

COUNTY OF BEAUFORT )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by \_\_\_\_\_, (Landowner's name).

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA )

ACKNOWLEDGEMENT

COUNTY OF BEAUFORT )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by \_\_\_\_\_, County Administrator for Beaufort County.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_