

Storm Water BMP Maintenance Agreement and Permit Termination Procedures

Waukesha County Standards and Procedures

If there is a land division:

Step I. Record Core Maintenance Agreement at Time of Land Division:

The CSM or plat must first receive Certification of Compliance from the LRD, and then the maintenance agreement is recorded along with the plat or CSM at the County Register of Deeds Office. This maintenance agreement assigns ownership and maintenance responsibilities before and after Storm Water Permit termination, and authorizes community access, inspection, notification, enforcement and agreement addendum or modification authorities. The maintenance agreement must include the following exhibits:

Exhibit A: Legal Description – Describes the real estate for which the Agreement applies. A reference to the land division document is normally sufficient.

Exhibit B: Location Map(s) – Shows an accurate location of each storm water management best management practice (BMP) affected by the Agreement. As BMPs are normally required to be on outlots, referencing the outlots is sufficient.

Exhibit C: Maintenance Plan – Prescribes those maintenance activities that must be carried out to comply with the Agreement.

Step II. Record Addendum to Maintenance Agreement:

1. Permit holder completes all BMP construction and site stabilization in accordance with the Storm Water Permit.
2. LRD completes final site inspection.
3. Permit holder submits to the LRD as-built documentation following *county standards* and in a format that can be recorded at the Register of Deeds Office, including the following:

Exhibit D: BMP Design Summaries - showing key engineering calculations and other data used to design the BMP(s), including:

- a. BMP Watershed *data summary* (pre/post-development)
- b. BMP *Watershed map* (post-development only)
- c. BMP *Design summary*

Exhibit E: BMP As-built Survey - cross-section and plan view maps signed and stamped by registered surveyor showing specific elevations, materials and construction details.

Exhibit F: Engineering/Construction Verification - signed and stamped by registered professional engineer:

- d. Verifying the BMP construction inspection plan was followed
 - e. Verifying that the BMP design and construction meet all applicable technical standards and county ordinance requirements
4. **Planting Verification** (not an exhibit): If warm season or wetland plantings are involved, a landscape architect or other qualified professional must verify successful establishment, in accordance with LRD standards, before the financial assurance will be released.
 5. **Exhibit G: Storm Water Permit Termination** – After the LRD accepts as-built documents, construction verification, and planting verification, they issue a notice of *Storm Water Permit Termination*, which verifies that the site has met all county ordinance requirements and the Storm Water Permit has been terminated.
 6. Permit holder records all above noted items (Exhibits D-G) as an addendum to the previously recorded Maintenance Agreement and provides a copy of the recorded documents or ROD file number to the LRD (LRD can confirm recording through database imaging system). This transfers all future BMP maintenance responsibilities to the entity specified in the Maintenance Agreement.
 7. LRD verifies recorded documents and releases the financial assurance.

If there is no land division:

Step I. Record Core Maintenance Agreement prior to the issuance of a Storm Water Permit:

Differs from language in land division document as text does not say that maintenance responsibilities transfer after permit termination. The maintenance agreement must include the following exhibits:

Exhibit A: Legal Description – Describes the real estate for which the Agreement applies. As found on the property title.

Exhibit B: Location Map(s) – Shows an accurate location of each storm water management best management practice (BMP) affected by the Agreement. This requires a metes and bounds description that effectively creates an easement.

Exhibit C: Maintenance Plan – Prescribes those maintenance activities that must be carried out to comply with the Agreement.

Step II. Record Addendum to Maintenance Agreement:

1. Permit holder completes all BMP construction and site stabilization in accordance with the Storm Water Permit.
2. LRD completes final site inspection.
3. Permit holder submits to the LDR as-built documentation following *county standards* and in a format that can be recorded at the Register of Deeds Office, including the following:

Exhibit D: BMP Design Summaries – as stated above.

Exhibit E: BMP As-built Survey – as stated above.

Exhibit F: Engineering/Construction Verification – as stated above.

4. **Planting Verification** (not an exhibit): As stated above.
5. Following their submittal to and acceptance by the LRD, the Permit holder records all above noted items (Exhibits D-F) as an addendum to the previously recorded Maintenance Agreement and provides a copy of the recorded documents or Register of Deeds file number to the LRD.
6. Storm Water Permit Termination – After the LRD accepts as-built documents, construction verification (Exhibits D-F), and planting verification, they issue a notice of *Storm Water Permit Termination*, which verifies that the site has met all county ordinance requirements and the Storm Water Permit has been terminated, and the LRD then releases the financial assurance.