

CITY OF MYRTLE BEACH
STORMWATER FACILITY MAINTENANCE REQUEST POLICY

Purpose:

To adopt an official policy pertaining to citizen requests for maintenance of stormwater control structures and open channel stormwater conveyance systems held in private ownership, or receiving an enhanced level of service for existing maintenance of city-owned stormwater structures and open conveyance channels held in public ownership located within the City of Myrtle Beach.

This policy upon adoption by the City Council shall be applicable to requests for stormwater control structures and open channel stormwater conveyance systems currently held in private ownership by landowner(s) to be maintained by the City and this policy also covers extending maintenance responsibilities to a third-party or group of property owner(s) to perform an increased level of service for maintenance of stormwater control facilities and open conveyance channels held in public ownership above and beyond what is planned and budgeted by City of Myrtle Beach Public Works Department. This policy will remain in effect until such time that the policy statement is altered, modified, or rescinded by City Council.

Measures Taken:

In April 2003, the United States Environmental Protection Agency (USEPA) issued a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems¹ (SMS4s), whereby the South Carolina Department of Health and Environmental Control (SCDHEC) Bureau of Water delegated an array of regulatory requirements to local governments in an effort to comply with provisions of the Clean Water Act and South Carolina Pollution Control Act.

In March 2016 with the adoption of Resolution [R2015-21](#) the City of Myrtle Beach City Council adopted a [Stormwater Management Plan](#). Municipalities and counties within our coastal region are tasked with developing, implementing, and enforcing a Stormwater Management Plan (SWMP), aimed at reducing the discharge of pollutants from the SMS4 to the maximum extent practicable.

In essence, the SWMP is a singular document that effectively communicates multiple facets of a community's stormwater management program including legal authority, stormwater management code enforcement mechanisms, stormwater best management practices (BMPs), and measurable goals a Small Municipal Separate Stormwater System (SMS4) currently implements, or will develop and implement, within the upcoming five-

¹ An MS4 is defined as any conveyance or system of conveyances that is owned or operated by a state or local government entity designed for collecting and conveying stormwater, which is not part of a Publicly Owned Treatment Works.

year NPDES General Permit cycle to satisfactorily address the comprehensive regulatory requirements of the following six minimum control measures (MCMs):

- Public Education and Outreach on Stormwater Impacts,
- Public Involvement/Participation,
- Illicit Discharge Detection and Elimination (IDDE),
- Construction Site Stormwater Runoff Control,
- Post Construction Stormwater Management, and
- Pollution Prevention/Good Housekeeping for Municipal Operations.

The SWMP is a fluid document that is eligible for revision at any time during the permit cycle based upon MCM-related program updates, recordkeeping modifications, and new effective permit obligations.

Public stormwater facilities and open conveyance channels within public rights-of-way may be owned by the South Carolina Department of Transportation (SCDOT), Horry County, the City of Myrtle Beach, or private landowners.

The City of Myrtle Beach is responsible for maintaining stormwater control structures and open channel stormwater conveyance systems held in City ownership by means of performing routine maintenance activities at a determined frequency to ensure proper stormwater system functionality. These activities may involve one or more of the following activities:

- inspection, hydro-cleaning and structural repair/replacement of underground pipelines, catch basins, drop inlets, junction boxes, and water quality treatment devices;
- inspection, mowing, excavation, and debris removal of open stormwater conveyance channels and/or stormwater ponds;
- inspection of aquatic vegetation control within open stormwater conveyance channels or stormwater ponds (aeration and/or chemical treatment); and
- inspection of designated primary outfalls and investigation, termination, and corrective action to address non-stormwater discharges into the municipal stormwater system.

Stormwater control structures and open channel stormwater conveyance systems officially accepted as developer-contributed capital stormwater infrastructure are not subject to this policy. These stormwater systems have been designed and constructed consistent with the requirements of Chapter 18 of the City of Myrtle Beach code of ordinances and have been dedicated to the City of Myrtle Beach with the accompanying documentation:

- deed of ownership to the City of Myrtle Beach with attached record drawings,

- one-year letter of credit or maintenance bond in the amount equivalent to ten percent (10%) of the cost of the improvements, and
- one-year warranty for defects in materials and workmanship.

The Public Works Department may recommend stormwater facility maintenance locations outside of the neighborhood petition process for consideration by City Council.

Section 18-25 ‘*Responsibility for Maintenance*’ of the City of Myrtle Beach Code of Ordinances states that ... “*the responsibility for maintaining all permanent runoff control measures and facilities after site development is completed shall lie with the landowner unless a facility is officially accepted by the city for city maintenance. That will be allowed only when the system is part of a subdivision, a multiple lot or area plan, or when the improvements are completely contained in a dedicated right-of-way.*”

To qualify for consideration of maintenance of stormwater control structures and open channel stormwater conveyance systems currently held in private ownership by landowner(s), the following criteria must be met:

1. Stormwater runoff control structures and open conveyance channels must be located within the City of Myrtle Beach.
2. Stormwater runoff control structures and open conveyance channels must be serving as part of a regional stormwater system in the public interest.
3. Stormwater runoff control structures and open conveyance channels must be designed and constructed consistent with the requirements of Chapter 18 of the City of Myrtle Beach code of ordinances. If not, the landowner(s) must bring the stormwater system into compliance at their expense.
4. Stormwater runoff control structures and open conveyance channels must be dedicated to the City of Myrtle Beach for permanent maintenance by the landowner(s) in accordance with Sections 18-25 ‘*Responsibility for Maintenance*’ and 18-26 ‘*Drainage Easements and Public Facility Ownership*’.

To qualify for consideration involving the extension of maintenance responsibilities to a third-party or group of property owner(s) to perform an increased level of service for maintenance of stormwater control facilities and open conveyance channels held in public ownership above and beyond what is planned and budgeted by City of Myrtle Beach Public Works Department, the following criteria must be met:

1. Stormwater runoff control structures and open conveyance channels must be located within the City of Myrtle Beach.
2. A third-party or group of property owner(s) are required to enter into a maintenance agreement with the City of Myrtle Beach and obtain a right-of-entry onto city property to perform maintenance activities.

3. Property owners(s) or the third-party must demonstrate the ability to financially support and perform the required annual maintenance activities.

At the heart of any successful stormwater facility maintenance request policy is a structured process that includes strong community support.

Review Process:

The following procedures generally describe the process by which stormwater facility maintenance is considered by the City pursuant to this policy:

1. A citizen may initiate a request for stormwater facility maintenance by writing the City Manager and identifying the specific location(s) and stormwater system function and/or aesthetic concern(s) that the maintenance activity is expected to address.
2. The City Manager will direct the Public Works Department to evaluate the request and to specifically determine if the stormwater facility maintenance request will address the citizens' stormwater system function and/or aesthetic concern(s) **within 14 days**. Additionally, the Public Works Department evaluation will determine if the stormwater control structures and open channel stormwater conveyance systems under consideration meets the established qualifying criteria.
3. If it is determined that the stormwater control structures and open channel stormwater conveyance system qualifies, and if it is determined that the specific stormwater system function concern(s) can be adequately addressed by the requested stormwater maintenance activity, then a petition drive will be authorized.
4. Petition requirements:
 - Only petition forms provided by the Public Works Department or exact duplicates may be used.
 - The citizen initiating the request will be the designated point-of-contact to organize neighbors and will receive the petition forms and information from the Public Works Department. The petition must be signed by at least 75 % of the property owners abutting the stormwater control structures and open channel stormwater conveyance systems. Only one signature per residence will be counted.
 - Once initiated, the petition process must be completed **within 90 days**. The completed petition forms should be sent to:

Director of Public Works
City of Myrtle Beach
P. O. Box 2468
Myrtle Beach, S. C. 29578

- After confirming the validity of the completed petition, the following activities will occur **within 90 days**:
 - City will make a thorough attempt to notify every household or other entity in the petition area of the pending recommendation to consider the stormwater facility maintenance request.
 - The Public Works Department will provide technical review comments and a project cost estimate to bring existing stormwater control structures and open channel stormwater conveyance systems into compliance, obtain adequate maintenance access, and provide an acceptable annual operating budget associated with routine maintenance activities.
 - The Public Works Department will present the stormwater facility maintenance request and a third-party or group of property owner(s) proposed maintenance agreement for consideration by City Council.
 - The landowner(s) assume all costs associated with upgrading stormwater control structures and open channel stormwater conveyance systems to be compliant with standards and specifications of the City of Myrtle Beach, adherence to requirements of Chapter 18 of the City of Myrtle Beach Code of Ordinances, and providing adequate maintenance access for City crews and equipment. Encroachments deemed to interfere with maintenance access will not be permitted within dedicated easement areas.
5. City Council Consideration. Once the petition is determined to meet the requirements of this section of the policy the Public Works Department will submit a stormwater facility maintenance request to City Council for their consideration. City Council may approve by motion the
- (1) dedication of stormwater control structures and open channel stormwater conveyance systems currently held in private ownership by landowner(s) to the City of Myrtle Beach for permanent maintenance, or the
 - (2) fully executed stormwater facility maintenance agreements for a third-party or group of property owner(s) to provide an increased level of service of city-owned stormwater control structures and open channel stormwater conveyance systems held in public ownership.

Operational costs associated with routine maintenance activities will be financially supported within the Stormwater Management Fund and Capital Improvement Plan (CIP).

6. The timing of implementing the stormwater facility maintenance request will be subject to available resources and adherence to the point-of-contact person coordinating the City's receipt of required documentation. The designated point-of-contact person will be notified in writing when City Council takes action on the stormwater facility maintenance request.

Implementation Guidance:

Focus will be placed on stormwater control structures and open channel stormwater conveyance systems that serve as part of a regional stormwater system in the public interest.

As a part of this policy, budget allocations should be reviewed and considered for operational and capital improvement projects for stormwater management activities within the Stormwater Management Fund.