



**MONTGOMERY COUNTY
ENVIRONMENTAL HEALTH SERVICES
501 N. THOMPSON, SUITE 101
CONROE, TEXAS 77301**

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Information regarding the long-term maintenance plan of stormwater structural control measures for new developments and redevelopments in Montgomery County, Texas

In accordance with the National Pollutant Discharge Elimination System and the federal Clean Water Act, the Texas Commission on Environmental Quality created the Texas Pollutant Discharge Elimination System ("TPDES") permitting system to control the discharge of pollutants to Texas surface water. Under the TPDES permitting system, Montgomery County is classified as a Level 2 Small Municipal Separate Storm Sewer System (Level 2 Small MS4) and must adhere to the requirements of the TPDES General Permit TXR040000 for the authorization of stormwater and non-stormwater discharges to the municipal storm sewer systems.

In order to address post-construction stormwater run-off from property, the TPDES General Permit requires that a long-term maintenance plan of post-construction storm water control measures be filed in the real property records of Montgomery County. This recording requirement is only applicable to new developments or redevelopments located on property consisting of 1 acre or more, including construction projects that disturb less than one acre that are a part of a larger common plan of development or sale. A copy of the TPDES General Permit may be viewed online at https://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXR04.html

The attached document entitled "Declaration of Maintenance Covenant for Stormwater Structural Controls" and its attached exhibit must be completed in full, signed, and notarized. Upon full completion of the document, the document must then be recorded in the real property records of Montgomery County, Texas at the Montgomery County Clerk's Office located at 210 West Davis, Conroe, Texas 77301. Should you have any questions, you may contact Montgomery County Environmental Health Services at (936) 539-7839.

PLEASE BE AWARE THAT THE ATTACHED DOCUMENT IS A LEGAL DOCUMENT WHICH SHOULD BE READ CAREFULLY. IF YOU ARE IN DOUBT ABOUT SIGNING IT OR DO NOT FULLY UNDERSTAND IT, YOU SHOULD CONSULT WITH YOUR OWN REPRESENTATIVE, LEGAL COUNSEL, OR TITLE COMPANY PRIOR TO RECORDING IT IN THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS.

NOW, THEREFORE, Owner hereby covenants on behalf of itself, its heirs, successors and assigns as follows:

1. Owner intends to develop or redevelop the Property and construct certain stormwater structural control measures on the Property for the purpose of capturing or preventing pollution in stormwater runoff (the “Facilities”).

2. Owner shall prepare a long-term maintenance plan (the “Plan”) for the Facilities constructed on the Property, and said Plan shall attach to this Declaration as Exhibit “A” in accordance with the instructions therein, and be deemed a part hereof.

3. Owner shall thereafter provide for adequate long term maintenance of the Facilities so that they remain in good working condition and perform at their intended design and function.

4. Owner shall thereafter maintain the Facilities in good working order so that they perform at their intended design function and in accordance with any and all permits, ordinances, rules, regulations, or statutes required by law.

5. Owner shall regularly inspect and maintain the Facilities and keep any and all inspection and maintenance records on the Property. Owner shall provide the County with a copy of said maintenance and inspection records upon the County’s request.

6. Owner understands and agrees that nothing in this Declaration shall bind or obligate the County to routinely inspect, maintain, or repair the Facilities on the Property. **FURTHER, NOTHING IN THIS DECLARATION SHALL IMPOSE ANY LIABILITY ON MONTGOMERY COUNTY, TEXAS. OWNER SHALL INDEMNIFY AND HOLD THE COUNTY, ITS OFFICERS, OFFICIALS, DIRECTORS, EMPLOYEES, AND AGENTS HARMLESS FOR ANY CLAIM OR LAWSUIT BROUGHT BY ANY PARTY FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF, IN CONNECTION WITH, OR RELATED TO THE DESIGN, CONSTRUCTION, MAINTENANCE, OPERATION, OR USE OF THE FACILITIES ON THE PROPERTY.**

7. The covenants contained herein shall run with the land and shall bind Owner, its heirs, successors and assigns forever.

{Signatures on Next Page}

Signed this _____ day of _____, 20_____.

By: _____

Printed Name: _____

ACKNOWLEDGMENT

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me, the undersigned notary, on this _____ day of _____, 20_____, by _____, Owner of the Property.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT A

Long Term Maintenance Plan of the Stormwater Structural Control Measures on the Property

INSTRUCTIONS:

{please prepare and attach a long term maintenance plan in accordance with these instructions }

The long term maintenance plan is a component of the general maintenance procedures required for any post-construction stormwater structural control measures constructed on the Property for the purpose of capturing or preventing pollution in stormwater runoff. In addition, to ensuring the functional integrity of these stormwater structural control measures, the long term maintenance plan informs any future property owners about the structural control measures on the property and their maintenance requirements.

“Post-Construction Stormwater Structural Control Measures” include, but are not limited to: conduits, inlets, channels, pipes, wet ponds, bioretention, infiltration basins, stormwater wetlands, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, permanent sediment basins or other devices and measures used to capture or prevent pollution in stormwater runoff.

The long term maintenance plan may include or address the following:

1. A description or list of the post-construction stormwater structural control measures located on the Property. If possible, include a site map showing the location of each stormwater structural control measure.
2. A description of the maintenance activities required for each stormwater structural control measure located on the Property such as weeding, mulching, trimming of trees and shrubs, replanting, sediment and debris removal, and inlet/outlet cleaning.
3. A schedule of inspections or maintenance requirements for each stormwater structural control measure located on the Property including any schedules for mowing, weeding, mulching, trimming of trees and shrubs, or trash, sediment and debris removal. ***All disposal of trash, sediment or debris from the Property must comply with local, state, and federal laws.
4. Identification of the person or organization responsible for the maintenance and/or inspections of the stormwater structural control measures at the Property.
5. Identification of any access easements or agreements for the maintenance or inspections of the stormwater structural control measures at the Property.

{Attach Long-Term Maintenance Plan behind this page before recording Declaration}