



Frequently Asked Questions:

Grant of Stormwater Management Right of Entry and Master Declaration of Terms and Conditions of Stormwater Management Right of Entry and Maintenance Agreement.

What is stormwater?

Stormwater runoff from rain causes erosion and carries pollutants into our streams. Stormwater management systems (“Systems”) are practices, such as dry wells, that help slow down stormwater runoff, preventing erosion of stream banks. The Systems also help to clean the stormwater before it reaches local streams. The State of Maryland requires the inspection and maintenance of Systems to make sure they continue to provide protection of our waterways.

What is the Grant of Stormwater Management Right of Entry?

During property development, the County’s Department of Permitting Services requires property owners to implement approved Systems. Property owners must also execute and record a Grant of Stormwater Management Right of Entry under which the property owner agrees to be bound by the terms and conditions of a **Master Declaration of Terms and Conditions of Stormwater Management Right of Entry and Maintenance Agreement** (the Master Agreement). The Master Agreement, dated August 9, 2017, is recorded among the Land Records of Montgomery County at Liber 54725 Folio 379.

The purpose of the two documents is to describe who is responsible for maintenance of the System(s) and gives the County the option to access the property to inspect the condition of the System(s). The Grant of Stormwater Management Right of Entry must be signed by **all** property owners and applies to all present and future owners:

- If the owner is a corporation, partnership, or LLC, it must be in good standing with the State Department of Assessments and Taxation (SDAT) and the “Certificate” on the final page must be changed to read as follows:

I hereby certify that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that the within instrument was prepared under my supervision.

- If the owner is a corporation (Corp., or Inc.), the Right of Entry must be signed by a President or Vice president. Otherwise, the applicant must provide proof of authority to sign (i.e., articles of incorporation, by-laws, corporate resolution, operating agreement, etc.).

- If the owner is an LLC, the Right of Entry must be signed by a Managing Member or other authorized person. The title “Member” is not sufficient.
- If the owner is a partnership, the Right of Entry must be signed by a General Partner.

Why is this action required?

The Grant of Stormwater Management Right of Entry, and the Master Agreement satisfy the requirements of State and County Law. County law requires all owners of property containing a System to have an inspection and maintenance agreement signed and recorded before the Erosion and Sediment Control Permit is issued. This Grant of Stormwater Management Right of Entry, and the Master Agreement are used to ensure inspection and maintenance of the System(s), and to ensure that the System(s) will not be removed by future owners of the property. The County encourages property owners to self-inspect and certify the condition of their System.

What resources are available to help me inspect and maintain the System(s)?

The Department of Environmental Protection (“DEP”) wants to work with property owners to make this process as easy as possible. We can provide you with the resources you need to perform your yearly inspections and required maintenance. We have developed an on-line inspection form to assist owners in inspecting and maintaining the System(s). The form is tied to the [Water Quality Protection Charge Credit \(WQPC\) Program](#), making it easy for the owner to apply for a credit at the time of inspection. We also have a series of 2-page facility maintenance fact sheets for the Systems(s) available on the website.

How often must I inspect and maintain the System(s)?

By law, the System(s) are required to be inspected every 3 years. DEP recommends owners inspect the System(s) on an annual basis and perform maintenance as necessary.

Who will be accessing my property to inspect the System(s)?

DEP anticipates that most property owners will inspect their own System(s). In cases where owners are not able to inspect their own System(s) or require some assistance, DEP representatives (or authorized agents) can meet with you to conduct the inspections. DEP will also audit the WQPC inspection reporting program by conducting inspections of a representative number of facilities every year. Should your property be chosen for an audit inspection, you will be contacted so that an inspection can be scheduled at your convenience.

Water Quality Protection Charge (WQPC) Credit Program

Now that you are maintaining Stormwater management System(s) on your property, you are eligible to take advantage of the WQPC credit program. The WQPC raises funds to support the County's clean water initiatives to improve stream and water quality and prevent stormwater pollution. The credit program reduces the amount of the charge billed to a property owner by giving credit for the treatment that the System provides on the property.

**REMOVE THIS PAGE PRIOR TO RECORDING:
FOR INFORMATION ONLY**

Property ID # _____

STORMWATER MANAGEMENT RIGHT OF ENTRY

This Stormwater Management Right of Entry (“Right of Entry”), made this ____ day of _____, 20__, by and between _____ (hereinafter called the “Grantor”) and Montgomery County, Maryland (hereinafter called the “County”).

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property located at _____, _____, Montgomery County, Maryland _____ (the “Property”); and

WHEREAS, Grantor desires to develop the Property in a manner that requires a stormwater management system as defined in County law; and

WHEREAS, the County will agree to Grantor’s land development upon the County’s approval of Grantor’s plans for the stormwater management system and Grantor’s execution and due recording of this Right of Entry among the Land Records of Montgomery County;

NOW, THEREFORE, GRANTOR covenants and agrees as follows:

1. Grantor grants to the County a stormwater management right of entry over, through, and under the Property as shown on the approved Record Drawing Plan authorized by Sediment Control Permit _____, which is maintained by the Montgomery County Department of Environmental Protection and is incorporated herein by reference. Grantor further agrees to be bound by all covenants, terms, conditions and obligations of the Grantor as set forth in the Master Declaration of Terms and Conditions of Stormwater Management Right of Entry and Maintenance Agreement dated August 9, 2017, also incorporated herein by reference, and recorded at Liber 54725 Folio 379 among the Land Records of Montgomery County, Maryland.

2. This Right of Entry runs with the land and binds Grantor and any subsequent representatives, successors or assigns of Grantor. This Right of Entry may not be terminated without the County's written consent.

Signature (SEAL)

Printed Name

Title

STATE OF MARYLAND, COUNTY OF MONTGOMERY, to wit:

I HEREBY CERTIFY THAT on this _____ day of _____, 20__, before the subscriber, a Notary Public in and for the aforesaid County and State, personally appeared _____, officer of or authorized person for _____, and well known to me (or satisfactorily proven) to be person whose name is subscribed to the within instrument and did acknowledge the execution of this Right of Entry for the purposes therein contained and signed the same in my presence.

IN WITNESS WHEREOF, I hereunto set my hand and official Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

INFORMATION FOR RECORDING:

Parcel I.D. No.: _____

Record Legal Description: _____

Street Address of Parcel: _____

Name and Address of Parties to
Instrument and Their Interest

Grantor(s): _____

County: Montgomery County, Maryland
 101 Monroe Street
 Rockville, Maryland 20850

Certificate

I hereby certify that I am the Grantor of this Stormwater Management Right of Entry and the within instrument was prepared by me.

(Signature)

AFTER RECORDATION, PLEASE RETURN TO: