

**RICHLAND COUNTY**  
**DEVELOPMENT & SERVICES**  
**COMMITTEE AGENDA**



**Tuesday, SEPTEMBER 24, 2019**

**5:00 PM**

**COUNCIL CHAMBERS**

**The Honorable Gwen Kennedy, Chair**

**County Council District 7**

**The Honorable Allison Terracio**

**County Council District 5**

**The Honorable Jim Manning**

**County Council District 8**

**The Honorable Calvin "Chip" Jackson**

**County Council District 9**

**The Honorable Chakisse Newton**

**County Council District 11**

# RICHLAND COUNTY COUNCIL 2019



Bill Malinowski  
District 1  
2018-2022



Joyce Dickerson  
District 2  
2016-2020



Yvonne McBride  
District 3  
2016-2020



Paul Livingston  
District 4  
2018-2022



Allison Terracio  
District 5  
2018-2022



Joe Walker, III  
District 6  
2018-2022



Gwendolyn Kennedy  
District 7  
2016-2020



Jim Manning  
District 8  
2016-2020



Calvin "Chip" Jackson  
District 9  
2016-2020



Dalhi Myers  
District 10  
2016-2020



Chakisse Newton  
District 11  
2018-2022





Richland County Development & Services Committee

September 24, 2019 - 5:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Gwen Kennedy
2. **APPROVAL OF MINUTES** The Honorable Gwen Kennedy
  - a. Regular Session: July 23, 2019 [PAGES 6-8]
3. **ADOPTION OF AGENDA** The Honorable Gwen Kennedy
4. **ITEMS FOR ACTION** The Honorable Gwen Kennedy
  - a. Little Jackson Creek/Spring Valley HOA request to remove sediment [PAGES 9-24]
5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** The Honorable Gwen Kennedy
  - a. I move that Richland County undertake a study regarding the existence/prevalence of PFAS in groundwater and soil throughout the County. If desired, the County should coordinate with all municipalities within its boundaries to derive a comprehensive study on these harmful chemicals, and if necessary or warranted, a plan for corporate remediation[Myers]
6. **ADJOURNMENT**



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



## Richland County Council

### DEVELOPMENT AND SERVICES COMMITTEE

July 23, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Gwen Kennedy, Chair, Allison Terracio, Jim Manning, Calvin Jackson and Chakisse Newton

OTHER COUNCIL MEMBERS PRESENT: Bill Malinowski, Joyce Dickerson and Yvonne McBride

OTHERS PRESENT: Michelle Onley, Larry Smith, Stacey Hamm, Clayton Voignier, John Thompson, Ismail Ozbek, Sandra Yudice, Ashiya Myers, Ashley Powell, Angela Weathersby, Jennifer Wladischkin, Dale Welch and Beverly Harris

1. **CALL TO ORDER** – Ms. Kennedy called the meeting to order at approximately 5:01 PM.
2. **APPROVAL OF MINUTES**
  - a. June 25, 2019 – Mr. Manning moved, seconded by Mr. Jackson, to approve the minutes as distributed  
  
In Favor: Terracio, Jackson, and Kennedy  
  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. Malinowski pointed out the numbers for the backup documentation were incorrectly listed on the agenda coversheet.  
  
Ms. Onley stated she will review the agenda and make appropriated changes.  
  
Mr. Manning moved, seconded by Mr. Jackson, to adopt the agenda as corrected.  
  
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
  - a. I move, to further address blight and nuisance in Richland County, that we instruct the County's lobbyists and legislative affairs personnel, in conjunction with the South Carolina Association of Counties, to request two changes to State law as follows: First, to allow counties to regulate hotels, restaurants, cafes and lunch counters to provide for public health, comfort and convenience, in the same manner as State law already allows municipalities to so regulate, pursuant to Title 45, Chapter 3 of the South Carolina Code of Laws, and; Second, to allow counties to "provide by ordinance that the owner of any lot or property" in the county shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly

material or conditions which constitute a public nuisance, and to give counties the same authority municipalities already have in this area pursuant to South Carolina Code of Laws Section 5-7-80, as amended, which has been a right of municipalities since at least the 1962 Code of Laws. Supporting Information: County Council has recently passed a Public Nuisance ordinance and a “Health Massage, Body Work Therapists and Massage Establishment” to address the negative secondary effects associated with businesses that fail to comply with County ordinance and that put the public in danger based on illegal and nuisance activities. This is a significant step to address the issue of blight in our community, which is a tangible success in one of the core objectives of the Richland Renaissance initiative. [MANNING] – Mr. Manning moved, seconded by Ms. Terracio, to forward to Council with a recommendation to follow the process as set forth by the SCAC.

Mr. Manning stated, working with the County Attorney’s Office, we had looked sometime back at ordinances with other counties and municipalities around the country, as it relates to efforts not to have people sexually and “labor-wise” trafficked in the County. There was an ordinance in Baton Rouge, Louisiana that allowed for business license related items, as we did with the massage parlor matter. When we looked at State law, interestingly enough it talks about the ability for a local government to pass such regulations, if they are a municipality. Counties were not listed in the State law, as a local government with authority to govern like towns and cities. No one seems to know why, but being a leader Richland County found it. He needed to do this motion in hopes that the committee would send it Council with a recommendation for approval. Then, it has to change State law, which is why the SCAC lobbyist is in the motion. He was at the State House and ran into the lobbyist from the Municipality Association and he did not seem to think they would have a problem with having counties included in the State law. All this is trying to do is to have us, as a committee, send to Council, and us as a Council look to have the State law, in 2 places, to add the words “and counties”. Then, the County will need to officially make the request to begin the process to have the words “and counties” added to State law.

Ms. Terracio inquired if we have any indication whether the SCAC leadership has looked at the proposed changes, or have we just had discussions amongst staff.

Mr. Manning stated he did speak with their lobbyist, and they were in no position to speak on behalf the association. They did not give him any indication where there would be a problem with the County association working toward having counties being empowered, like municipalities, to pass things.

Mr. Malinowski stated, from what Mr. Manning is saying, this is just a matter of getting us the authority to act in the future, if we should want to.

Ms. Terracio wondered if these matters should be taken up separately.

Mr. Manning stated, for clarification, the motion is to pursue having the lobbyist efforts toward adding the words “and counties” in the 2 places in the State statute.

Ms. Terracio stated she is open to having a further discussion when the item goes before full Council instead of dividing the question, at this time.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

**Development and Services  
July 23, 2019**

-2-

- b. I move that Richland County provide the approval to transfer the ownership interest related to the garbage collection from Capital Waste Services LLC (Currently operating in Areas 5a and 3) owned by Hawk Capital Partners selling its equity to the newly formed entity controlled by Kinderhook Industries. (Please understand the motion is conceptual by the maker, not technical legal terms as to structure.) [MANNING] – Mr. Manning moved, seconded by Ms. Terracio, to forward to Council to approve the assignment of the solid waste collection contracts for Areas 3 and 5A to Kinderhook Industries.

Mr. Jackson inquired what precipitated this request.

Mr. Manning stated the parent company, Hawk Capital Partners, is being bought out by Kinderhook Industries. Council had to take action to transfer the ownership interest from Hawk Capital Partners to Kinderhook Industries for the garbage collection in Areas 3 and 5A. Therefore, he made the motion to get it before Council.

Ms. Terracio inquired, if not approving this, would affect us being able to pay the vendor, and has this entity gone through our procurement process.

Mr. Manning stated not approving this would not affect the payment to the vendor. The “mother” company is simply becoming a newly named company, but they cannot legally do that without Council approving it.

Mr. Braswell stated Kinderhook will have 51% of the stock of the company, but it will still be operated as Capital Waste Services. They intend keeping the same management and staff in place, and providing the same service.

In Favor: Terracio, Jackson, Newton, Kennedy and Manning

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 5:22 PM.





Agenda Briefing

**To:** Committee Chair Gwendolyn Kennedy and Members of the Committee  
**Prepared by:** Synithia Williams, Stormwater General Manager  
**Department:** Public Works  
**Date Prepared:** August 27, 2019 **Meeting Date:** September 24, 2019

<b>Legal Review</b>	Larry Smith via email	<b>Date:</b>	
<b>Budget Review</b>	James Hayes via email	<b>Date:</b>	August 27, 2019
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	August 28, 2019
<b>Approved for Council consideration:</b>	Assistant County Administrator	John Thompson, Ph.D. MBA, CPM	
<b>Committee</b>	Development & Services		
<b>Subject:</b>	Little Jackson Creek/Spring Valley HOA request to remove sediment		

**Recommended Action:**

Staff requests Council review the information provided and respond to the Spring Valley Homeowners Association’s request for the County to remove sediment from the Spring Valley Entrance Lake.

**Motion Requested:**

1. Move to approve the request from the Spring Valley Homeowners Association; or,
2. Move to deny the request from the Spring Valley Homeowners Association.

**Request for Council Reconsideration:** Yes

**Fiscal Impact:**

The previous engineer’s estimate to remove sediment from the Spring Valley Entrance Lake was \$379,500. This estimate has not been updated since 2015 and will likely increase. There are currently no funds budgeted to complete this project. Funding would have to be allocated from the Stormwater Fund Balance.

**Motion of Origin:**

There is no associated Council motion of origin.

<b>Council Member</b>	
<b>Meeting</b>	
<b>Date</b>	

## Discussion:

The Little Jackson Creek Project was a three-phase project that began in 2014. The first phase resulted from the need for wetland mitigation credits in order to extend Taxiway 'A' at the Jim Hamilton Owens Airport. The County's conservation easement in the Spring Valley Neighborhood was selected as the location for a wetlands mitigation project to achieve mitigation credits.

The second phase of the project involved stabilizing the ditch in the Spring Valley neighborhood that receives high amounts of runoff from Two Notch Road and discharges into the planned wetlands mitigation project and Entrance Lake. The third phase was to remove accumulated sediment within the Spring Valley Entrance Lake.

On December 2, 2014, County Council approved several work orders related to the Taxiway 'A' extension including approving \$287,400.00 for professional services to design Phase II (Up Ditch) and Phase III (Entrance Lake). A grant from the Federal Aviation Administration funded Phase I (wetlands mitigation). The Stormwater Management Division funded the design of Phase II (Up Ditch) and III (Entrance Lake).

The original engineer's estimate for construction to stabilize the Up Ditch and remove sediment from the Entrance Lake returned at \$1.2 million. This amount exceeded the Stormwater Management Division's budget. In June 2015, County Council approved FY16 budget that included \$500,000 in the Stormwater Budget to complete a portion of the Up Ditch. There was no funding allocated for sediment removal in the Entrance Lake. The Public Works Department made the decision to revisit the Entrance Lake under the terms of the 2005 Private Pond Maintenance Policy after the completion of the Mitigation project and Up Ditch.

In October 2015, a massive flood damaged property and infrastructure within the County. In February 2016, County Council approved the Blue Ribbon Committee's recommended ten categories for FEMA Hazard Mitigation Grant Funding that included the Up Ditch project.

Construction of the wetlands mitigation (Phase I) began in October 2016. Due to delays in approval of FEMA funding for the Up Ditch, the FY17 Stormwater Capital budget included \$500,000 for a portion of the Up Ditch in case FEMA denied the grant application for the project. After the 2015 flood, due to an Attorney General opinion that public funds should not be used on private property unless there is a proven public benefit, County Administration recommended removal of the Entrance Lake portion of the project. On August 6, 2018, an email was sent to the president of the Spring Valley HOA stating no funding had been budgeted for removal of the sediment from the Entrance Lake and the county will not proceed with soliciting a contractor to remove sediment from the Entrance Lake.

County Council approved the revision of the Private Pond Maintenance Policy to the Private Pond Outfall on November 14, 2018. The policy states that the county will remove sediment from outfalls connected to the County Maintained Public Drainage System. The County Drainage System does not connect to the Spring Valley Entrance Lake, and all the roads and drainage within the subdivision are privately owned and maintained.

In April 2019, FEMA approved \$904,487 in HMGP funding for the Up Ditch (Phase II) portion of the project. The County cannot use HMGP funds to clean the sediment from the Entrance Lake (Phase III).

Since the October 2015 Flood Richland County has responded to three other requests for assistance with sediment removal from privately owned ponds. In May 2016, the Cary Lake Homeowners Association requested assistance with dam repair and sediment removal on the basis that their pond was a Stormwater management facility. The Public Works Department denied the request.

In April 2017, Richland County Council approved \$62,400.00 in funding to the City of Columbia for their project to remove sediment Lake Katherine. Lake Katherine is located entirely within the limits of the City of Columbia and owned by the Lake Katherine HOA.

In, August 2017 the Public Works Department followed the intent of the then draft Private Pond Outfall Maintenance Policy and removed sediment within county maintained outfalls discharging into Upper Rockyford Lake. This was limited only to the County maintained outfalls and completed with in-house staff and equipment.

**Attachments:**

1. Right of Entry Agreement for Phase I, II and III of the Little Jackson Creek project
2. 2005 Private Pond Policy
3. 2018 Private Pond Outfall Maintenance Policy

STATE OF SOUTH CAROLINA )  
 ) **RIGHT OF ENTRY AGREEMENT**  
COUNTY OF RICHLAND )

THIS RIGHT OF ENTRY AGREEMENT, hereinafter "Agreement", is dated as of the 23 day of April, 2015 and is made by and between the Richland County, South Carolina (the "County") and Spring Valley Homeowners Association ("SVHA").

RECITALS

WHEREAS, the County has requested a Right of Entry for TMS#20009-01-09 and 10 (the Spring Valley Lake and Conservation Easement Area) (hereinafter the "Property") from SVHA for the Spring Valley compensatory mitigation project, which is in connection with the Jim Hamilton-L. B. Owens Airport improvement project; and

WHEREAS, the County desires to enter the Property for design and cost estimation of the compensatory mitigation project, for sediment removal of the existing pond, and up-ditch improvements and stabilization up-gradient; and

WHEREAS, SVHA desires to give the County permission to enter the Property for the sole purpose of undertaking the work described above;

NOW, THEREFORE, for and in consideration of the mutual benefits and covenants described herein, the parties hereto agree as follows:

1. RECITALS. The foregoing recitals are incorporated and made a part of this Agreement.
2. GRANT OF RIGHTS. SVHA acknowledges that it is the owner of the Property, and hereby grants to the County a right of entry to the Property for the sole purposes provided herein.

3. INDEMNIFICATION BY SVHA. SVHA agrees to save, hold harmless, indemnify and release County, its employees, officers, agents, contractors, subcontractors, assigns or successors from all losses, damages or claims arising from activities described above which result from any negligent or willful acts or omissions of SVHA, its members, officers, assigns, successors, or third party contractors or subcontractors engaged by SVHA in connection with the activities described in this agreement. The parties agree that this Agreement may be pleaded as a full and complete defense to any civil action, suit or other proceeding which may be instituted, prosecuted or attempted for, upon, or in respect of any of the claims released hereby.

4. COUNTY INSURANCE. Throughout the term of this Agreement the County will maintain the coverage required to meet the provisions of the South Carolina Tort Claims Act, which provides the sole and exclusive remedy for torts by South Carolina governmental entities. The County may choose to be self-funded for liability. The County shall furnish SVHA certification of coverage.

5. TERM AND TERMINATION. This Agreement shall remain in force and effect until June 1, 2015 unless terminated earlier by either party providing thirty (30) days' written notice of termination to the other party.

6. AUTHORITY TO EXECUTE. By executing this Agreement, SVHA, Inc. warrants that it has the authority and permission to enter into this Agreement, to grant the rights provided herein and can lawfully undertake each provision included herein.

7. ENTIRE AGREEMENT AND AMENDMENT. The parties agree that this Agreement expresses the entire agreement and all promises, covenants, and warranties between the parties. The Agreement may only be amended by a subsequent written

amendment signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal as of the date first written above.

SPRING VALLEY  
HOMEOWNERS ASSOCIATION:

By: *Paul M. Smith*  
Its: President SVHOA

WITNESSES:

*Cathy B. Carroll*

RICHLAND COUNTY

By: *Tony McDonald*  
Its: County Administrator

WITNESSES:

*Ashleigh Myers*

*Suzanne J. Miller*  
Richland County Attorney's Office  
Suzanne J. Miller  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.





**DEPARTMENT OF PUBLIC WORKS  
BEST MANAGEMENT PRACTICE STANDARD**

		<b>STANDARD #</b>	<b>26.17.1(O)</b>
<b>TITLE:</b>	Private Pond Maintenance Policy	<b>NUMBER OF PAGES:</b> 4	
<b>EFFECTIVE DATE:</b>	May 3, 2005	<b>LEAD AGENCY:</b>	Stormwater Management
<b>PREPARED BY:</b>	Rocky Archer, PE Stormwater Manager	<b>AUTHORIZED BY:</b>	Christopher S. Eversmann, PE Public Works Director
<b>REFERENCES:</b>	None	<b>REVIEW DATE:</b>	May 3, 2010

**I. Purpose**

To establish criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds in order to mitigate or reduce the negative impact of connection of private water-bodies to public drainage systems

**II. Definitions**

- A.** Dry detention basins – Depressions that are excavated for the purpose of detaining excess stormwater runoff from newly developed land. Basins are also created to act as holding areas for the initial runoff of stormwater in order to allow sediment and pollutants to settle out from the stormwater medium. Dry detention basins may serve the same function as a pond, but there are significant differences. As their name suggests, they are most often dry (*i.e.* – lack standing water). Also, they are not considered an amenity to the community. As such, they are considered infrastructure and, in the case of residential subdivisions, are deeded to the County for perpetual maintenance.
- B.** Pond – A water body that, under normal circumstances, retains water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be integrated into a drainage system.
- C.** Private water-bodies – Receiving waters (most often ponds, lakes or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water-bodies may be integral to public drainage systems.
- D.** Public drainage system – A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water-bodies may be integral to these systems.
- E.** Waters of the state - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are



## Private Pond Maintenance Policy

wholly or partially within or bordering the State or within its jurisdiction; *South Carolina Code of Laws Section 48-1-10*.

### III. **Background**

In 1990, the Environmental Protection Agency (EPA) established The National Pollutant Discharge Elimination System (NPDES) to reduce the quantity of pollutants that may be transported through the Storm Sewer Systems to "Waters-of-the-State". The South Carolina Department of Health and Environmental Control (SCDHEC) Bureau of Water issued a NPDES Permit to Richland County in April 2000. In compliance with that Permit, Richland County has inventoried stormwater drainage systems and the locations to which they outfall into waters-of-the-state.

In the process of performing this inventory, Richland County has identified or been made aware of several areas of concern with respect to private water-bodies. These water bodies are in existence for a variety of reasons including recreation, aesthetics, and utility (water supply and power generation). Concurrently, stormwater retention or detention is also accomplished. It is not uncommon for these private water-bodies to be integral to public drainage systems. As such, they may be adversely affected by both controllable and uncontrollable factors that include adjacent development, discharge from public road drainage network, above average rainfall, and topography of the watershed.

### IV. **Problem**

Among the more negative effects on these private water-bodies from their integration with the area public drainage system are deposits of sediment carried by stormwater flowing into them (or siltation). The accumulation of sediment reduces pond volume and alters or obstructs the natural or designed stormwater flow path. Sedimentation can also impair water quality by providing a medium for the transportation of pollutants into the pond.

Some ponds are dedicated to Richland County at the time of development. This occurs predominantly in residential developments in which the roads and drainage system are to be maintained by Richland County. Whereas other ponds remain private, pre-date any formal maintenance policy, or are natural waters-of-the-state. Consequently, consideration for public maintenance of these ponds has not, heretofore, been addressed.

### V. **Policy**

In order to mitigate or reduce the negative impact of connection of private water-bodies to public drainage systems, it is necessary to develop criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds. These criteria and considerations are as follows:

- A. Adjacent development with public road or drainage network discharges stormwater runoff directly into the pond, and;
- B. The pond or lake should not be "isolated" or contained within a single property, and;
- C. Maintenance activity will not disturb any wetland area, and;

## Private Pond Maintenance Policy

- D. Property owners must grant and sign easement agreements to access each of the established discharge points and surrounding area, and;
- E. Hold harmless agreements must be obtained from property owners or Pond Owners Association.

Other considerations that may facilitate County participation for maintenance:

- F. The presence of a perennial stream flowing through the pond,
- G. The pond is currently managed and maintained by an established Pond Owner's Association with a point of contact.

### VI. Procedure

Upon agreement of listed criteria, the County can proceed with the corrective action needed. In order to effectively resolve the problem, the County must first assess the stormwater runoff discharge points and then develop a plan to meet that particular need. County staff will determine the need for structural repair, the extent of sedimentation, or the amount of debris removal.

RESPONSIBLE PARTY SHALL ACQUIRE APPROPRIATE PERMITS AND PULL

All easement and hold harmless agreements shall be recorded prior to any maintenance activity is performed.

All dredging activity performed by the County will be limited to the furthest extent of determined sedimentation that can be practically reached from the ~~bank~~ by County

NORMAL HIGH WATER MARK

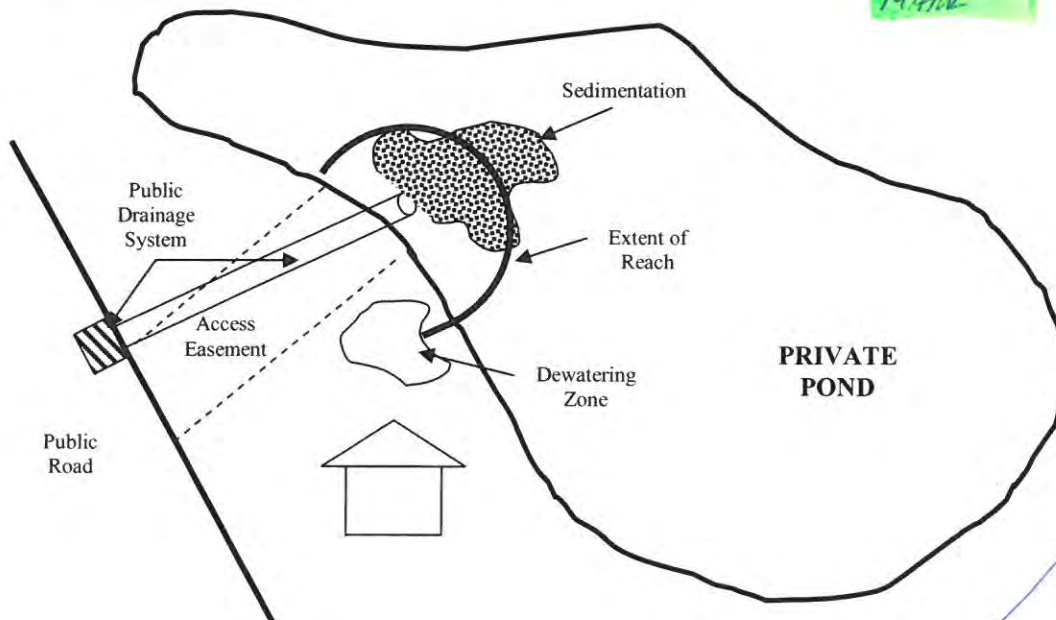


Figure 1. Typical outfall sediment removal activity components.

THE POND WATERS DOWN TO ALLOW FOR APPROPRIATE VISUAL ACCESS OF THE AREA FOR REMEDIATION

## Private Pond Maintenance Policy

The County may also provide assistance in the hauling of removed spoil material by private parties provided that the material is accessible from a public road, appropriately dewatered and free of litter, debris or other hazardous substances.

The Department of Public Works is continuing to locate and identify potential sites for the retrofit of Best Management Practices (BMP's) to improve stormwater quality. Thusly, outfall sites that need frequent maintenance may be considered.

These BMPs can be physical or non-physical. Physical BMPs may include installation of structures or planting of natural vegetation to assist in removing sediment, debris, and pollutants. Non-physical BMPs consist of education and awareness. County staff will meet with the community and provide guidance on how each individual can do their part to promote positive stormwater management.

As these processes are developed and followed, Richland County Department of Public Works can continue to promote and deliver quality stormwater management while building positive relationships with its citizens.

By publication of this policy, Richland County assumes no obligation or liability associated with maintenance activity on private ponds.

This policy was approved Richland County Council in their meeting of May 3, 2005.



**DEPARTMENT OF PUBLIC WORKS  
STANDARD OPERATING PROCEDURE**

**DPW SOP #:** N/A

**TITLE:** Private Pond Outfall Silt Removal Policy

**LEAD DIVISION:** Stormwater Management Division

**EFFECTIVE DATE:** December 1, 2018

**REVIEW DATE:** November 2020

**PREPARED BY:** Synithia Williams, Stormwater General Manager

**APPROVED BY:** Richland County Council

**REFERENCES:** USACE/Dam and Reservoir Safety Act

**ATTACHMENTS:** None

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**I. PURPOSE**

To establish criteria and limited considerations that will allow Richland County to provide appropriate assistance to mitigate or reduce the negative impacts from the connection to a County owned or maintained area drainage system with a privately owned pond or lake.

**II. DEFINITIONS**

- A. Dredging – The removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies. The U.S. Army Corps of Engineers issues permits for the disposal of dredged material.

- B. Homeowners Association (HOA) - An organization in a subdivision, planned community, or condominium that makes and enforces rules for the properties within its jurisdiction.
- C. Perpetual maintenance – Long term and continual responsibility for the maintenance of a pond, lake, detention, or retention facility.
- D. Pond – A water body that, under normal circumstances, holds water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be connected to a public drainage system.
- E. Pond Owners Association (POA) – An organization in a subdivision, planned community or condominium that makes and enforces rules for the pond or lake within its jurisdiction.
- F. Private water-bodies – Receiving waters (most often ponds, lakes or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water-bodies may be connected to a public drainage system.
- G. Property owner (Owner) – A holder or proprietor of land.
- H. Public drainage system – A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water-bodies may receive runoff from these systems.
- I. Routine maintenance – Efforts toward effective management of a lake or pond such as the harvesting and cut back of dead vegetation, clearing accumulated debris and other preventative maintenance.
- J. Waters of the state - Lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

### **III. BACKGROUND**

The County owns and maintains an extensive network of stormwater drainage assets including pipes, ditches, catch basins, etc. Some of these drainage assets are connected to private waterbodies such as ponds or lakes either directly or indirectly through a public drainage

system. Perpetual and routine maintenance of privately owned water bodies is the responsibility of the property owner(s), but by accepting the drainage from the public system, the private water body is providing a small measure of public good and in some cases may qualify for assistance from the County to ensure the water body's proper function.

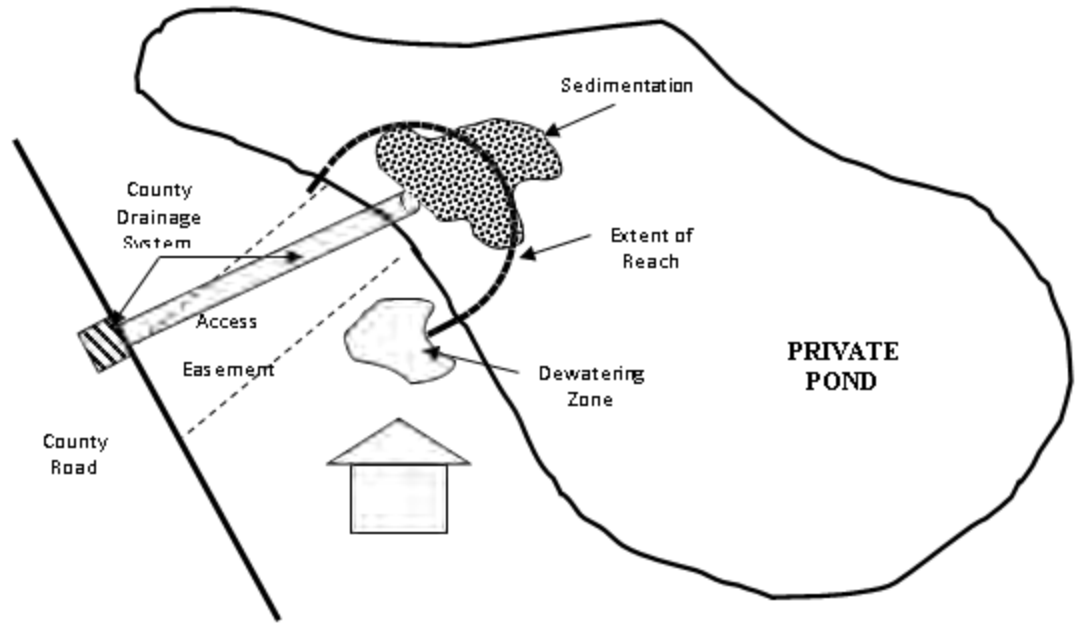
#### **IV. POLICY**

This policy only relates to the removal of sediment build up in and around outfalls from a County maintained public drainage system. The County Engineer or his/her designee will determine if the pond or lake is connected to a County maintained public drainage system and if runoff from the drainage system contributed significantly to the maintenance requirement.

The County will only remove the blockages using force account equipment and staff (See Figure 1). Blockages that require rental of equipment, hiring of an outside engineer, or capital project status do not fall under this policy and will be reviewed as a separate issue by the County Engineer and his/her designee.

In order to mitigate or reduce the negative impact of connection of private water bodies (lakes, ponds, and dry detention basins) to County maintained public drainage systems, the following criteria must be met:

- A.** Direct connection with a County maintained drainage system that discharges stormwater runoff into the water body;
- B.** Maintenance activity will not disturb any known or delineated wetland area;
- C.** The owners dedicate temporary drainage easements and hold harmless agreements at no cost to the County, as determined appropriate by the County Engineer;
- D.** The property owner, POA, or HOA have made no significant changes to the water body or surrounding area which caused damage or the need for County assistance;
- E.** The County will provide this assistance no more than once every five years. The property owner, HOA, or POA must contact the County for assistance related to this policy.



## V. EXCEPTIONS

The policy does not apply in the following circumstances:

- A.** Water bodies with the Waters of the State designation that are under the jurisdiction of the US Army Corps of Engineers;
- B.** Removal of materials, including sediment, from the entire pond outside of the reach of County equipment and in proximity to the County outfalls;
- C.** Litter removal;
- D.** Vegetation management;
- E.** Wildlife control and/or replenishment of fish;
- F.** Privately owned dry detention basins designed as a stormwater management feature;
- G.** Dam modifications and maintenance subject to the SC Dams and Reservoirs Safety Act and under the jurisdiction of the SC Department of Health and Environmental Control.



- H.** Sediment removal around outfalls associated with a SC Department of Transportation drainage network;
- I.** Haul off and disposal of sediment or other materials removed from a pond by the property owner, HOA, or POA.

**VI. PROCEDURE**

- A.** When a property owner, HOA, or POA contacts the county for assistance, the structure will be evaluated by the County Engineer or his/her designee to determine if all criteria are met;
- B.** The County Engineer will assess the water body's connection to the public drainage system and determine the extent of blockage caused by sediment in stormwater runoff from the public drainage system;
- C.** A document package will be prepared to obtain the property owner's consent for the County to access the pipes, ditches, or inlet into the pond to remove the blockage from the waterbody;
- D.** The property owner, HOA, or POA is responsible for providing unobstructed access to the outfall and lowering the water levels if needed to provide maintenance;
- E.** Water bodies that meet qualifications, and the work required can be accomplished by County staff, will be added to the County's maintenance schedule in the order that the project is received;
- F.** All easements and hold harmless agreements shall be recorded prior to any maintenance activity is performed.

This policy will provide a general guidance when providing assistance on privately owned ponds, lakes and basins. All situations may not fit this policy and in those circumstances the request will be evaluated on a case-by-case basis.

The private pond policy was originally approved Richland County Council in their meeting of May 3, 2005, reviewed by the Department of Public Works in May 2010 and revised to the private pond outfall silt removal policy in November 2018.