

Operations and Maintenance Agreement

Frequently Asked Questions

O&M Agreement Basics

What is an O&M Agreement?

An Operations and Maintenance Agreement (O&M Agreement), also known as a Stormwater Management Maintenance Agreement, is a required agreement executed between a property owner and the City for all projects that incorporate stormwater management measures (i.e., bioretention areas, flow-through planters, porous pavement, infiltration trenches, green roofs, flow duration controls, full trash capture devices, etc.) into the project.

Why is an agreement required?

Stormwater management measures are required by the Municipal Regional Stormwater NPDES Permit (MRP) to help clean stormwater before it flows to local creeks and San Francisco Bay. Stormwater management measures can fail over time if not properly maintained. The O&M agreement is a formal document recorded against the property that informs owners and property managers of operation and maintenance requirements of the stormwater management measures and provides detailed criteria for compliance. The O&M agreement also provides an enforcement mechanism for future potential non-compliance issues.

Why does the agreement need to be recorded?

Recording the O&M Agreement on the property title assures that new owners/occupants are aware of the stormwater management measures on site and the associated maintenance requirements to keep the stormwater management measure(s)functioning efficiently.

What are the main components to the agreement?

Dublin uses a standard agreement identifying specific stormwater management measures incorporated on site. Exhibits to the agreement are prepared by the applicant and are reviewed and approved by the City of Dublin. Exhibits include:

- a. Legal description of property
- b. Site plan
- c. Maintenance plans
- d. Inspection plans
- e. Annual reporting forms

How will submittal of the agreement be enforced?

A fully executed and approved wet original agreement is required to be provided to the City of Dublin prior to issuance of any permits.

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Maintenance and Reporting Requirements

What does maintenance entail?

Maintenance requirements vary depending on the type of stormwater management measure incorporated. For landscape based measures, maintenance consists of litter cleanup and vegetation management similar to what would be conducted for a traditional landscaped area. Maintenance of underground devices such as full trash capture devices or orifice structures associated with flow duration controls, typically require hiring a third-party vendor to perform maintenance.

What does a maintenance plan look like?

The maintenance plan is developed by the applicant and is specific to the type of stormwater management measures incorporated. The maintenance plan is a required component of the O&M Agreement that must be submitted and approved by the City before the agreement can be finalized. Several examples of maintenance plans for the more commonly used stormwater management measures can be found at: <https://dublin.ca.gov/1656> under "Sample Maintenance Plans and Inspection Checklists"

How does the City of Dublin enforce the maintenance aspect of O&M Agreements?

The City is required by the MRP to conduct an inspection program. Inspections will be performed to ensure adequate maintenance is being conducted and that stormwater management measures are in proper working order. The O&M Agreement requires site access for City inspection staff and other local agency staff including the Alameda County Mosquito Abatement District.

What happens if I do not comply with the maintenance requirements?

The goal is not to issue penalties but rather to work with property owners or managers to ensure stormwater management measures are well maintained. However, if inspections identify non-compliance with the O&M Agreement requirements, penalties can be issued including violation notices and fines, depending on the severity of the non-compliance situation.

What do I need to report?

Reporting consists of completing the regular inspection report and annual report forms. All completed reports shall be made available to the City upon request. Inspection frequency and priority is based on maintenance history and completeness of reports.

For more information:

Visit our website at <https://dublin.ca.gov/1656> or contact the City of Dublin, Environmental & Sustainability Division at (925) 833-6630.