

**GWINNETT COUNTY
DEPARTMENT OF WATER RESOURCES
STORMWATER MANAGEMENT DIVISION
MAINTENANCE POLICIES
November 20, 2006**

1. AREA OF RESPONSIBILITY

1.1. AREAS WITHIN UNINCORPORATED GWINNETT COUNTY

A general description of County drainage maintenance responsibilities is, the Gwinnett County Stormwater Utility (SWU) will maintain the drainage system within the Gwinnett County Right of Way (ROW) and pipe systems in recorded drainage easements dedicated to the County that are attached to the ROW. The (SWU) will also maintain systems and facilities within a SWU easement.

Within the ROW of dedicated streets, the drainage maintenance responsibility is split between the Gwinnett County Department of Transportation (GwDOT) and the SWU as defined in the table below. The SWU responsibilities for maintenance of the drainage system are described below in Section 3 Maintenance Responsibilities.

Area within Road ROW	SWU Responsibility	GwDOT
Culvert with span less than 20'	Full Responsibility	None
Culvert with span 20' or more	None	Full Responsibility
Wooden Bridges regardless of span	None	Full Responsibility
Ditches	None	Repair/ Replace
Curb and Gutter	Drainage issues	Non-drainage issues
Road Shoulder	Drainage issues	Non-drainage issues
Residential Driveway Berms	None	Full Responsibility
Non-drainage issue	None	Full Responsibility

1.2. AREAS WITHIN CITY LIMITS

1.2.1. COUNTY MAINTAINED ROADS

Problems within the limits of a City without a Stormwater Utility Intergovernmental Agreement should be referred to the City except drainage problems within the right of way for roads accepted by the County for maintenance. See the list of "Streets within Cities for which Gwinnett County will Retain Responsibility".

1.2.2. STORMWATER UTILITY INTERGOVERNMENTAL AGREEMENT

Where the County and a City enter into a Stormwater Utility Intergovernmental Agreement, the Stormwater Utility will provide the same stormwater management services within the boundaries of the City as it does within the unincorporated area of the County, subject to the Terms and Conditions of the agreement.

2. EASEMENTS

2.1. DRAINAGE EASEMENT

An easement is defined in section 2.2 of the Development Regulations as a "Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity."

A drainage easement allows upstream property owners to use the property for the flow of stormwater from upstream properties across the property to downstream properties.

An owner of upstream property may be liable to the owner of neighboring downstream property for actions that concentrate and collect water so that it is discharged onto the downstream property in a manner or location that is different from where the water would be received if it ran down by the law of gravity.

2.2. STORMWATER UTILITY EASEMENT

The Stormwater Utility Ordinance defines public stormwater management systems and facilities in section 100-31.10 as systems and facilities, "...which are owned by the County or over which the County has accepted as offer of dedication of an easement or other legally binding permanent right of use for stormwater drainage, and for which the County has the obligation of maintenance for stormwater drainage purposes." A SWU easement indicates that the SWU has accepted the stormwater management systems and facilities within the easement and has the obligation of maintenance for stormwater drainage purposes. The easement allows the SWU to provide stormwater management services within the easement.

The Stormwater Utility Ordinance provides in section 100-31.11 that

"Stormwater management services may address the quality and the quantity of stormwater runoff and include all services provided by the county which relate to the:

- (a) Transfer, control, conveyance or movement of stormwater runoff through the unincorporated portions of the county, or through any city which has entered into an intergovernmental agreement with the county pursuant to Section 100-32.3 of this Ordinance;
- (b) Operation, maintenance, repair, enhancement and replacement of existing public stormwater management systems and facilities;

- (c) Planning, development, design and construction of additional stormwater management and facilities to meet current and anticipated needs;
- (d) Regulation of the use of stormwater management services or of stormwater management systems and facilities;
- (e) Education of the public as to stormwater issues;
- (f) Development plan review to require compliance with County Standards;
- (g) Inspection for water quantity and water quality to require compliance with county standards;
- (h) Monitoring for water quantity and water quality to determine compliance with county standards, state water quality standards and stormwater management programs; and
- (i) Other services as the director may deem appropriate.”

2.3. FLOOD PLAIN MANAGEMENT ORDINANCE

Section 1.2.4 of the Flood Plain Management Ordinance States, “On behalf of the public, a drainage easement is hereby established for the sole purpose of preserving and protecting the free flow of surface waters inside the Future Conditions Flood contour elevations and along all water courses.” A Future Conditions Flood means, “the flood having a one percent chance of being equaled or exceeded in any given year assuming the drainage basin is fully developed as shown on the currently adopted future Land Use Plan.” A water course is defined as, “a channel with a defined bed and banks, including lakes, ponds, and marshes.”

3. MAINTENANCE RESPONSIBILITY

3.1. DRAINAGE EASEMENTS WITH OPEN CHANNEL FLOW

Section 7.4.6 of the development regulations states that, “The property owner will be required to keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior written approval from the County.”

3.2. DRAINAGE EASEMENTS WITH PIPE

3.2.1. Residential Areas

Pipe systems in a single family residential drainage easement that attach directly to a pipe system in the right of way will be maintained by the SWU provided the pipe system is either shown on a final subdivision plat or was accepted under the Pipe Program.

3.2.2. Commercial Areas

Pipe systems in commercial property (not single family residential) are the property owner’s responsibility even if they attach to a pipe system in the right of way.

3.3. STORMWATER UTILITY EASEMENTS

3.3.1. SWU Responsibility

The SWU has accepted responsibility to provide stormwater management services, as defined in section 2.2 of this policy, in SWU easements.

3.3.2. SWU Acceptance

Acceptance of private stormwater facilities by the SWU shall be in accordance with the Stormwater Facility Acceptance Policy and Procedure. Once accepted, the facility will be within a SWU easement.

3.4. STRUCTURAL BEST MANAGEMENT PRACTICES (BMPs)

Section 8.2.6 of the Development Regulations states,

- "a. The storage capacity or function of any detention basin, pond or other impoundment, whether natural or man-made, shall not be removed or diminished without the express approval of the Department.
- b. In a residential subdivision, it shall be the responsibility of the mandatory property owners' association (or individual property owner) to maintain the operational characteristics of any facility constructed on their property for stormwater detention pursuant to County requirements, to keep the access drive free of obstruction, and to maintain the facility free of obstruction, silt or debris."

The SWU performs limited inspection and maintenance of BMPs or stormwater management structural controls. These BMPs can be broken up into four classes.

3.4.1. Class 1: Owned and maintained by the County

- 3.4.1.1. Inspected by the SWU annually.
- 3.4.1.2. Maintained by the County Department assigned ownership of the land upon which the BMP is located. The level of maintenance must be such that the structure BMP operates as originally designed.
- 3.4.1.3. Common maintenance activities would include repair of outlet control structures and removal of debris surrounding the structure to maintain structure performance. Other activities may be necessary as determined by the inspection.
- 3.4.1.4. An inventory of these structures is maintained within the County's MS4 Comprehensive Stormwater Management Program.
- 3.4.1.5. Most Category I BMPs are inspected by the SWU. Those BMPs located in County parks are inspected and maintained by the County's Parks and Recreation Division.

3.4.2. Class 2: Privately owned and approved by the County without a Maintenance Agreement

- 3.4.2.1. No routine inspections by the SWU.
- 3.4.2.2. No maintenance by the SWU.
- 3.4.2.3. Inspections are conducted by the SWU on a complaint basis only.

- 3.4.2.4. Private owners are required by the County's Development Regulations to inspect and maintain structures so that they continue to operate as they were originally designed.
- 3.4.2.5. No routine program currently exists to ensure that these privately owned systems are inspected or maintained.
- 3.4.2.6. Following inspection, if necessary, the SWU works to have owners of the structure complete necessary maintenance.
- 3.4.2.7. Resources are not currently available to routinely inspect and maintain these BMPs. As resources are available, owners of Class 2 BMPs may petition the SWU for the BMP to be accepted by the SWU to become a Class 4 BMP.

3.4.3. Class 3: Privately owned and approved by the County with a Maintenance Agreement.

- 3.4.3.1. Inspection and maintenance of these BMPs is conducted by commercial property owners or residential Home Owners Associations (which are required to be established under the Development Regulations) and is governed by the requirements of recorded maintenance agreements. The SWU may from time to time, based on available resources, complete oversight inspections of these BMPs to ensure the terms of the agreement are being met.
- 3.4.3.2. Maintenance activities for specific BMPs, along with suggested inspection schedules, are included as a part of the maintenance agreements. Inspection and recommended maintenance schedules for specific BMPs are also contained within Gwinnett County's Stormwater Systems and Facilities Installation Standards and Specifications.
- 3.4.3.3. The County approves the original design and inspects each of these BMPs at the time they are installed to ensure they are constructed in accordance with approved plans. Prior to bond expiration, a follow up inspection is conducted at 18 months, to ensure the BMP is working and maintained as required. If not, maintenance or repairs are required prior to release of the bond. Where resources are available, the SWU attempts to inspect all BMPs in this category annually to ensure compliance with the maintenance agreements. Notices are issued as necessary to secure compliance with the agreement.

3.4.3.4. The SWU's priorities with respect to the inspection of this category of structure are as follows:

- 3.4.3.4.1. All inspections prior to the approval of the final plat or Certificate of Occupancy. This includes several inspections during the construction of the BMP.
- 3.4.3.4.2. Inspections that occur during the 18 month maintenance bond period following the approval of the final plat or Certificate of Occupancy.
- 3.4.3.4.3. Routine annual inspections.

3.4.4. Class 4: Privately owned and accepted by the SWU for Maintenance.

- 3.4.4.1. Inspected by the SWU annually as funding and resources allow.
- 3.4.4.2. Maintained by the SWU as needed so that the structure operates as originally designed
- 3.4.4.3. Common maintenance activities would include repair of outlet control structures and removal of debris surrounding the structure to maintain performance. Other activities may be necessary as determined by the

inspection. Maintenance activities for aesthetic purpose such as trash pickup, mowing, and debris removal that do not affect the functioning of the outlet structure are the property owner's responsibility.

3.4.4.4. An inventory of these structures is maintained within the County's MS4 Comprehensive Stormwater Management Program.

3.5. PROJECT PRIORITY

3.5.1. Queuing

Projects will be queued based on chronological order of the date the service request was received and only emergencies will displace chronological sequence.

3.5.2. Construction Dates

The date that construction starts will vary from the chronological order of the date the service request was received due to urgency of repair, permitting and design requirements, time required to obtain easements, permits, and weather.

3.6. EMERGENCY RESPONSE

3.6.1. Emergency Authorization

Per section 1.2.4 of the Flood Plain Management Ordinance, "Where debris has accumulated in such a manner as would increase the need for flood protection, raise the flood level, or increase the risk of hazardous inundation of adjacent communities or jurisdictions, the County is hereby authorized to enter upon such water course and clear or remove such debris or obstructions as are hazardous to the public safety. The cost, thereof, shall be charged to the owner of the property where such debris and/or obstruction was generated."

3.6.2. Emergency Response Strategy

The SWU has personnel on-call 24 hours a day 7 days a week. These personnel are in contact with the County's dispatch center (678-376-7000) which is also open 24 hours a day 7 days a week. Calls received at this number or routed through this number from the County's 911 call center can be relayed to on-call personnel who will respond as soon as possible. These personnel are authorized to respond to situations in the field in accordance with section 3.6.1 immediately above. Gwinnett SWU also has a demand services contract with a private pipeline contractor who is tasked with responding to situations that require immediate, large scale action, too large for SWU in-house staff to handle. This contractor is also available 24 hours a day 7 days a week.

3.7. SWU CONSTRUCTION POLICIES

3.7.1. Grass Replacement

In grassed areas affected by construction, the SWU will reseed with similar type of grass. Where seed is not available, the homeowner will be compensated using a settlement agreement. The SWU does not guarantee the survival of the grass.

3.7.2. Grass Maintenance

The maintenance of the grass is the property owner's responsibility.

3.7.3.Pavement

The SWU will repair any pavement damaged by SWU personnel or construction.

3.7.4.Plant Replacement

The SWU will not replace trees or shrubs in or whose drip line is in the County Right of Way or drainage easement, that are cut down or do not survive as a result of construction. Trees and shrubs outside these limits that are damaged will be replaced with nursery stock. The SWU does not guarantee the survival of the plants.

3.7.5.Plant Maintenance

Maintenance of the plant material is the property owner's responsibility.

3.7.6.Fences

Fences across drainage easements with open swales/ditches in them are not allowed. The SWU will remove and put back an existing fence in a piped drainage easement or temporary construction easement that is removed for maintenance or construction purposes, but is not required to replace or repair other structures in a drainage easement or in the County Right of Way. Any structure outside the Right of Way or drainage easement that is damaged will be repaired, replaced or the property owner compensated.

3.8. DITCHES INSIDE THE RIGHT OF WAY

Ditches inside the Right of Way should not be piped unless the ditch and shoulder will not fit in the Right of Way, other erosion control measures have been tried and have failed, or a pipe system is deemed necessary by Gwinnett County to improve traffic safety.

3.9. DRIVEWAY PIPES

3.9.1.Property Owner's Responsibility

- 3.9.1.1. The SWU is not responsible for installing or providing driveway pipes for new construction
- 3.9.1.2. Driveway pipes on private property are private issues

3.9.2.SWU's Responsibility

Existing driveway pipes in a County right of way are the SWU's responsibility if the County approved the initial installation

3.10. DRIVEWAY CURB CUTS

3.10.1. Property Owner's Responsibility

Driveway curb cuts are the property owner's responsibility. If water is going down a driveway causing a property owner flooding problems, it is the property owner's responsibility to solve the problem. The SWU will not raise a driveway to prevent storm runoff from flowing down it.

3.10.2. County's Responsibility

The County will install an asphalt berm across the driveway at the street at the homeowner's request to help stop water from going down a driveway.

3.11. BURY PITS

3.11.1. Property Owner's Responsibility

Bury pits are holes or depressions in the ground that are filled with building and/or organic materials {such as lumber and tree limbs} and then covered with dirt. In time, usually five {5} to ten {10} years, the organic material in the holes starts to decay and the ground above the material subsides causing a depression in the ground surface.

3.11.2. SWU's Responsibility

The SWU is not responsible for bury pits on or off the right of way, except if it directly affects a County maintained road or infrastructure.

3.12. WATER PONDING ON STREET SURFACES

3.12.1. County Maintained Roads

The County will eliminate standing water in the street only if the County deems the water as a potential traffic safety hazard or if the County determines that the benefit derived from extended pavement life exceeds the cost of fixing the problem.

3.12.2. City Maintained Roads in Cities with Stormwater Utility Intergovernmental Agreements

The County will eliminate standing water in the street only if the County deems the water as a potential traffic safety hazard. All other standing water issues will be referred to the City

3.12.3. City Maintained Roads in Cities without Stormwater Utility Intergovernmental Agreements

All standing water issues will be referred to the City.

3.13. TRASH RACKS AND SAFETY GRATES

Placing grates or racks over the ends of pipe openings and in front of catch basin openings is not permitted for any reason. The maintenance requirements and the flooding liability associated with such structures do not warrant their installation.

3.14. WASTE DISPOSAL

3.14.1. SWU Maintenance

Any wastes removed from the storm drainage system by the SWU during maintenance will be handled in the following manner:

3.14.1.1. Where waste consists of uncontaminated sediment, vegetation or other inert materials, such waste will be transported to the Department of Public Water Resources facility where it will be stockpiled until enough is collected to warrant removal for final disposal at an appropriately permitted landfill. Effective sediment and erosion control BMPs will be installed and maintained to adequately contain stockpiled materials.

3.14.1.2. Where waste is contaminated with minor amounts (less than 5 gallons) of motor oil grease or other similar liquid wastes, such waste will be collected and transported to the Crooked Creek Water Reclamation Facility for final

disposal. The SWU should be notified of any identified instances of dumping or spills of liquid contaminants into storm drains as soon as possible.

- 3.14.1.3. Where waste is identified in amounts larger than 5 gallons, or is deemed to be hazardous (i.e. explosive materials such as gasoline, industrial wastes or other unknown materials), the County Fire Department's HazMat team is to be called to handle the collection, removal and disposal of the material in accordance with their spill handling procedures. The SWU should be notified of any identified instances of dumping or spills of liquid contaminants into storm drains as soon as possible.

3.14.2. Property Owner Maintenance

Any wastes removed from a privately owned storm drainage system during maintenance by a private property owner will be handled in the following manner:

- 3.14.2.1. Where waste consists of uncontaminated sediment, vegetation or other inert materials, such waste may be stockpiled, spread or composted on the property owners own private property or alternatively disposed of at a landfill permitted to accept that type of waste. Appropriate sediment and erosion control BMPs should be utilized as necessary to control stockpiled or stored sediments. Gwinnett County will not accept waste for disposal that is collected from private drainage systems.
- 3.14.2.2. Where waste in a private drainage system is contaminated with any type of oil, grease, chemical or other hazardous or non-hazardous material, the private property owner should take reasonable steps to limit or control the spread of the contamination and immediately notify the SWU. The SWU does not accept responsibility for clean up or removal of contaminants from private drainage systems.

4. SWU ASSISTANCE

The SWU can provide materials to single family residential property owners to solve private drainage problems on their property under the Pipe Program and the ROCK Program.

4.1. PIPE PROGRAM

4.1.1. Description

The Pipe Program has been set up by Gwinnett County to help residential property owners maintain drainage easements. Under the Pipe Program, the SWU will provide 1/2 the cost of pipe system improvements up to a maximum contribution of \$1,500.00 per residential property owner. The SWU contribution is in the form of pipe, brick, frames, grates, covers, and headwalls. The SWU does not provide mortar, concrete, backfill or landscape material. If the cost of materials do not equal 1/2 of the construction costs, the SWU is only responsible for the amount of materials needed.

4.1.2. Conditions

- 4.1.2.1. The pipe system must directly connect to a pipe system in a road Right of Way that the SWU is responsible to maintain.

- 4.1.2.2. The SWU's offer is valid for 30 calendar days. After that period the renewal of the service request will be treated as a new request and must be reinvestigated under current policy and funding.
- 4.1.2.3. The SWU must inspect and certify that the drainage improvements are built per SWU standards prior to backfilling and upon completion before it is eligible to be maintained by the SWU.
- 4.1.2.4. Live streams are not eligible for the Pipe Program.
- 4.1.2.5. Homeowner Associations and non-profit organizations are not eligible for the Pipe Program. The program is intended to help single family residential homeowners with drainage problems on their property.
- 4.1.2.6. The program exists to correct drainage problems where a residence is flooded or the residence is threatened by erosion. The program is not intended to correct a drainage nuisance. The primary recommendation should always be ditch improvements and proper grassing by the property owner.
- 4.1.2.7. The Pipe Program can be used to extend the pipe in the upstream direction only when,
 - 4.1.2.7.1. The pipe extension will not increase the ponding off the property,
 - 4.1.2.7.2. The new pipe can be laid at the same slope as the existing pipe or steeper, and
 - 4.1.2.7.3. The water can pond in front of the new pipe to the same depth as before.
- 4.1.2.8. The Pipe Program can be used to extend the pipe in the downstream direction to within six (6) pipe diameters of the property line, provided the pipe required to maintain the system capacity will fit in the ground. A method to dissipate the energy of the water must be provided.
- 4.1.2.9. The property owner must sign an agreement with the County and give the SWU permission to deliver the materials on his/her property.

4.1.3. Property Owner's Responsibilities

- 4.1.3.1. It is the property owner's responsibility to have the materials installed by a qualified contractor within 60 days of delivery per SWU standards or the property owner agrees to pay the SWU for the cost of the materials including delivery.
- 4.1.3.2. The property owner is responsible for soil subsidence on systems installed under the Pipe Program due to poor compaction by the contractor.

4.2. ROCK PROGRAM

4.2.1. Description

The Rock program has been set up by Gwinnett County to assist single family residential property owners maintain drainage easements on their property. Under the Rock Program, the SWU will provide up to 30 tons of surge stone delivered to a residential property for the erosion protection of a drainage easement.

4.2.2. Conditions

- 4.2.2.1. Homeowner Associations are eligible to participate in the Rock Program. A maximum of 150 tons can be given to the organization.
- 4.2.2.2. Property owners and homeowner associations may only participate in the program once.

- 4.2.2.3. After signing a release form, rock will be delivered on the road right of way as close to the problem site as possible. The SWU will not deliver rock on private property.
- 4.2.2.4. The program exists to correct an erosion problem. The rip rap must be used for correcting erosion problems. The primary recommendation should always be ditch improvements and proper grassing by the property owner.
- 4.2.2.5. Property must be located in unincorporated Gwinnett County or in a City with a Stormwater Utility Intergovernmental Agreement with the County.
- 4.2.2.6. Gwinnett SWU will not be responsible for picking up unused or unwanted rock.
- 4.2.2.7. Rock will not be provided to properties with sidewalks, utilities, sprinkler systems, or landscape material in the right of way which prohibit the delivery of rock.

4.2.3. Property Owner's Responsibilities

It is the homeowner's responsibility to place the rock in the area requiring erosion control within 30 days of delivery or the property owner agrees to pay the SWU the cost of materials including delivery.

Further to the provisions contained within the Gwinnett County Georgia Code of Ordinances 100-64, this policy is approved by the Director of the Department of Water Resources.

Approved:



Lynn Smarr, Acting Director
Department of Water Resources

Date: 06/06/2011