

**Athens-Clarke County
Department of Transportation & Public Works
Standard Operating Procedure
Drainage Complaint**

Purpose: To provide a standard procedure for staff to respond to drainage complaints.

Updated: April 16, 2019

Athens-Clarke County (ACCGOV) Responsibilities

- Drainage systems within ACCGOV rights-of-way, including stabilization of discharge points that may lie slightly outside the right-of-way
- Drainage systems on ACCGOV-owned properties
- Drainage systems located on private property but lying within drainage easements that have been *legally conveyed* to ACCGOV (former City or County governments)
- ACCGOV *may* perform work on drainage systems located on private property only in emergency situations when public safety is threatened

The idea here was likely to limit DIAs. However, this has had the effect of conflating private “emergencies” with public safety. PW-002 states that ACCGOV will do maintenance work on private property when the general safety of the public is threatened, and Chapter 5-5 references PW-002. Emergencies are not mentioned in PW-002. As stated, it does say that work may be done by ACCGov on private property for general public safety, but this is not in the form of DIAs.

In my view, emergencies are only those situations that relate to general public safety. This is the same way the Corps of Engineers regards emergencies from a permitting standpoint.

Emergencies are not dealt with through DIAs.

Property Owners' Responsibilities

Drainage systems on private property are entirely the responsibility of the property owner. These responsibilities include, but are not limited to:

- Natural watercourses.
- Open channel drainage-ways.
- Pipe systems, whether or not they are extensions of the ACCGOV system.

This is not mentioned here, but we have been saying that we don't do DIA's for which permitting from the EPD or the Corps would be required.

Additionally, the installation and maintenance of driveway pipes within the right-of-way are entirely the responsibility of the property owner they serve, as specified in the ACCGOV Driveway Ordinance.

Athens-Clarke County Participation in Drainage Improvements to Private Property

Athens-Clarke County may assist qualified property owners through a **Drainage Improvement Agreement (DIA)**. All of the following criteria must apply to be eligible for a DIA:

Drainage Improvement Agreements are a different name for Standard Drainage Contracts

- Must be single-family, owner-occupied property
- A portion of the runoff involved in the problem must come from publicly-owned land, such as right-of-way
- There must be an expected material cost equal to or greater than \$500 per property. Note material costs may include contracted costs including, but not limited to the contracted cost of tree and stump removal.
- The problem must be more than a **nuisance such as eroded landscaping or an occasionally-flooded yard, garden, or driveway**. Legitimate problems include:
 - Flooded dwelling, crawl space, or HVAC unit
 - Failed pipe system
 - Major soil erosion
- All development on the property must have been completed for at least one year
- Property owner must provide safe heavy equipment access to the worksite.

More added details -Material costs include contracted costs. \$500 minimum material cost

Types of applicable issues specified, but still lack clarity. “Failed pipe system” is too general and is not consistent with the property owners’ responsibilities listed above. No prioritization process.

Right of entry is needed, but not a permanent drainage easement – as required in PW-002. Maintenance is specified in the agreement the owner signs as the property owner’s responsibility.

Procedure

1. Property owner calls with a drainage complaint.
 - a. If the complaint is related to new development, either currently in progress, or less than a year old, forward caller to Permit Supervisor
 - b. If the complaint is related to a detention pond, active stream (not ditch) or illicit discharge, forward complaint to the Stormwater Inspector.

- c. All other complaints are forwarded to Land Development Inspector assigned to handle drainage complaints
2. Person receiving the call or request shall enter information in the CityWorks as a Service Request to Land Development Inspector assigned to Drainage Complaints.
3. LDI Inspector conducts onsite evaluation of the complaint and determines one of the following:
 - a. If problem can be corrected within the right-of-way, Inspector creates a Work Order in CityWorks for S&D to fix. S&D Superintendent contacts Engineering Administrator for technical assistance as needed.
 - b. If problem cannot be corrected within the right-of-way and does not qualify for a DIA, Inspector shall offer solutions to be undertaken by the owner and shall note the outcome in the CityWorks Service Request notes. If problem requires further attention, Inspector notifies Engineering Administrator or Stormwater Administrator for technical assistance as needed including future meetings with property owner(s) and Administration.
 - c. If problem is DIA-eligible, state to property owner that “further investigation is needed to determine if a DIA can be implemented”, and proceed with either #4 (engineering assistance required) or #5 (engineering assistance not required).
4. DIA-eligible, engineering assistance required
 - a. Inspector contacts Design Coordinator via email to request technical assistance with DIA, copying S&D Superintendent, Stormwater Administrator and Engineering Administrator.
 - b. Design Coordinator, within 72 hours, shall contact the property owner and coordinate a future site visit to better understand the problem. This meeting may include Administration staff.
 - c. Design Coordinator completes concept and preliminary cost estimate and presents to EA for preliminary approval.

TPW designs and builds projects. This gives TPW control over the scope and construction of projects. It removes those burdens from property owners. The downside is that the design and construction work can take away from public responsibilities.

- d. If concept design is approved, Design Coordinator to:
 - Make contact with affected property owner(s) to share concept DIA agreement
 - Finalize plans and complete a final cost estimate
 - Secure all permitting
 - Coordinate with Street & Drainage on materials, schedule, and equipment needs
5. DIA-eligible, engineering assistance not required
 - a. Inspector contacts Streets & Drainage Superintendent by email and copy Operations Coordinator
 - b. Operations Coordinator completes design sketch and final cost estimate.
- c. Operations Coordinator makes contact with affected property owner(s).

Streets & Drainage designs project

6. Design Coordinator or Operations Coordinator communicates cost estimate(s) to homeowner. If homeowner wishes to proceed, Design Coordinator or Operations Coordinator assembles and mails DIA offer to homeowner which consists of:
 - a. Cover letter
 - b. Drainage Improvement Agreement
 - c. Exhibit "A" Materials' Cost Estimate
 - d. Right-of-Entry Agreement, if applicable
7. Homeowner executes DIA and returns documents, along with full payment of material cost. See Engineering internal administrative procedure for processing DIA. Engineering forwards plans and copy of final cost estimate to S&D. Construction schedule is communicated to homeowner.
8. Project is staked out and reviewed "on the ground" with homeowner and S&D to ensure mutual understanding of the proposal.

We are to this point in a current case. The property owner will not accept because of concerns over cost and future maintenance. Instead he has filed a claim against us.