

STORMWATER UTILITY FOR UNINCORPORATED COUNTY WILL MEAN ENVIRONMENTAL COMPLIANCE AND INFRASTRUCTURE OPERATIONS AND MAINTENANCE

Remember the water cycle diagram from science class? A little cloud drops rain (precipitation), then the water soaks into the ground on its way to a stream (infiltration), where it rises back into the atmosphere (evaporation), turns into a cloud (condensation), and starts all over again. With time and development, the infiltration part of the water cycle has become quite important. This is the stage when water falling to earth becomes useful and necessary to man by providing us with drinking water.

For centuries, Americans have been building structures large and small, followed eventually by paved streets and roadways and sidewalks. In recent decades we began to add other convenient uses like parking lots and paths — all important elements of a quality community. However, all those areas, including rooftop surfaces, cover large sections of ground that once soaked up rainwater. All those surfaces that can no longer soak up rainwater create what we now call “stormwater runoff, which basically can end up in our underground water sources or directly in the rivers, creeks and streams that feed our drinking water sources. Further, we can’t forget the most obvious part of not having a way to adequately manage runoff – the fact that uncontrolled runoff destroys our land’s surface and erodes the beauty, the value, and often the safety of our environs.

Nationwide, to help regain the balance between how much rainfall soaks into the ground and how much runs off hard surfaces (most likely now polluted), the federal government adopted the Clean Water Act. This far-reaching Act requires local governments (counties and cities) to “manage” its stormwater runoff. However, stormwater management is not new to Fayette County and until recently, the County has been managing stormwater runoff without much problem. For nearly fifty years, Fayette County has required developers to install stormwater runoff control elements as they built neighborhoods or developed commercial sites, to help capture and manage runoff. These drainage structures included pipes under roads and streets, retention and detention ponds, etc. Also, developers have been encouraged to leave much of the natural drainage system on a parcel of land as undisturbed as possible so stormwater can flow naturally.

Unfortunately, Fayette County has reached the time when some of the early stormwater structures installed throughout the community are decades old and now need replacement. Basic replacement, operation, and maintenance costs for stormwater structures are rising every year as the County ages -- and new federal requirements will further increase these costs. The expense to the County related to stormwater management comes from having to repair or replace drainage structures that were initially installed by developers who built streets and roads which later became County owned and maintained once homes and businesses were built and sold. (It always becomes the responsibility of the local government to maintain roads, bridges and stormwater structures within its jurisdiction once development is complete and those assets become public property.) Also, failure to adequately maintain drainage structures

under or near roadways and public rights-of-way can cause them to deteriorate and possibly become unsafe.

Stormwater Management Isn't Optional

When created in 1993, the Clean Water Act required communities with a population of 100,000-plus to meet certain requirements in managing stormwater runoff (Phase I). In 2003, those requirements extended to communities with populations between 10,000 and 100,000 (Phase II) which now includes Peachtree City, Tyrone, Fayetteville and unincorporated Fayette County. Unfortunately, with every environmental "permit" requirement imposed by the Clean Water Act, costs to counties and cities increase, without any type of funding or reimbursement from federal or state agencies to relieve the cost to local communities.

These "permits" aren't like building permits that give local jurisdictions some degree of flexibility or leniency in enforcement. Stormwater "permits" require that each community file a Notice of Intent (NOI) with the Georgia Environmental Protection Division (EPD) committing to comply with the Clean Water Act by managing stormwater runoff and meeting its cumbersome requirements. In addition to this federal requirement, the Georgia General Assembly passed legislation that requires fifteen metropolitan Atlanta counties, including Fayette, to comply with a regional Watershed Management Plan. This plan requires local governments to implement seven local management measures, among them an asset management program for stormwater structures.

The asset management program requirements jurisdictions to "inventory" its existing drainage systems, assess their conditions, and develop a maintenance plan to keep these structures in good working order. Fayette County meets this requirement by inspecting systems not previously inventoried every year. By complying with this requirement, the County has in fact discovered drainage systems that are in poor condition and are either in need of extensive maintenance to extend their life or, in some cases, need to be replaced entirely.

So what happens if County officials choose not to comply with these stormwater management requirements? Bottom line, the consequences could cost even more. Although it is a last resort, the EPD can fine communities that do not comply, in an amount up to \$100,000 per day. The Metropolitan North Georgia Water Planning District can heap additional fines on non-compliant communities as well. Since EPD issues permits to local jurisdictions who withdraw water from creeks and rivers to build and operate water systems in Georgia, Fayette County's state permits for the operation of its reservoirs could be in jeopardy.

It is important to understand that if not managed properly, the County's most valuable natural resource, its streams and watersheds, will be negatively impacted as a result of past and future urbanization congruent with poorly-maintained, degraded and un-repaired stormwater systems. The stormwater function is no longer a basic capital construction and maintenance program, but a program providing integrated water-resource management, environmental enhancement and recreation services requiring a multi-faceted benefit based funding mechanism.