

Discussion and possible action regarding periodic inspection of drainage facilities and enforcement of drainage facilities permit requirements

Questions have been raised in regard to whether it is possible to enforce requirements associated with TCEQ and City of Rollingwood drainage requirements. Reviewing City of Austin and other cities' practices in this regard, there are several options as to enforcement, outlined below. This agenda item is intended to enable discussion of these options and to determine if the Council recommends the addition of any of these options to the city enforcement processes.

1. Article IV, Division 1, Section 103-204 of the City's code addresses drainage facilities (defined to include "any structure, installation, or activity, the purpose of which is to serve to convey or control stormwater runoff") and TCEQ requirements, as currently enacted has the following continuing maintenance, compliance, and inspection requirements:

Section 103-204(a) contains an obligation to maintain drainage facilities: "Drainage facilities required or approve in connection with a permit for development shall be maintained and used to perform to the standard provided in the permit issued for development of the property." This obligation runs to the "property owner".

Subsection 103-204(a) contains authority to require periodic reports and inspections: It states: "the city may provide...[a] schedule for routine inspection and maintenance of the drainage facilities to ensure proper functionality. The owner of the affected property is responsible for complying with any such O&M requirements. ... In all cases, the property owner shall inspect on a routine basis, and after heavy rainfalls, all drainage facilities including inlets, storage tank, outlets, etc. for any garbage, trash, debris, sediment, etc. and remove as necessary to ensure proper functionality."

Subsection 103-204(c) allows the city to conduct its own inspections: "As a condition to issuance of a permit pursuant to this article, the city engineer or other designated agent of the city may, for the purpose of investigating flooding or changes in drainage conditions, enter the property and visually inspect a drainage facility permitted pursuant to this article." Advance notice to the property owner is required prior to the inspection. If non-compliance is found, a written notice may be sent to the property owner. After the notice, "the owner shall make all repairs and corrections to make the facility fully compliant." A further inspection is allowed "to verify timely compliance."

2. Article IV. Stormwater Drainage, Division 2, Drainage Requirements, contains Rollingwood-specific drainage requirements, and Rollingwood specific drainage standards to control runoff.

What this article does: This article of the code authorizes a property owner to discharge stormwater from a drainage facility or detention facility into a city street or a natural drainage channel adjacent to the property, states design criteria applicable to detention facilities, and has sediment and erosion control measures, site disturbance criteria, permit/plan submittal details, water quality plan requirements.

Purpose of this Article: The intent of this manual is to implement design principles and practices that control runoff from all development, during and after construction, such that no development will result in additional adverse flooding impacts." Section 103-228(a).

Natural channel: For a natural drainage channel, Code Section 103-231(d) states: "Natural drainage channels shall be preserved whenever possible" with modification as "approved by the city engineer" after "checking the requirements of section 404 of the Clean Water Act, and if required a permit should be obtained from the US Army Corps of Engineers by the design engineer."

Discharges to the perimeter of the property: Code Section 103-232(a) then states: "Permanent stormwater detention designed for post-construction, along with any other drainage facilities in combination, shall be designed such that post-development peak flows do not exceed pre-development peak flows along the perimeter of the subject property for two-, ten-, 25-, and 100-year storm events." Additional standards are contained in Section 103-235.

Enforcement:

Section 103-228(b) requires contains an obligation that the owner have an operations and maintenance plan for drainage facilities and comply with the plan: "Developments that include drainage improvements require an operations and maintenance (O&M) plan and schedule for routine inspection and maintenance of the drainage facilities to ensure proper functionality. The owner is responsible for complying with the O&M requirements."