
**GENERAL PRESENTMENTS
of the JANUARY / FEBRUARY 2014
GRAND JURY
IN THE SUPERIOR COURT
COBB COUNTY, GEORGIA**

Stormwater Management

On February 7; 2014, the January/February 2014 Grand Jury met with William (Bill) Higgins, Division Manager for Cobb County Stormwater Management, to gain a better understanding of the department operations and services provided.

Department Overview:

- o Operate on a \$9M budget of which \$5M goes to maintaining infrastructure
- o Primary responsibilities include
 1. Mitigate Flood Hazards
 2. Protect & Restore Water Quality
 3. Inspect and Maintain Dedicated Storm Drainage Infrastructure

General Information:

- o Approximately 20% of Cobb County is in a flood plain.
 - o There are approximately 15,000 detention ponds in Cobb County.
 - o There are 600 miles of storm drainage pipes. 50% of these are corrugated steel, which have a life of 25 years.
 - o 14 gauges across the county to measure and alert flood conditions in partnership with USGS.
 - o Cobb County has the widest stream buffer in the state at 50 feet minimum on each side of the stream, up to a maximum of 200-foot width, based on location and size of drainage area intercepted.
 - o A large number of streams throughout Cobb County are showing the effects of urbanization, which includes nearly vertical banks caused by increased duration and velocity of runoff and the streams being at bank-full stage capacity more often than under rural conditions. While it is understandable that some effects of urbanization are unavoidable, some public directive to deal with them should be considered. These effects should perhaps not be burdens carried exclusively by residential property owners.
 - o The Army Corps of Engineers has been extremely helpful in funding large scale projects in Cobb County, one of which was the regional stormwater management facility at Mark Avenue. (Note: a larger regional storm water management facility was also completed on Noonday Creek off of Chastain Meadows Parkway, but this facility was funded entirely by the Cobb County Water System) Currently the Army Corps of Engineers is focused upon the creation of watershed improvement projects in the Cobb County watersheds tributary to Lake Acworth and Lake Allatoona, which are both owned, operated and maintained by the Corps.
- Flood Hazard Mitigation Activities:
- o To mitigate the risk and damage caused by flooding in Cobb County, the county recently updated FEMA maps to more accurately reflect the 100 year flood plain based on the current level of development. Cobb County has also followed unfunded State mandates to create floodplain maps based on projected future "build out" conditions.
 - o Through the use of federal grants, Cobb County has purchased approximately 130 homes since 1999 that were subject to chronic flooding, or were substantially damaged by the September 21, 2009 flood and were determined to be in the 100-year flood plain. The land, which is owned by the county upon closing, is then deed-restricted as permanent green space.
 - o Cobb County has instituted various ordinances and regulation to further mitigate flooding hazards including:
 - o First in the State to adopt a 3-ft minimum freeboard (from 100-year flood level to lowest finish floor level).
 - o Lowest finish floor levels must be set at least one foot above downstream road grades.
 - o The Stream Buffer Ordinance, designed to keep development away from these sensitive areas.

- o Cobb County Stormwater Management also has aggressive property acquisition programs to acquire vacant floodplain land along major waterways, including: Noonday Creek; Nickajack Creek; Butler Creek; and Sweetwater Creek.
- o Cobb County also works with private landowners to purchase additional flood storage in existing lakes. This program provides a mechanism to increase flood storage capacity in a watershed using existing private impoundments.

Current Challenges:

- o *Aging Infrastructure* - Stormwater. Management estimates that 20% of drainage pipes are more than 25 years old. This represents approximately 130 miles of pipes that will take over \$100M to replace. Obviously, this will be a major challenge with only \$5M per year allocated to system renewal.
- o *Limited Funding and Staffing* - The budget for Stormwater Management has remained relatively flat the past several years despite the aging infrastructure and additional state-and federal mandates that- require more staff and funding.
- o *Private Property Serving Public Needs* - There are a large number of private or neighborhood detention ponds and drainage channels that serve stormwater management needs for a larger area than just their property. If these ponds and channels fail or their capacity is limited due to sediment build up/ it will impact other county residents. The law (gratuity statutes) does not allow the county to maintain or improve private property in the absence of a public benefit; however, there is perhaps sufficient public benefit associated with maintenance of some private ponds and open channels to justify some public involvement in the needed work, even if it is only to subsidize the cost with funding or labor. A current neighborhood in northern Cobb County, Loch Highland, recently presented to a Public Meeting hosted by Commissioner Birrell regarding this issue.

Recommendations:

1. *Increase Funding* - While we understand the challenges the county faces regarding revenue and expenses, we recommend increasing staff and funding for stormwater management, if at all possible. This additional funding would be used to replace aging infrastructure and, if the law allows, provide assistance to private property owners who provide a detention pond or drainage channel serving a broader public benefit. The creation of a stormwater utility is one way to increase funding. However, simply proportioning /allocating more funds from the Cobb County Water System revenues should also be considered.
2. *Private Property Funding or Labor Assistance* - We strongly recommend that county officials develop a solution that allows stormwater management and/or other county departments to assist private property owners with maintaining private detention ponds and open channels on a limited basis. Retention ponds and open channels may serve the stormwater management needs of surrounding areas and the general public, and may not only benefit their property owners or the immediate surrounding neighborhood. The cost of maintaining many of these ponds is insurmountable for small neighborhoods yet the eventual failure of these ponds may impact not only surrounding properties, but other properties downstream as well. It was discussed that this problem is significant in the East Cobb area where many farm ponds have been converted into retention ponds as subdivisions developed around these older ponds. It was also noted that Environmental Protection Department (EPD) through its Safe Dams Program is responsible for regulating certain dams within Cobb County with respect to protection of downstream residents. It appears that EPD may not have adequate resources to effectively accomplish. Cobb County.has.assisted.in some..circumstances through its Storage Volume Purchase Program, but additional involvement by Cobb County might be appropriate to ensure that citizens are protected from potential dam failures.
3. *Homeowner Association Partnerships* - Numerous members of the Grand Jury live in neighborhoods that have faced challenges with detention pond management and their experiences have been similar. Information on best management practices (BMP's), legal responsibilities, and trusted third party contractors are confusing at best and often nearly impossible to find. We recommend that Stormwater Management and other county departments develop a partnership or some other form of "focus group" with local leaders and homeowner associations to better educate and guide associations trying to do their part to maintain the stormwater management infrastructure.