



# Administrative Rules

## Storm and Surface Water Collection System Responsibilities, Practices, and Procedures

Rule No. 12.01.080-11-01  
Effective 11-01-2017

The City is responsible for the public storm and surface water collection system within the City boundary. This responsibility is granted through cooperative agreement(s) with Clean Water Services as described below.

### I. Clean Water Services – Managing Authority

- A. Clean Water Services (CWS) as a county service district organized under ORS 451 has legal authority for the storm and surface water management programs within its boundaries consistent with relevant laws, rules and agreements.
- B. CWS performs watershed, sub-basin and regional facility planning, develops standards and work programs, is the permit holder, and operates and maintains regional public surface water collections systems within its boundaries.

### II. City of Tigard – Local Program

- A. The City of Tigard, through a cooperative intergovernmental agreement signed January 25, 2005, and further amendments signed July 1, 2008 (in force until June 30, 2027) (collectively, the “Agreement”), assumes responsibility to perform capital improvement projects (service charge rate and system development charge (SDC) funded), surface water maintenance, and engineering, inspection and support elements as the City’s “Local Program” within the City boundary.

### III. Determination of Programs, Rules, Policies and Standards

- A. CWS, as the DEQ Permit holder, is responsible for the management and operation of regional public storm and surface water systems within its boundaries. The City shares certain responsibilities for the operation and maintenance of the public storm and surface water systems within the City limits.
- B. CWS will obtain and enforce timely compliance with relevant federal and delegated state Clean Water Act permits for treatment plants, collection systems, and storm water.
- C. CWS may adopt orders, standards, specifications, work programs, reporting requirements, and performance criteria for the proper and effective operation of the storm and surface water systems and to meet or comply with state and federal permits, laws and regulations.

### VI. City of Tigard Responsibility – Storm and Surface Water Collection Systems

- A. The City agrees to follow and enforce the Orders, Standards, specifications, work programs, reporting requirements, and performance criteria adopted by CWS, subject however, to the extent that the City may be lawfully authorized to act.
- B. The City shall not be responsible for any failure to act or any defect in performance caused by inadequacies in the work program and performance standards as adopted by CWS.
- C. Compliance with the work program and performance standards, as adopted by CWS, shall be absolute defenses to any claim against the City under the Agreement. City shall notify CWS of apparent violations of the subject Orders, Standards, specifications, work programs, and performance criteria of which it has knowledge, which may require CWS legal action or enforcement.
- D. The City is responsible for the operation, maintenance, repair, and replacement of the storm and surface water system, including main line storm pipes, large conveyance pipelines, and manholes or

storm and surface water facility entry systems. The City is not responsible for storm laterals or connections to the storm and surface water conveyance system, whether they are located on private property (front of street or back of property, etc.), with or without utility easements, or in the public right of way or public property.

- E. Private drainage and erosion issues, as well as ground water issues, are the responsibility of the property owner. Drainage directed from gutters, downspouts or other private systems to neighboring properties is a civil matter between the property owners. Driveways, and their associated culverts or bridges that cross public drainage systems are also the property owner responsibility.
- F. Private property owners are responsible for storm and surface water pipe laterals as a private conveyance of authorized storm and surface water flow into the public storm and surface water conveyance system. This is considered the "point of connection" to the City public storm and surface water conveyance system. All costs associated with maintenance, clearing obstructions, and maintaining proper and adequate storm and surface water flow to prevent flooding or to prevent illicit discharges is the responsibility of the private property owner. Storm and surface water laterals serve only each private property and benefit only the private property lot legally served. Storm and surface water laterals are not part of the public storm and surface water conveyance system, nor does the City have ownership of storm and surface laterals serving private property. The City cannot maintain, repair, or replace private storm and surface water laterals at the expense of the City utility ratepayers.
- G. Commercial and large property owners, including homeowner associations with private storm conveyance systems are responsible for all maintenance, repair, replacement, and proper operation of their storm and surface water collection and conveyance systems. Property owners with individual storm collection and treatment systems (commonly referred to as "LIDA" type systems) are responsible for their maintenance, repair, replacement, and proper operation.
- H. Property owners with private storm and surface water culverts or piping associated with property access across public storm and surface water open channel ("ditches") are responsible for maintenance, clearing obstructions, and maintaining proper and adequate storm and surface water flow and not impeding public system open channel conveyance.
- I. As the operator of the public storm and surface water conveyance system, the City is responsible for locating and marking underground storm and surface water utilities (requested through the Oregon Utility Notification Center - OUNC) within the public right of way in the City boundary served. Private storm and surface water laterals or private storm and surface water systems are not the responsibility of the City to locate in direction or depth within the public right of way, nor are the City or its utility ratepayers responsible for damages to private storm and surface water laterals due to third party contractors or constructors working within the public right of way.

Approved by:



Martha L. Wine, City Manager

10/10/2017  
Date