Level 1B: Recertification

Education & Training Certification Requirements for Persons Involved in Land Disturbing Activities

Sponsored By

GSWCC
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Education & Training Certification Requirements for Persons Involved with Land Disturbing Activity

Level 1B Recertification

8:00 a.m.  GESA & NPDES Updates
8:30 a.m.  2016 Green Book Updates
9:30 a.m.  BREAK
9:45 a.m.  State Waters
10:30 a.m. Role of the Inspector
11:15 a.m. Stormwater Management
12:00 p.m. Adjourn
Checking My Exam Score

- If you receive a score of 70% or greater, you will receive your certification card in the mail within 60 days.
- You may check your score on the Georgia Soil & Water Conservation Commission website: [www.gaswcc.georgia.gov](http://www.gaswcc.georgia.gov).
- Please allow time for exams to be scored.
- Scores will be posted according to the ID Number you created, your DOB and Last 4 digits of your Social Security # (MMDDYY####).
- If you do not receive communication regarding your certification in 60 days, please contact the:

  Education & Certification Program
  
  4310 Lexington Road
  
  Athens, GA 30605
  
  (706) 552-4474
  
  Email: certification@gaswcc.ga.gov
Insert Tab 1

GESAA & NPDES Updates
GEORGIA EROSION & SEDIMENTATION ACT & NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Changes & Review
Level 1B Recertification
Effective August 2018

Overview of Updates

- GESA
  - HB 397
  - SB 101
- NPDES
  - 2018 Permit Updates
  - 2016 Permit Revisions

Georgia Erosion & Sedimentation Act
Summary of Changes
HB 397

Amended the definition of “Manual for Erosion & Sediment Control in Georgia”

◦ ‘Manual for Erosion and Sediment Control in Georgia’ or ‘Manual’ means the published guidance of the Commission governing the design and practices to be utilized in the protection of this state’s natural resources from erosion and sedimentation, which shall be based foremost upon sound engineering principles and repeatable bench and field testing of structural and vegetative best management practices, and which shall have the annual approval of the Erosion and Sediment Control Overview Council established pursuant to Code Section 12-7-7.1.

Revised subsection (f)

◦ There shall be an Erosion & Sediment Control Overview Council which shall approve the Manual for Erosion & Sediment Control in Georgia prior to publication by the Commission

◦ The council shall provide guidance on the BMPs for implementing any erosion and sediment control plan

◦ The council shall meet at all times necessary to approve any changes or updates to the manual

Revised subsection (f)

The council is composed of nine (9) members

◦ Chairperson

◦ One member of the House

◦ One member of the Senate

◦ One employee from each of the following:
  • GA DOT
  • GA EPD
  • State & Road Tollway Authority
  • Professional Engineer
  • Highway Contracting Industry Representative
  • Electric Utility Industry Representative

Added 3 new definitions

◦ (2.1) Coastal marshlands
◦ (10.1) Maintenance
◦ (13.1) Serviceable

Amended Code Section 12-7-6

◦ (17)(A) There is established a 25 foot buffer along coastal marshlands, as measured from the coastal marshland-upland interface, as determined in accordance with O.C.G.A. 12-5-4(4), the ’Coastal Marshlands Protection Act of 1970, and the rules and regulations
Coastal Marshlands

- “Coastal Marshlands” – any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses (O.C.G.A 12-5-282(3)).

- The established 25-foot buffer applies along all coastal marshlands and is measured horizontally from the coastal-marshlands-upland interface as determined in accordance with the Coastal Marshlands Protection Act of 1970.

Maintenance

- “Maintenance” means actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life.

- Includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs.

- Does not include any modification that changes the character, scope, or size of the original design.

Serviceable

- “Serviceable” means usable in its current state or with minor maintenance, but not so degraded as to essentially require reconstruction.
National Pollutant Discharge Elimination System

Summary of Changes

Revised Definitions
- Permittee
- Phase/Phased
- Primary Permittee
- Continuing Obligations

New Definitions
- Infeasible

Part I.B.

Coverage under this permit is not required for infrastructure road construction projects that consist solely of the installation of cable barriers and guard rails for an existing facility within the existing rights-of-way.

Must comply with the following conditions:
- No mass grading
- Stabilized by the end of each day
- Final Stabilization at the end of the project

Part I.C.1.f.
Infrastructure Changes

- Coverage under this permit is not required for infrastructure construction projects that consist of the installation of buried utility lines.
- Must comply with the following conditions:
  - Solely installed via vibratory plow
  - Conduit not to exceed 4" diameter
  - Occurs within existing stabilized right-of-way
  - No mass grading
  - No tree clearing
  - No change in grade
  - Stabilized by the end of each day
  - Final Stabilization at the end of the project

Part I.C.1.g.

Infrastructure Changes

- A single NOI with multiple phases of multiple NOIs for multiple phases may be submitted for construction sites with a total planned disturbance greater than 5.0 acres

Part II.B.1.k

Impaired Stream Segment

Discharges into, or within one mile upstream of and within the same watershed, as any portion of a biota impaired stream segment.

- Impaired Stream Segment(s) with criteria:
  - Bio F (Impaired Fish Community) and/or
  - Bio M (Impaired Macroinvertebrate Community) within
  - Category 4a, 4b, or 5 and the potential cause is
  - Either "NP" (nonpoint source) or "UR" (urban runoff)

Part III.C
Impaired Stream Segment

- The ES&PC Plan must include at least four (4) BMPs from Part III.C.2. (a) – (v) for those areas of the site which discharge to the Impaired Stream Segment.
- In the 2018 update, BMP options which are no longer “over and beyond” have been removed. Others have been added or revised.
- The requirements of Part III.C are not applicable to tertiary permittees with an Erosion, Sedimentation and Pollution Control Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre.

TMDL Implementation Plan

TMDL = Total Maximum Daily Load

The ES&PC Plan must address any site-specific conditions or requirements included in the TMDL Implementation Plan if the TMDL Implementation Plan for sediment was finalized at least 6 months prior to the permittee’s submittal of the NOI.

The list of TMDL Implementation Plans can be viewed on the GA EPD website at www.epd.georgia.gov

BMP Deficiencies or Failures

- Applies to failed or deficient BMPs (beyond routine maintenance).
- Resulted in sediment deposition into State waters.
- Permittee shall immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces.
- Summary of violations to be sent to EPD.
BMP Deficiencies or Failures (continued)

- Correct BMPs as follows:
  - When the repair does not require a new or replacement BMP or significant repair, the BMP failure or deficiency must be repaired within two (2) business days from the time of discovery.
  - When repair requires a new or replacement BMP or significant repair, the installation of the new or modified BMP must be completed and BMP must be operational by no later than seven (7) days from the time of discovery.
    - If it is infeasible to complete installation or repair within seven (7) days, permittee must document why plus a schedule for installing or repairing the BMP to make the BMP operational.

Part III.D.6

Erosion & Sediment Control: Covering of Building & Waste Materials

- Cover materials to minimize exposure to precipitation and minimize the discharge of pollutants.
- Materials to cover:
  - Building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site.
- Measures to provide cover:
  - Plastic sheeting or temporary roofs.
- Not required when exposure will not result in or pose little risk of a discharge of pollutants.

Part IV.D.3.c.(2)

Inspections

- Primary permittees and tertiary permittees must measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday.
- For areas of a site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region, certified personnel (provided by the primary, secondary or tertiary permittees) must inspect these areas of the site at least once per month until a Notice of Termination (NOT) is submitted.

Part IV.D.4.a.-c.(2)
Qualified Sampling Events

- The first rain event that reaches or exceeds 0.5 inch with a storm water discharge that allows for sampling during normal business hours after all clearing and grubbing operations have been completed, but prior to completion of mass grading operations.
- The first rain event that reaches or exceeds 0.5 inch with a storm water discharge that occurs during normal business hours either 90 days after the first sampling event or after all mass grading operations have been completed, but prior to submittal of a NOT.

Sampling Reports

- Sampling reports must be submitted to EPD using the electronic submittal service provided by EPD.
- Reports should include the following:
  a. The rainfall amount, date, location and time of sampling
  b. The name of the certified personnel who performed the sampling
  c. The date the analyses were performed
  d. The time the analyses were performed
  e. The name of the certified personnel who performed the analyses
  f. References and written procedures for analytical techniques
  g. Results of the analyses, including instrument readouts
  h. Results which exceed 1000 NTU shall be reported as “exceeds 1000 NTU”
  i. Certification statement that sampling was conducted per the Plan

Reporting of Results

- The permittee is required to submit sampling results to EPD using the electronic submittal service provided by EPD by the 15th day of the month following the sampling event.
- Sampling reports must be submitted to EPD until a NOT is submitted.
Coverage under the reissued permits will be achieved by mandatory electronic submittal of an initial or reissuance Notice of Intent (NOI) through the Georgia EPD Online System (GEOS) for electronic permit applications.

- Convenience of obtaining environmental permits and submitting compliance reports online
- Establish a user account and manage submittals online
- Submit environmental reports
- Monitor processing status of online submittals
- Receive e-mail notifications on permitting results/status
- Receive e-mail alerts for upcoming reporting obligations;
- Submit requests to revise permits or submit revised reports
- Track submittals

For new construction sites, the permittee shall submit a Notice of Intent (NOI) electronically at least 14 days prior to the commencement of construction activities.

Part II.A.1.
Re-issuance NOI - Deadlines

- Permittees are required to electronically submit a re-issuance NOI within 90 days after the effective date of the permit for continued permit coverage
- No additional fees are required if they had already been paid

For Re-issuance Notification
- NOTICE OF INTENT:
  - Initial Notification
  - Re-Issuance Notification
  - Change of Information
  - Change of Owner/Operator. Formerly Known As:

Modification NOI - Deadlines

- Where the permittee changes or a secured creditor (i.e., Foreclosure) acquires legal title to the construction site after an NOI has been filed, a modification NOI shall be filed electronically within
  - 7 days before work begins at the site OR
  - 30 days from acquiring legal title to the site

For Change of Information or Change of Owner/Operator
- NOTICE OF INTENT:
  - Change of Information
  - Change of Owner/Operator. Formerly Known As:

Responsible Official and Preparer

<table>
<thead>
<tr>
<th>Responsible Official (RO)</th>
<th>Preparer</th>
</tr>
</thead>
<tbody>
<tr>
<td>A duly authorized representative for the facility</td>
<td></td>
</tr>
<tr>
<td>Only the RO account can certify and submit applications in GEOS.</td>
<td></td>
</tr>
<tr>
<td>Generally, for an RO to submit an application, they must first be approved by the EPD as the RO for that facility.</td>
<td></td>
</tr>
<tr>
<td>An RO can request additional Account Types through the GEOS system</td>
<td></td>
</tr>
<tr>
<td>A preparer is someone who is assigned by a RO to create and prepare applications for their facility.</td>
<td></td>
</tr>
<tr>
<td>The preparer has no right to actually submit an application but can prepare applications for a single or multiple ROs that they have been associated with. The types of application and the facilities that the preparer can prepare applications for are all defined by the RO.</td>
<td></td>
</tr>
<tr>
<td>An RO can be associated as a preparer for another RO.</td>
<td></td>
</tr>
</tbody>
</table>
Submittal

- All NOI types for primary, secondary, and tertiary permittees must be submitted electronically to the EPD using the Georgia EPD Online System (GEOS)
  - A NOI for secondary permittee coverage can be submitted either concurrently with or after the submittal of the NOI by the primary permittee.
- The permittee shall retain a copy of the proof of submittal at the construction site or be readily available at a designated alternative location
- A copy of the NOI is to be submitted to the LIA where Land Disturbance Activity permits are issued

Notice of Termination

- Eligibility for all permits
  - All planned construction activities have been completed
  - Where the entire site has undergone final stabilization
  - All storm water discharges have ceased
  - The site is in compliance with the permit
  - All temporary BMPs have been removed

All Notices of Termination shall be submitted to EPD using GEOS
Contents
- The NPDES permit number – (ex.) GAR100001
- The project site name and location – must correspond to NOI
- The owner/operator’s legal name, address, telephone, and email
- Indication whether permittee is primary, secondary, or tertiary
- The name of the receiving water(s)
- Copies of all sampling reports not previously submitted to EPD
- Signed Certification Statement

Submittal
- All Notices of Termination shall be submitted to EPD using the GEOS electronic submittal service provided by EPD AND a copy to the Local Issuing Authority (LIA) in jurisdictions authorized to issue Land Disturbing Activity (LDA) permits

Summary
- GESA & NPDES are updated to reflect the constant growth and needs regarding land-disturbing activities in Georgia
- A complete detailing of all these changes can be found in the Resource Information section of your notebook
Review: Test your existing NPDES & GESA knowledge

- What is an example of each permittee, i.e. primary, secondary & tertiary?
- If you have a 0.4 acre lot in a subdivision built after 2000, which NPDES permit coverage will you need?
- What does BMP stand for?
- What are the 2 qualified sampling events?
- What is the name of EPD's electronic submittal system?
- What are the 3 tertiary permittee submittal options?
- How is the definition of final stabilization different for infrastructure than stand alone & common development?
- What is required when disturbing within 200’ of a State Water?
- What is the difference between LIA and LIA with MOA?
- What does OCGA stand for?

Questions?

GSWCC
Urban Program
4310 Lexington Road
Athens, GA 30605
(706) 552-4474

GSWCC
Insert Yellow Sheet
Back of Yellow Sheet
House Bill 397 (AS PASSED HOUSE AND SENATE)
By: Representatives Knight of the 130th, Roberts of the 155th, Houston of the 170th, Nimmer of the 178th, McCall of the 33rd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil and water conservation districts, so as to revise provisions relating to the State Soil and Water Conservation Commission; to provide for administrative attachment; to provide for appointment to the commission; to remove authority related to funding of water supply reservoirs; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and sedimentation control, so as to provide for erosion manual publication oversight; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 6 of Title 2 of the Official Code of Georgia Annotated, relating to soil and water conservation districts, is amended by revising Code Section 2-6-23, relating to establishment of the State Soil and Water Conservation Commission, as follows:

2-6-23.

(a) There is established, to serve as an agency of the state and to perform the functions conferred upon it in this article, the State Soil and Water Conservation Commission. The commission shall be assigned to the Department of Agriculture for administrative purposes only, as prescribed in Code Section 50-4-3.

(b) Five district soil and water conservation supervisors, who shall be appointed by the Governor as provided in this Code section, shall serve as members of the commission. Commencing with appointments for the year 1977, the Governor shall appoint to the commission one supervisor from each of the five Georgia Association of Conservation District Supervisors' groups. Commencing with appointments for the year 2015, the Governor shall appoint one at-large member from each of the five soil and water conservation district regions to serve on the commission. Such initial appointments were shall be for terms of office of one, two, three, four, and five years, respectively. Thereafter,
successors shall be appointed for terms of office of five years and until their successors are
duly appointed.
(c) The following persons shall serve ex officio in an advisory capacity to the State Soil
and Water Conservation Commission:
   (1) The director of the Cooperative Extension Service associate dean for extension of the
       College of Agricultural and Environmental Sciences of the University of Georgia;
   (2) The commissioner of natural resources;
   (3) The director of experiment stations associate dean of research of the College of
       Agricultural and Environmental Sciences of the University of Georgia;
   (4) The executive director of the Agricultural Stabilization Conservation Service;
   (5) The Georgia state director of the Farmer's Home Administration;
   (6) The director of the Southern Piedmont Conservation Research Center;
   (7) The president of the Georgia Association of Conservation District Supervisors;
   (8) The director of the State Forestry Commission;
   (9) The Georgia supervisor of national forests of the U.S. Forestry Service;
   (10) The state conservationist of the U.S. Soil Conservation Service U.S. Natural
        Resources Conservation Service;
   (11) The dean and director of the College of Agricultural and Environmental Sciences
        of the University of Georgia;
   (12) The state supervisor state program manager of agricultural education in this state;
   (13) The Commissioner of Agriculture; and
   (14) Such other representatives of state or federal agencies as the commission deems
        desirable.
(d) The commission shall adopt a seal, which shall be judicially noticed. It may perform
such acts, hold such public hearings, and promulgate such rules and regulations as may be
necessary for the execution of its functions under this article."

SECTION 2.
Said article is further amended by revising Code Section 2-6-27, relating to additional duties
and powers of the commission, as follows:
"2-6-27.
In addition to the duties and powers otherwise conferred upon the commission, it shall have
the following duties and powers:
(1) To offer such assistance as may be appropriate to the supervisors of the soil and
water conservation districts in the carrying out of any of their powers and programs;
(2) To keep the supervisors of each of the districts informed of the activities and experiences of all the other districts and to facilitate an interchange of advice, experience, and cooperation between such districts;

(3) To coordinate the programs of the districts so far as this may be done by advice and consultation;

(4) To secure the cooperation and assistance of the United States and any of its agencies and of the agencies and counties of this state in the work of such districts;

(5) To disseminate information throughout this state concerning the activities and programs of the districts and to encourage the formation of such districts in areas where their organization is desirable;

(6) To receive gifts, appropriations, materials, equipment, land, and facilities and to manage, operate, and disperse the same;

(7) To formulate such rules and regulations, to exercise such powers, and to perform such duties as are necessary to implement the administration of the federal Watershed Protection and Flood Prevention Act;

(7.1) To formulate such rules and regulations in consultation with the Environmental Protection Division of the Department of Natural Resources, to exercise such powers, and to perform such duties as are necessary to implement the administration of the education and training program established under Code Section 12-7-19;

(7.2) To formulate such rules and regulations and to exercise such powers as are necessary to perform its duties under subsection (m.1) of Code Section 12-5-31 and subsection (b.1) of Code Section 12-5-105;

(8) To enter into contracts and agreements with the districts, municipalities, and counties of this state, other agencies of this state, the United States and any agencies thereof, any association, any landowner or land occupier, or any person in order to carry out the purposes of this article; and

(9) To receive grants from any agency of the United States government or any agency of this state, and to make grants to districts, municipalities, or counties in this state, or other state agencies in order to:

(A) Fund up to 20 percent of the cost of obtaining permits for and constructing improvements to any dam that was originally constructed or financially assisted by the Natural Resources Conservation Service, formerly known as the Soil Conservation Service, of the United States Department of Agriculture; or

(B) Fund up to 40 percent of the cost of obtaining a permit under Section 404 of the federal Clean Water Act, 33 U.S.C. Section 1344, for the construction of any new public water supply reservoir. In awarding any grants under this subparagraph, the commission shall consider regional effects and water supply yield of the proposed...
reservoir, anticipated population growth, and local government funding commitment;

(C) Carry out other purposes of this article."

SECTION 3.
Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to erosion and sedimentation control, is amended in Code Section 12-7-3, relating to definitions, by redesignating paragraph (10.1) as paragraph (10.2) and by adding a new paragraph to read as follows:

"(10.1) 'Manual for Erosion and Sediment Control in Georgia' or 'manual' means the published guidance of the commission governing the design and practices to be utilized in the protection of this state's natural resources from erosion and sedimentation which shall be based foremost upon sound engineering principles and repeatable bench and field testing of structural and vegetative best management practices and which shall have the annual approval of the Erosion and Sediment Control Overview Council established pursuant to Code Section 12-7-7.1.""

SECTION 4.
Said chapter is further amended in Code Section 12-7-7.1, relating to erosion and sediment control plan preparation, completion, and implementation, by revising subsection (f) as follows:

"(f)(1) There shall be an Erosion and Sediment Control Overview Council which shall approve the Manual for Erosion and Sediment Control in Georgia prior to publication by the commission. In addition, the council shall provide guidance on the best management practices for implementing any erosion and sediment control plan for purposes of this Code section. The council shall be composed of nine members, including one member of the House of Representatives who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure thereof; one member of the Senate who shall be appointed by the Lieutenant Governor and serve at the pleasure thereof; and seven members who shall be appointed by the Governor and serve at the pleasure thereof, including one employee each from the Department of Transportation, the Environmental Protection Division of the Department of Natural Resources, and the Georgia Regional Transportation State Road and Tollway Authority, a professional engineer licensed to practice in this state from a private engineering consulting firm practicing environmental engineering, two representatives of the highway contracting industry certified by the Department of Transportation, one representative of the electric utility industry, and a chairperson. The council shall meet prior to December 1, 2015, to
approve the most current version of the manual and at all other times as necessary to
approve any subsequent changes or updates to the manual prior to its implementation.

Such meetings shall be held at the call of the chairperson. Each councilmember shall
receive a daily allowance in the amount specified in subsection (b) of Code Section
45-7-21; provided, however, that any full-time state employee serving on the council
shall draw no compensation but shall receive necessary expenses. The commissioner is
authorized to pay such compensation and expenses from department funds.

(2) The council may develop recommendations governing the preparation of plans and
the installation and maintenance of best management practices. If a dispute concerning
the requirements of this Code section should arise, the Erosion and Sediment Control
Overview Council shall mediate the dispute."

SECTION 5.
This Act shall become effective upon its approval by the Governor or upon its becoming law
without such approval.

SECTION 6.
All laws and parts of laws in conflict with this Act are repealed.
Insert Yellow Sheet
Back of Yellow Sheet
ENROLLMENT

April 8, 2015

The Subcommittee of the Senate on Enrolling and Journals has examined the within and finds the same properly enrolled.

Jeff Mckillen
Chairman

Casey Cape
President of the Senate

Dal A. Cook
Secretary of the Senate

Christ Carter
Speaker of the House

Clerk of the House

S.B. No. 101

Act No. 175

GENERAL ASSEMBLY

AN ACT

To amend Chapter 7 of Title 12 of the O.C.G.A., relating to the control of soil erosion and sedimentation, so as to provide for a buffer against coastal marshlands within which certain land-disturbing activities are prohibited; to provide for exceptions and variances; to provide for related matters; to provide for effective dates; and for other purposes.

IN SENATE

Read 1st time Feb. 11, 2015
Read 2nd time Feb. 26, 2015
Read 3rd time Mar. 2, 2015
And Passed
Y eas 46
Nays 4

Dal A. Cook
Secretary of the Senate

IN HOUSE

Read 1st time Mar. 3, 2015
Read 2nd time Mar. 4, 2015
Read 3rd time Mar. 26, 2015
And Passed
Yeas 164
Nays 0

Clerk of the House

By: Senators Watson of the 1st, Jackson of the 2nd, Ligon of the 3rd, Williams of the 10th, Toleson of the 20th and others
AN ACT

To amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to the control of soil erosion and sedimentation, so as to provide for a buffer against coastal marshlands within which certain land-disturbing activities are prohibited; to provide for exceptions and variances; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to the control of soil erosion and sedimentation, is amended in Code Section 12-7-3, relating to definitions, by redesignating paragraph (10.1) as paragraph (10.2) and by adding three new paragraphs to read as follows:

"(2.1) ‘Coastal marshlands’ shall have the same meaning as in Code Section 12-5-282."

"(10.1) ‘Maintenance’ means actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope, or size of the original design."

"(13.1) ‘Serviceable’ means usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction."

SECTION 2.

Said chapter is further amended in subsection (b) of Code Section 12-7-6, relating to best management practices and minimum requirements for erosion and sedimentation control, by deleting "and" at the end of division (b)(15)(D)(ii), by replacing the period with "; and" at the end of division (b)(16)(C)(ii), and by adding a new paragraph to read as follows:

"(17)(A) There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Part 4 of Article 4 of Chapter 5 of this title, the 'Coastal Marshlands Protection Act of 1970,' and the rules and regulations promulgated thereunder, except:

(i) Where the director determines to allow a variance that is at least as protective of natural resources and the environment;

S. B. 101
- 1 -
(ii) Where otherwise allowed by the director pursuant to Code Section 12-2-8;

(iii) Where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286;

(iv) For maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;

(v) Where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;

(vi) On the landward side of any currently serviceable shoreline stabilization structure; and

(vii) For the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(B) No land-disturbing activity shall be conducted within any such buffer and a buffer shall remain in its current, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed, except as otherwise provided by this paragraph. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation so long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time so long as a protective vegetative cover remains to protect water quality and aquatic habitat.

(C) On or before December 31, 2015, the board shall promulgate rules and regulations that:

(i) Contain criteria for the grant or denial by the director of requests for variances pursuant to this paragraph, including where an alteration within the buffer area has been authorized pursuant to a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899; provided, however,
that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; and

(ii) Provide for variances by rule, subject to specified conditions, for certain categories of activities within the buffer that will have minimal impact on the water quality or aquatic habitat of the adjacent marsh, including where the area within the buffer is not more than 500 square feet; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(D) The board may adopt rules and regulations that provide for an expedited process for certain categories of activities within the buffer based on the size, scope, location, and character of the proposed activity within the buffer.

(E) The buffer requirements of this paragraph shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(F) The buffer shall not apply to:

(i) Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to the effective date of this Act; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(ii) Any lot for which the preliminary plat has been approved prior to the effective date of this Act if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

SECTION 3.

Said chapter is further amended by revising division (b)(15)(A)(i) of Code Section 12-7-6, relating to best management practices and minimum requirements for erosion and sedimentation control, as follows:

"(i) As provided by paragraphs (16) and (17) of this subsection;"
SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of promulgating rules and regulations and shall become effective on December 31, 2015, for all other purposes.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

APPROVED
MAY 6, 2015.

BY GOVERNOR.
Insert Yellow Sheet
FACT SHEET

APPLICATION FOR GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS NO. GAR100001, NO. GAR100002, AND NO. GAR100003 FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

May 4, 2018

Regulatory Background

The 1972 amendments to the Federal Clean Water Act (CWA), also referred to as the Federal Water Pollution Control Act (FWPCA), prohibit the discharge of any pollutant to the waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Initial efforts to improve water quality under the NPDES program focused on reducing pollutants in discharges of industrial process wastewater and from municipal sewage treatment plants.

In response to the need for comprehensive NPDES requirements for discharges of stormwater, Congress amended the CWA in 1987 to require the U.S. Environmental Protection Agency (EPA) to establish phased NPDES requirements for stormwater discharges. EPA published an initial permit application and other requirements for certain categories of stormwater discharges associated with industrial activity, including construction activities, on November 16, 1990 (50 FR 47990) and on April 2, 1992 (57 FR 11394).

The CWA provisions are reflected in O.C.G.A. § 12-5-29 and O.C.G.A. § 12-5-30 and also in the Georgia Rules and Regulations for Water Quality Control (Rules) Chapter 391-3-6-.16 which specifies requirements for stormwater permits. In addition, the Rules Chapter 391-3-6-.03 defines waters of the state.

The Georgia Environmental Protection Division (EPD) amended the Georgia Rules and Regulations for Water Quality Control (Rules) in April 1990 to allow the issuance of general permits. EPD was granted the authority to issue NPDES general permits by EPA in January 1991. Georgia is a fully authorized State and administers its own NPDES program.

NPDES Permits

A NPDES permit authorizes the discharge of a pollutant or pollutants into a receiving water under certain conditions. The NPDES program relies on two types of permits: individual permits and general permits. An individual permit is a permit specifically tailored for an individual
discharger for a specific time period (not to exceed five (5) years). A general permit covers
multiple facilities, sites, and activities within a specific category for a specific time period (not to
exceed five (5) years). Both types of permits are subject to public comment prior to permit
issuance. The Federal Regulations, 40 CFR Part 122.26, specify who must apply for NPDES
coverage and the requirements that must be included in a NPDES permit.

**General NPDES Permits No. GAR100001, No. GAR100002 and GAR100003**

NPDES General Permit No. GAR100000 (permit) for stormwater discharges associated with
construction activity was issued in 2000 and regulated construction activities that disturbed five
(5) or more acres. In 2003, in response to the December 1999 Phase II final rule, the permit was
reissued as three general permits that regulate construction activities that disturb one (1) or more
acres. NPDES Permit No. GAR100001 regulates stand-alone construction sites, NPDES Permit
No. GAR100002 regulates infrastructure construction sites, and NPDES Permit No. GAR100003
regulates common development construction sites. These permits were reissued in 2008 and
2013. The current permits are scheduled to expire July 31, 2018.

**Regulated Construction Activities**

NPDES General Permits No. GAR100001, No. GAR100002 and No. GAR100003 will authorize
the discharge of stormwater from sites where construction activities will result in contiguous
land disturbances equal to or greater than one (1) acre or tracts of less than one (1) acre that are
part of a larger common plan of development with a combined disturbance one (1) acre or
greater. EPD can require an applicant to submit a NPDES permit application for an individual
NPDES permit upon written notification to the applicant. In addition to stormwater discharges,
the proposed general NPDES permits authorize certain non-stormwater discharges such as fire
fighting water and uncontaminated groundwater.

The proposed permit complies with the anti-degradation requirements in the EPD Rules and
Regulations for Water Quality Control, subparagraph 391-3-6-.03. Existing water quality will
not be degraded by the issuance of this permit. The issuance of this permit will protect and
improve existing water quality and is consistent with EPD’s antidegradation policy. The
proposed permits are being issued pursuant to the authority contained in O.C.G.A. §§ 12-5-27
and 12-5-30.

**Permit Coverage**

Permit coverage must be obtained by submitting a fully completed Notice of Intent (NOI). The
NOI will include basic information about the construction site and the receiving waters where the
discharges occur.

Upon issuance of the permit, all NOIs for coverage under the General Construction Permits must
be submitted through EPD’s electronic submittal portal as required by EPA’s Electronic
Reporting Rule. Existing construction sites must submit a new NOI within ninety (90) days after
the effective date of the permits in order to obtain coverage. New sites that begin construction
activities after the effective date of the permits must submit the NOI form at least fourteen (14) days prior to beginning construction activities.

The permittee must specify on the NOI whether or not the facility discharges stormwater associated with construction activity into an Impaired Stream Segment, or within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s) as shown on Georgia’s most current “305(b)/303(d) List Documents (Approved).” Georgia’s 305(b)/303(d) List Documents may be reviewed on EPD’s website. All permittees are responsible for reviewing each new version of the 305(b)/303(d) List Documents during the term of the permits to check for new stream segment listings.

**Term of the Permit**

The proposed permit will be valid for a term of five (5) years in accordance with Federal regulations, which limit NPDES permits to a maximum term of five (5) years. The EPD can require an applicant to submit an application for an individual NPDES permit or an alternative general NPDES permit upon written notification to the applicant

**Permit Changes**

**Summary of General Permit Changes throughout Permits No. GAR100001, No. GAR100002, and No. GAR100003**

The General Construction Permits contain the following revisions throughout multiple parts of the permits:

- To improve accuracy and reduce the need for minor permit revisions, hyperlinks have been removed from the permits and can now be found on EPD’s website in the document titled “NPDES General Construction Permit References”.
- Miscellaneous redundant language has been removed from the permits.
- The term “projects” has been changed to “sites” for consistency with the permit definitions.
- The permits contain changes as a result of EPD’s implementation of the NPDES Electronic Reporting Rule. Specific changes are listed below:
  - Beginning on the effective date of the permit, All Notices of Intent (NOIs), Modification NOIs and Notices of Termination (NOTs) must be submitted through EPD’s electronic submittal portal.
  - The term “change of information” has been replaced by “modification”.

The permittee will be required to submit sampling reports electronically.

ES&PC Plans required to be submitted to the EPD District Offices must now be submitted electronically through EPD’s electronic submittal portal or as a PDF on CD-ROM or other storage device.

Summary of Changes to Part I. Coverage Under This Permit

- In Part I.B., the following definitions have been revised for clarity and/or consistency with established Regulations: “Permittee”, “Phase or Phased”, and “Primary Permittee”.

- In Part I.B., the definition of “Infeasible” was added as follows: “Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices. The definition was taken directly from EPA’s May 2014 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category final rule.

- In Part I.E., the continuing obligations of permittees has been revised for clarification.

Summary of Changes to Part II. Notice of Intent Requirements

- Part II.B.1.e. (as well as Part II.B.2.g. & Part II.B.3.f. in GAR100003) has been revised to better align with the language in the 305(b)/303(d) List Documents.

Summary of Changes to Part III. Special Conditions, Management Practices, Permit Violations and Other Limitations

- Part III.C. has been revised to better align with the language in the 305(b)/303(d) List Documents.

- In Part III.C.2., all references to anionic polyacrylamide (PAM) have been replaced by “floculants or coagulants” and “matting or blankets” has been replaced with “slope stabilization” to be consistent with the most recent Manual for Erosion and Sediment Control.

- In Part III.C.2., BMP options which were no longer “over and beyond” have been removed from the options to address impaired waters.

- Part III.C.2.d. has been revised to require the permittee to host a website where the ES&PC Plan can be viewed in addition to posting a sign. The sign must remain on site and the ES&PC Plan must be available on the provided website until a NOT has been submitted.

- Part III.C.2.u., EPD added the following BMP option to address impaired waters: “Conduct inspections during the intermediate grading and drainage BMP phase and
during the final BMP phase of the project by the design professional who prepared the Plan in accordance with Part IV.A.5. of the permit.”

• In Part III.C.2.v., EPD added the following BMP option to address impaired waters: “Install Post Construction BMPs (e.g., runoff reduction BMPs) which remove 80% TSS as outlined in the Georgia Stormwater Management Manual known as the Blue Book or an equivalent or more stringent design manual.”

• Part III.D.1. has been revised to include correct references to the Permit.

• Part III.D.3. has been revised for clarity and the following language has been added:

  “6. Whenever a permittee finds that a BMP has failed or is deficient (beyond routine maintenance) and has resulted in sediment deposition into waters of the State, the permittee shall immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. The permittee shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit and shall correct such BMP as follows:

  a. When the repair does not require a new or replacement BMP or significant repair, the BMP failure or deficiency must be repaired within two (2) business days from the time of discovery;

  b. When the repair requires a new or replacement BMP or significant repair, the installation of the new or modified BMP must be completed and the BMP must be operational by no later than seven (7) days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) days, the permittee must document why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document the schedule for installing or repairing the BMPs and making the BMPs operational as soon as feasible after the seven (7) day timeframe.”

Summary of Changes to Part IV. Erosion, Sedimentation and Pollution Control Plan

• Part IV.D.3.a.(1).(b). has been removed from the permits to be consistent with the minimum Federal requirements for stabilization as outlined in EPA’s May 2014 Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category final rule.

• In accordance with 40 CFR Section 450.21(d)(2), Part IV.D.3.c.(2). of the permits has been revised to require permittees to provide cover for on-site construction wastes and building materials such that exposure to precipitation and stormwater is minimized.
• For clarification, Part IV.D.4.a.(2) has been revised as follows: “Measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday. The data collected for the purpose of compliance with this permit shall be representative of the monitored activity.”

Appendix A has been updated to reflect current addresses.

Summary of Permit Changes Specific to Permit No. GAR100002

• In Part I.C., coverage under the permit for infrastructure construction projects is not required for discharges of stormwater associated with infrastructure construction projects that consist solely of the installation of cable barriers and guardrail within existing rights-of-way, and for the installation of buried utility lines via vibratory plow. To be eligible for the exemption, projects must avoid mass grading, provide temporary or permanent stabilization at the end of each day and achieve final stabilization at the end of the project.

• Part II.B.1.k. has been revised for clarity.

Summary of Permit Changes Specific to Permit No. GAR100003

• In Part II.B.2.l., EPD corrected the language regarding the requirement for a secondary permittee to submit a blanket NOI to the primary permittee no less than seven (7) days prior to the commencement of construction activities.

Procedures for the Formulation of Final Determination

Comment Period

The draft permits and supporting documents were available for review at the EPD office located at 2 Martin Luther King Jr. Drive, Atlanta, Georgia, 30334, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except official State holidays). The draft permits and public notice were also posted on EPD’s website on December 15, 2017.

Public Hearing

A public meeting regarding the permits was held on January 31, 2018 at 9:00 a.m., followed by a public hearing at 10:00 a.m., in EPD’s Training Room located at 4244 International Parkway, Suite 114, Atlanta, Georgia, 30354. Both oral and written comments were accepted at the public hearing; however, for the accuracy of the record, written comments were encouraged. No oral statements were made during the public hearing. Several persons, industry trade groups, and environmental groups provided comments on the proposed NPDES permits both in writing and by email to EPDComments@dnr.ga.gov. The public comment period ended on February 1, 2018. Comments were considered in developing the final permits, and a response to each question was provided.
Contested Hearings

Any person who is aggrieved or adversely affected by the issuance of denial of a permit by the Director of EPD may petition the Director for a hearing if such petition is filed in the office of the Director within thirty (30) days from the date of notice of such permit issuance. Such hearing shall be held in accordance with EPD Rules, Water Quality Control, subparagraph 391-3-6-.01.

Petitions for a contested hearing must include the following:

1. The name and address of the petitioner;
2. The grounds under which the petitioner alleges to be aggrieved or adversely affected by the issuance of a permit;
3. The reason or reasons why petitioner takes issue with the action of the Director;
4. All other matters asserted by petitioner which are relevant to the action in question

Issuance of the Permit When No Public Hearing is Held

If no public hearing is held, and, after review of the written comments received, the Director determines that a permit should be issued and that his determinations as set forth in the proposed permit are substantially unchanged, the permit will be issued and will become final in the absence of a request for a contested hearing. Notice of issuance or denial will be circulated to those persons who submitted written comments to the Director on the proposed permit within thirty (30) days from the date of the public notice of such proposed permit, and to all persons or groups included on the EPD mailing list.

If no public hearing is held, but the Director determines, after a review of the written comments received, that a permit should be issued but that substantial changes in the proposed permit are warranted, public notice of the revised determinations will be given and written comments accepted in the same manner as the initial notice of application was given and written comments accepted pursuant to EPD Rules, Water Quality Control, subparagraph 391-3-6-.06(7)(b). The Director shall provide an opportunity for public hearing on the revised determinations. Such opportunity for public hearing and the issuance or denial of a permit thereafter shall be in accordance with the procedures set forth above.
Insert Yellow Sheet
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Authorization To Discharge Under The National Pollutant Discharge Elimination System Storm Water Discharges Associated With Construction Activity For Stand Alone Construction Projects

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p.416, as amended), hereinafter called the “State Act,” the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the “Clean Water Act,” and the Rules and Regulations promulgated pursuant to each of these Acts, new and existing stormwater point sources within the State of Georgia that are required to have a permit, upon submittal of a Notice of Intent, are authorized to discharge stormwater associated with construction activity to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through VI hereof.

This permit shall become effective on August 1, 2018.

This permit and the authorization to discharge shall expire at midnight, July 31, 2023.

Signed this 16th day of May 2018.

Richard E. Dunn, Director
Environmental Protection Division
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Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit regulates point source discharges of stormwater to the waters of the State of Georgia from construction activities, as defined in this permit.

B. Definitions. All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act (Act) and the Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6 (Rules), unless otherwise defined in this permit:

1. “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. “Buffer” means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

3. “Certified Personnel” means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

4. “Commencement of Construction” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

5. “Common Development” means a contiguous area where multiple, separate, and distinct construction activities will be taking place at different times on different schedules under one plan of development.

6. “Construction Activity” means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural practices, but does include agricultural buildings.


8. “Design Professional” means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current
certification by EnviroCert International, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.


10. “Director” means the Director of the Environmental Protection Division or an authorized representative.

11. “Division” means the Environmental Protection Division of the Department of Natural Resources.

12. “Erosion” means the process by which land surface is worn away by the action of wind, water, ice or gravity.

13. “Erosion, Sedimentation and Pollution Control Plan” or “Plan” means a plan for the control of soil erosion, sediment and pollution resulting from a construction activity.

14. “Filling” means the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.

15. “Final Stabilization” means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region).

16. “General Contractor” means the operator of the stand alone construction or site.

17. “Impossible” means the monitoring location(s) are either physically or legally inaccessible, or access would cause danger to life or limb.

18. “Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

19. “Landfill” means an area of land or an excavation in which waste materials are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile as defined by Georgia NPDES General Permit GAR050000, and which area of land or excavation must be certified by EPD before it can begin waste disposal operations.

20. “Landfill Cell(s)” means a defined area within a landfill where waste materials are permanently disposed and that must be certified by EPD for use before such cell(s) can begin
receiving waste materials after which those activities associated with waste receipt and disposal in the landfill cell(s) shall not be considered construction activity as defined by this permit.

21. “Local Issuing Authority” means the governing authority of any county or municipality which is certified pursuant to Official Code of Georgia Section 12-7-8(a).

22. “Mass Grading” means the movement of earth by mechanical means to alter the gross topographic features (elevations, slopes, etc.) to prepare a site for final grading and the construction of facilities (buildings, roads, parking, etc.).

23. “Nephelometric Turbidity Unit (NTU)” means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.

24. “NOI” means Notice of Intent to be covered by this permit (see Part II).

25. “Normal Business Hours” means Monday thru Friday, 8:00 AM to 5:00 PM, excluding any non-working Saturday, non-working Sunday and non-working Federal holiday.

26. “NOT” means Notice of Termination (see Part VI).

27. “Operator” means the entity that has the primary day-to-day operational control of those activities at the construction site necessary to ensure compliance with Erosion, Sedimentation and Pollution Control Plan requirements and permit conditions.

28. “Other Water Bodies” means ponds, lakes, marshes and swamps which are waters of the State.

29. “Outfall” means the location where stormwater, in a discernible, confined and discrete conveyance, leaves a facility or construction site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

30. “Owner” means the legal title holder to the real property on which is located the facility or site where construction activity takes place.

31. “Permittee” means any entity that has submitted a Notice of Intent and obtained permit coverage.

32. “Phase” or “Phased” means sub-parts or segments of construction sites where the sub-part or segment is constructed and stabilized prior to completing the entire construction site.

33. “Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged. This term also means sheet flow which is later
conveyed via a point source to waters of the State. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

34. “Primary Permittee” means the Owner or the Operator or both of a tract of land for a construction site subject to this permit.

35. “Proper design” and "properly designed" means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the GSWCC up until the date of NOI submittal.

36. “Receiving Water(s)” means all perennial and intermittent waters of the State into which the runoff of stormwater from a construction activity will actually discharge, either directly or indirectly.

37. “Roadway Project(s)” means traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways. This term also includes the accessory components to a roadway project that are necessary for the structural integrity of the roadway and the applicable safety requirements. These accessory components include but are not limited to slopes, shoulders, stormwater drainage ditches and structures, guardrails, lighting, signage, cameras and fences and exclude subsequent landscaping and beautification projects.

38. “Sediment” means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by, wind, water, ice, or gravity as a product of erosion.

39. “Sedimentation” means the action or process of forming or depositing sediment.

40. “Sheet flow” means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

41. “Site” or “Construction Site” means a facility of any type on which construction activities are occurring or are to occur which may result in the discharge of pollutants from a point source into the waters of the State.

42. “Stand Alone Construction” or “Stand Alone Construction Project” means construction activities that are not part of a common development where the primary permittee chooses not to use secondary permittees.

43. “Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

44. “Structural Erosion and Sediment Control Practices” means measures for the stabilization of erosive or sediment producing areas by utilizing the mechanical properties of matter for the
purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss.

45. “Sub-contractor” means an entity employed or retained by the permittee to conduct any type of construction activity (as defined in this permit) at a stand alone construction site. Sub-contractors must complete the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19. Sub-contractors are not permittees unless they meet the definition of either a primary, secondary or tertiary permittee.

46. “Surface Water Drainage Area” means the hydrologic area starting from the lowest downstream point where the stormwater from the construction activity enters the receiving water(s) and following the receiving water(s) upstream to the highest elevation of land that divides the direction of water flow. This boundary will connect back with the stormwater entrance point. Boundary lines follow the middle of the highest ground elevation or halfway between contour lines of equal elevation.

47. “Trout Streams” means waters of the State classified as either primary trout waters or secondary trout waters, as designated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.

48. “Utility Company or Utility Contractor” means, for purposes of this Permit, an entity or subcontractor that is responsible, either directly or indirectly, for the construction, installation, and maintenance of conduits, pipes, pipelines, cables, wires, trenches, vaults, manholes, and similar structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water, stormwater or sewage.


50. “Vegetative Erosion and Sediment Control Practices” means measures for the stabilization of erosive or sediment producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod forming grass.

51. “Waters Supporting Warm Water Fisheries” means all waters of the State that sustain, or have the potential to sustain, aquatic life but excluding trout streams.

52. “Waters of Georgia” or “Waters of the State” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
C. Eligibility.

1. Construction Activities. This permit authorizes, subject to the conditions of this permit:

   a. all discharges of stormwater associated with stand alone construction projects that will result in land disturbance equal to or greater than one (1) acre occurring on or before, and continuing after, the effective date of this permit, (henceforth referred to as existing stormwater discharges from construction activities) except for discharges identified under Part I.C.3.;

   b. all discharges of stormwater associated with stand alone construction projects that will result in land disturbance equal to or greater than one (1) acre occurring after the effective date of this permit, (henceforth referred to as stormwater discharges from construction activities); and

   c. coverage under this permit is not required for discharges of stormwater associated with minor land disturbing activities (such as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion) conducted outside of the 25 foot buffer along the banks of all State waters requiring a buffer and outside of the 50 foot buffer along the banks of all State waters classified as ‘trout streams’ requiring a buffer on individual residential lots sold to homeowners where all planned construction activities on that lot have been completed and have undergone final stabilization.

2. Mixed Stormwater Discharges. This permit may only authorize a stormwater discharge from a construction site or construction activities mixed with a stormwater discharge from an industrial source or activity other than construction where:

   a. the industrial source or activity other than construction is located on the same site as the construction activity and is an integral part of the construction activity;

   b. the stormwater discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and

   c. stormwater discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are covered by a different NPDES general permit or individual permit authorizing such discharges and the discharges are in compliance with a different NPDES permit.

3. Limitations on Coverage. The following stormwater discharges from construction sites are not authorized by this permit:
a. stormwater discharges associated with an industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;

b. discharges that are mixed with sources of non-stormwater other than discharges which are identified in Part III.A.2. of this permit and which are in compliance with Part IV.D.7. (non-stormwater discharges) of this permit;

c. stormwater discharges associated with industrial activity that are subject to an existing NPDES individual or general permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges; and

d. stormwater discharges from construction sites that the Director (EPD) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

4. Compliance with Water Quality Standards. No discharges authorized by this permit shall cause violations of Georgia's in-stream water quality standards as provided by the Rules and Regulations for Water Quality Control, Chapter 391-3-6-.03.

D. Authorization.

1. Any person desiring coverage under this permit must submit a Notice of Intent (NOI) to the EPD and the NOI must be received by the EPD in accordance with the requirements of Part II, using the electronic submittal service provided by the EPD, in order for stormwater discharges from construction sites to be authorized.

2. Unless notified by the Director to the contrary, a permittee who submits an NOI in accordance with the requirements of this permit is authorized to discharge stormwater from construction sites under the terms and conditions of this permit fourteen (14) days after the date that the NOI is submitted and confirmation of submittal is received. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general NPDES permit based on a review of the NOI or other information. Should the Director deny coverage under this permit, coverage under this permit is authorized until the date specified in the notice of denial by the Director.

3. Where a new permittee is to begin work on-site after an NOI for the facility/construction site has been submitted, that new permittee must submit a new NOI in accordance with Part II.

E. Continuing Obligations of Permittees. Unless and until responsibility for a site covered under this permit is properly terminated or ownership changes, according to the terms of the permit, the current permittee remains responsible for compliance with all applicable terms of the permit and for any violations of said terms.
Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. Except as provided in Part II.A.2., II.A.3. and II.A.5., Owners or Operators or both who intend to obtain coverage under this general permit for stormwater discharges from a construction site (where construction activities begin after issuance of this permit), shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part at least fourteen (14) days prior to the commencement of construction activities.

2. For sites where construction activities, subject to this permit, are occurring on the effective date of this permit, the Owner or Operator or both shall submit a re-issuance NOI for an existing construction site in accordance with the requirements of this part no later than ninety (90) days after the effective date of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

3. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1. or II.A.2. of this permit. In such instances, EPD may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of stormwater associated with construction activity that have occurred on or after the dates specified in Part II.A.1. and II.A.2.

4. Where an Owner or an Operator or both changes after an NOI has been filed, the subsequent Owner or Operator or both must submit a modification NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site or (b) thirty (30) days from acquiring legal title to the facility/construction site. In the event a lender or other secured creditor acquires legal title to the facility/construction site, such party must submit a modification NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site; or (b) thirty (30) days from acquiring legal title to the facility/construction site. Stabilization and BMP installation and/or maintenance measures of a disturbed site, by the subsequent Owner or Operator, may occur in advance of filing a new NOI, without violation of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

5. For sites where construction activities will result in land disturbance equal to or greater than one (1) acre that are required as a result of storm- or emergency-related repair work, the Owner or Operator or both shall notify the appropriate EPD District Office within three (3) days of
commencement of said construction activities. The Owner or Operator or both shall submit the NOI to the appropriate EPD district office as soon as possible after the storm- or emergency-related event but no later than fourteen (14) days after the commencement of construction activities and shall submit the Plan in accordance with Part IV.A.6.

B. Notice of Intent Contents.

1. Primary Permittee. A single Notice of Intent for the primary permittee (i.e., one NOI signed by the Owner or the Operator or both) shall be signed in accordance with Part V.G.1. of this permit and shall include the following information:

   a. The project construction site name, GPS location (decimal degrees) of construction exit, construction site location (e.g., street address), city (if applicable) and county of the construction site for which the notification is submitted. The construction site location information must be sufficient to accurately locate the construction site;

   b. The Owner’s legal name, address, telephone number and email address; and if available, the Operator’s legal name, address, telephone number and email address; and if applicable, the Duly Authorized Representative’s legal name and/or position name, telephone number and email address;

   c. The name, telephone number and email address of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e., construction superintendent, etc.) of the construction site;

   d. The name of the initial receiving water(s) or if unnamed the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee’s determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6;

   e. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s) shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” for the criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff);

   f. An estimate of project start date and completion date, a schedule for the timing of the various construction activities, the number of acres of the site on which soil will be disturbed, and the surface water drainage area (if applicable). For projects that began on
or before the effective date of this permit, the start date must be the actual start date of construction;

g. The following certification shall be signed in accordance with Part V.G.1. of this permit:

“I certify that to the best of my knowledge and belief, that the Erosion, Sedimentation and Pollution Control Plan (Plan) was prepared by a design professional, as defined by this permit, that has completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19 and that I will adhere to the Plan and comply with all requirements of this permit.”

h. The type of construction activity category (from those listed on the NOI) conducted at the site;

i. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be sampled on a map or drawing of appropriate scale. When it is determined by the primary permittee that some or all of the outfall(s) will be sampled, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i.e., based upon the size of the construction site and the surface water drainage area) must be shown for each outfall to be sampled.

j. NOIs may be submitted for separate phases of projects with a total planned disturbance greater than 5.0 acres, provided that each phase shall not be less than 1.0 acre. Phased NOIs shall include all documentation required by this permit for each phase, including fees; and

k. Any other information specified on the NOI in effect at the time of submittal.

C. Notice of Intent Submittal. NOIs are to be submitted to EPD using the electronic submittal service provided by EPD and a copy to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such time as a Notice of Termination (NOT) is submitted in accordance with Part VI.

D. Fees. Any applicable fees shall be submitted by the Primary Permittee in accordance with Rules and Regulations for Water Quality Control (Rules) promulgated by the Board of Natural Resources. By submitting an NOI for coverage under this permit the primary permittee agrees to pay any fees required, now or in the future, by such Rules authorized under O.C.G.A. Section 12-5-23(a)(5)(A), which allows the Board of Natural Resources to establish a fee system. Fees may be assessed on land disturbing activity proposed to occur on or after the effective date of this permit and shall be paid in accordance with such Rules.
E. Renotification. Upon issuance of a new or different general permit for some or all of the stormwater discharges covered by this permit, the permittee is required to notify the EPD of their intent to be covered by the new or different general permit. The permittee must submit a renewal Notice of Intent in accordance with the notification requirements of the new or different general permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, PERMIT VIOLATIONS AND OTHER LIMITATIONS

A. Prohibition on Non-Stormwater Discharges.

1. Except as provided in Part I.C.2. and III.A.2., all discharges covered by this permit shall be composed entirely of stormwater.

2. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component of the discharge is explicitly listed in the Erosion, Sedimentation and Pollution Control Plan and is in compliance with Part IV.D.7.; discharges from fire fighting activities; fire hydrant flushing; potable water sources including water line flushing; irrigation drainage; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials or pollutants.

3. This permit does not authorize the discharge of soaps or solvents used in vehicle and equipment washing.

4. This permit does not authorize the discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.

B. Releases in Excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the stormwater discharge(s) from a site shall be prevented. This permit does not relieve the permittee of the reporting requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the permittee is required to notify EPD at (404) 656-4863 or (800) 241-4113 and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 and 40 CFR 302 as soon as he/she has knowledge of the discharge.

2. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
C. Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment.

Any permittee who intends to obtain coverage under this permit for stormwater discharges associated with construction activity into an Impaired Stream Segment, or within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s), as shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” at the time of NOI submittal, must satisfy the requirements of Part III.C. of this permit if the Impaired Stream Segment has been listed for criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff). Those discharges that are located within one (1) linear mile of an Impaired Stream Segment, but are not located within the watershed of any portion of that stream segment, are excluded from this requirement. Georgia’s “305(b)/303(d) List Documents (Approved)” can be viewed on the EPD website.

1. If a Total Maximum Daily Load (TMDL) Implementation Plan for sediment has been finalized at least six (6) months prior to the permittee’s submittal of the NOI, the Erosion, Sedimentation and Pollution Control Plan (Plan) must address any site-specific conditions or requirements included in the TMDL Implementation Plan that are applicable to the permittee’s discharge(s) to the Impaired Stream Segment within the timeframe specified in the TMDL Implementation Plan. If the TMDL Implementation Plan establishes a specific numeric wasteload allocation that applies to a permittee’s discharge(s) to the Impaired Stream Segment, then the permittee must incorporate that allocation into the Erosion, Sedimentation and Pollution Control Plan and implement all necessary measures to meet that allocation. A list of TMDL Implementation Plans can be viewed on the EPD website.

2. In order to ensure that the permittee’s discharge(s) do not cause or contribute to a violation of State water quality standards, the Plan must include at least four (4) of the following best management practices (BMPs) for those areas of the site which discharge into or within one (1) linear mile upstream and within the same watershed as the Impaired Stream Segment:

   a. During all construction activities as defined in this permit, double the width of the 25 foot undisturbed vegetated buffer along all State waters requiring a buffer and the 50 foot undisturbed vegetated buffer along all State waters classified as “trout streams” requiring a buffer. During construction activities, EPD will not grant variances to any such buffers that are increased in width pursuant to this section.

   b. Increase all temporary sediment basins and retrofitted stormwater management basins to provide sediment storage of at least 3600 cubic feet (134 cubic yards) per acre drained.

   c. Use baffles in all temporary sediment basins and retrofitted stormwater management basins to at least double the conventional flow path length to the outlet structure.
d. A large sign (minimum 4 feet x 8 feet) must be posted on site by the actual start date of construction. The sign must be visible from a public roadway. The sign must identify the following: (1) the construction site, (2) the permittee(s), (3) the contact person(s) along with their telephone number(s), and (4) the permittee-hosted website where the Plan can be viewed. The permittee-hosted website where the Plan can be viewed must be provided on the submitted NOI. The sign must remain on site and the Plan must be available on the provided website until a NOT has been submitted.

e. Use flocculants or coagulants and/or mulch to stabilize all areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1. of this permit.

f. Conduct turbidity sampling after every rain event of 0.5 inch or greater within any 24 hour period, recognizing the exceptions specified in Part IV.D.6.d. of this permit.

g. Comply with the applicable end-of-pipe turbidity effluent limit, without the “BMP defense” as provided for in O.C.G.A. 12-7-6(a)(1).

h. Reduce the total planned site disturbance to less than 50% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included on the Plan.

i. Limit the amount of area disturbed at any one time to no greater than 25 acres or 50% of the total planned site, whichever is less. All calculations must be included on the Plan.

j. Use “Dirt II” techniques available on the EPD website, to model and manage all construction stormwater runoff (including sheet flow). All calculations must be included on the Plan.

k. Add appropriate organic soil amendments (e.g., compost) and conduct pre- and post-construction soil sampling to a depth of six (6) inches to document improved levels of soil carbon after final stabilization of the construction site.

l. Use mulch filter berms, in addition to a silt fence, on the site perimeter wherever construction stormwater (including sheet flow) may be discharged. Mulch filter berms cannot be placed in waterways or areas of concentrated flow.

m. Use appropriate erosion control slope stabilization instead of concrete in all construction stormwater ditches and storm drainages designed for a 25 year, 24 hour rainfall event.

n. Use flocculants or coagulants under a passive dosing method (e.g., flocculant blocks) within all construction stormwater ditches and storm drainages that feed into temporary sediment basins and retrofitted management basins.
o. Install sod for a minimum 20 foot width (in lieu of seeding) after final grade has been achieved, along the site perimeter wherever construction stormwater (including sheet flow) may be discharged.

p. Conduct soil tests to identify and to implement site-specific fertilizer needs.

q. Certified personnel shall conduct inspections at least twice every seven (7) calendar days and within 24 hours of the end of the storm that is 0.5 inches rainfall or greater in accordance with Part IV.D.4.a.(3).(a)–(c) of this permit.

r. Apply the appropriate compost blankets (minimum depth 1.5 inches) to protect soil surfaces until vegetation is established during the final stabilization phase of the construction activity.

s. Use alternative BMPs whose performance has been documented to be superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission).

t. Limit the total planned site disturbance to less than 15% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included in the Plan.

u. Conduct inspections during the intermediate grading and drainage BMP phase and during the final BMP phase of the project by the design professional who prepared the Plan in accordance with Part IV.A.5. of the permit.

v. Install Post Construction BMPs (e.g., runoff reduction BMPs) which remove 80% TSS as outlined in the Georgia Stormwater Management Manual known as the Blue Book or an equivalent or more stringent design manual.


1. Best management practices, as set forth in this permit, are required for all construction activities, and must be implemented in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Part III.D.4. and Part III.D.5.

2. Except as required to install the initial sediment storage requirements and perimeter control BMPs as described in Part IV.D.3., the initial sediment storage requirements and perimeter control BMPs must be installed and implemented prior to conducting any other construction activities (e.g., clearing, grubbing and grading) within the construction site or when applicable,
within phased sub-parts or segments of the construction site. Failure to comply shall constitute a violation of this permit for each day on which construction activities occur. The design professional who prepared the Plan must inspect the initial sediment storage requirements and perimeter control BMPs in accordance with Part IV.A.5. within seven (7) days after installation.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs. BMP maintenance as a result of the permittee's routine inspections shall not be considered a violation for the purposes of this paragraph. If during the course of the permittee's routine inspection BMP failures are observed which have resulted in sediment deposition into Waters of the State, the permittee shall correct the BMP failures and shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit.

4. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such discharge results in the turbidity of receiving water(s) being increased by more than ten (10) nephelometric turbidity units for waters classified as trout streams or more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries, regardless of a permittee’s certification under Part II.B.1.i. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a subdivision or planned common development unless five (5) acres or more will be disturbed.

5. When the permittee has elected to sample outfall(s), the discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such condition results in the turbidity of the discharge exceeding the value selected from Appendix B applicable to the construction site. As set forth therein, the nephelometric turbidity unit (NTU) value shall be selected from Appendix B based upon the size of the construction site, the surface water drainage area and whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.

6. Whenever a permittee finds that a BMP has failed or is deficient (beyond routine maintenance) and has resulted in sediment deposition into waters of the State, the permittee shall immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. The permittee shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit and shall correct such BMP as follows:

   a. When the repair does not require a new or replacement BMP or significant repair, the BMP failure or deficiency must be repaired within two (2) business days from the time of discovery;

   b. When the repair requires a new or replacement BMP or significant repair, the installation of the new or modified BMP must be completed and the BMP must be operational by no later than seven (7) days from the time of discovery. If it is infeasible
to complete the installation or repair within seven (7) days, the permittee must document why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document the schedule for installing or repairing the BMPs and making the BMPs operational as soon as feasible after the seven (7) day timeframe.

Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN

A site-specific Erosion, Sedimentation and Pollution Control Plan (Plan) shall be designed, installed and maintained for the entire construction activity covered by this permit. The Erosion, Sedimentation and Pollution Control Plan must be prepared by a design professional as defined by this permit. All persons involved in Plan preparation shall have completed the appropriate certification course, pursuant to O.C.G.A. 12-7-19(b), approved by the Georgia Soil and Water Conservation Commission. The design professional preparing the Plan must include and sign the following certification in the Plan:

“I certify that the permittee’s Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the stormwater outfalls and that the designed system of best management practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit No. GAR100001.”

The Plan shall include any additional certifications regarding the design professional's site visit in accordance with the Rules for Erosion and Sedimentation Control promulgated by the Board of Natural Resources:

“I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision.”

The Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and O.C.G.A. 12-7-6, as well as the following:

(i). Except as provided in Part IV.(iii). below, no construction activities shall be conducted within a 25 foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director has determined to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion
control measures are incorporated in the project plans and specifications and are implemented, or along any ephemeral stream, or where bulkheads and seawalls must be constructed to prevent the erosion of the shoreline on Lake Oconee and Lake Sinclair. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

1. public drinking water system reservoirs;
2. stream crossings for water lines and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
3. stream crossings for any utility lines of any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentalities of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, (b) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (c) the entity is not a secondary permittee for a project located within a common development or sale under this permit;
4. buffer crossing for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
5. stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification;
6. right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way undertaken or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority or undertaken by any county or municipality, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit;
(7) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; and
(8) maintenance (excluding dredging), repair and/or upgrade of Soil and Water Conservation District watershed dams when under the technical supervision of the USDA Natural Resources Conservation Service.

(ii). No construction activities shall be conducted within a 50 foot buffer, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as “trout streams” except when approval is granted by the Director for alternate buffer requirements in accordance with the provisions of O.C.G.A. 12-7-6, or where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as “trout streams” which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the permittee, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources including notification of such to EPD and the Local Issuing Authority of the location and extent of the piping and prescribed methodology for minimizing the impact of such piping and for measuring the volume of water discharged by the stream. Any such pipe must stop short of the downstream permittee's property, and the permittee must comply with the buffer requirement for any adjacent trout streams. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

(1) public drinking water system reservoirs;
(2) stream crossings for water lines and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
(3) stream crossings for any utility lines of any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the
stream and cause a width of disturbance of not more than 50 feet within the buffer, (b) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (c) the entity is not a secondary permittee for a project located within a common development or sale under this permit;

(4) buffer crossing for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;

(5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification;

(6) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way undertaken or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority or undertaken by any county or municipality, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit;

(7) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way undertaken by any electric membership corporation or municipal electrical system or any public utility under the, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; and

(8) maintenance (excluding dredging), repair and/or upgrade of Soil and Water Conservation District watershed dams when under the technical supervision of the USDA Natural Resources Conservation Service.

(iii). Except as provided in Part IV(iv) below, no construction activities shall be conducted within a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Part 4 of Article 4 of Chapter 5 of Title 12, the Coastal Marshlands Protection Act of 1970, and the rules and regulations promulgated thereunder, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where otherwise allowed by the Director pursuant to Code Section 12-2-8,
or where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, or for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or where a drainage structure or roadway drainage structure is constructed or maintained, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented:

1. Public drinking water system reservoirs;
2. Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer;
3. Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015;
4. Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development;
5. Buffer crossings for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the Jurisdictional Line and cause a width of disturbance of not more than 50 feet within the buffer, and vegetation is re-established in any bare or disturbed areas within the buffer;
6. Crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification;
7. Right-of-way posts, guy wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way undertaken or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority or undertaken by any county or municipality, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) vegetation is re-established in any bare or
disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; (8) Right-of-way posts, guy wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way by any electric membership corporation or municipal electrical system or any public utility under the regulator jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; and (9) maintenance (excluding dredging), repair and/or upgrade of Soil and Water Conservation District watershed dams when under the technical supervision of the USDA Natural Resources Conservation Service. 

(iv). Except as provided above, for buffers required pursuant to Part IV.(i). and (ii) and (iii), no construction activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. During coverage under this permit, a buffer cannot be thinned or trimmed of vegetation and a protective vegetative cover must remain to protect water quality and aquatic habitat and a natural canopy must be left in sufficient quantity to keep shade on the stream bed or marsh.

The Erosion, Sedimentation and Pollution Control Plan shall identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site. In addition, the Plan shall describe and the applicable permittee shall ensure the implementation of practices which will be used to reduce the pollutants in stormwater discharges associated with construction activity at the site and to assure compliance with the terms and conditions of this permit. The applicable permittee must implement and maintain the provisions of the Plan required under this part as a condition of this permit.

Except as provided in Part IV.A.2., a single Erosion, Sedimentation and Pollution Control Plan must be prepared by the primary permittee for the stand alone construction project.

A. Deadlines for Plan Preparation and Compliance.

1. Except as provided in Part IV.A.2. and Part IV.A.6., the Erosion, Sedimentation and Pollution Control Plan shall be completed prior to submitting the NOI and prior to conducting any construction activity by any permittee.
2. For construction activities that began on or before the effective date of this permit and were subject to the regulations under the previous permit, the permittee(s) shall continue to operate under the existing Plan.

3. For construction activities that begin after the effective date of this permit, the primary permittee shall be required to prepare the Plan for that phase of the stand alone development that corresponds with the NOI being submitted and the primary permittee(s) shall implement the Plan on or before the day construction activities begin.

4. Additional Plan Submittals.

   a. For all projects identified under Part I.C.1.b., which begin after the effective date of this permit, in a jurisdiction where there is no certified Local Issuing Authority regulating that project, a single copy of the Plan must be submitted to the EPD Watershed Protection Branch and a second copy of the Plan must be submitted to the appropriate EPD District Office prior to or concurrent with the NOI submittal. The second copy of the Plan must be submitted electronically as a Portable Document Format (PDF) file through the electronic submittal method provided by EPD, or by return receipt certified mail or similar service as a PDF on CD-ROM or other storage device to the appropriate EPD District Office. The permittee shall retain a copy of the proof of the submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such a time as a Notice of Termination (NOT) is submitted in accordance with Part VI. The EPD Watershed Protection Branch will review Plans for deficiencies using the applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

   b. For all projects where the construction activity as indicated on the existing NOI has changed, the amended Plans must be submitted in accordance with Part IV.A.4.a. In addition, the permittee must submit a modification NOI in accordance with Part II.

5. For stand alone projects that begin construction activity after the effective date of this permit, the primary permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, or an alternative design professional approved by EPD in writing, to inspect the installation of the initial sediment storage requirements and perimeter control BMPs which the design professional designed within seven (7) days after installation. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the primary permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required.

6. For storm- or emergency-related repair work, the permittee shall implement appropriate BMPs and certified personnel (provided by the primary permittee) shall inspect at least once every
seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater. If the storm- or emergency-related repair work will not be completed within sixty (60) days of commencement of construction activity, a single copy of the Plan shall be submitted to EPD and the permittee shall comply with all requirements of this permit on the sixty-first (61st) day.

B. Signature and Plan Review.

1. The Erosion, Sedimentation and Pollution Control Plan shall be signed in accordance with Part IV., and be retained on the site (or, if not possible, at a readily accessible location) which generates the stormwater discharge in accordance with Part IV.F. of this permit.

2. The primary permittee shall make Plans available upon request to the EPD; to designated officials of the local government reviewing soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system.

3. EPD may notify the primary permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. Within seven (7) days of such notification (or as otherwise provided by EPD), the primary permittee shall make the required changes to the Plan and shall submit to EPD either the amended Plan or a written certification that the requested changes have been made.

C. Keeping Plans Current. The primary permittee(s) shall amend their Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on BMPs with a hydraulic component (i.e., those BMPs where the design is based upon rainfall intensity, duration and return frequency of storms) or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.3. Amendments to the Plan must be certified by a design professional as provided in this permit.

D. Contents of Plan. The Erosion, Sedimentation and Pollution Control Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Checklist. Each plan shall include a completed Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the applicable Checklist as approved by the GSWCC up until the date of the NOI submittal. The applicable checklists are available on the GSWCC website.
2. Site description. Each site-specific Plan shall provide a description of pollutant sources and other information as indicated:

a. A description of the nature of the construction activity;

b. A detailed description and chart or timeline of the intended sequence of major activities which disturb soils for major portions of the site (i.e., initial sediment storage requirements and perimeter BMPs, clearing and grubbing activities, excavation activities, grading activities, infrastructure activities, immediate and final stabilization activities);

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

d. An estimate of the runoff coefficient or peak discharge flow of the site prior to the construction activities and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;

e. A site-specific map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the Plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where stormwater is discharged to a surface water; and

f. Identify the receiving water(s) and areal extent of wetland acreage at the site;

3. Controls. Each Plan shall include a description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial sediment storage requirements and perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase Plan. The Plan will include appropriate staging and access requirements for construction equipment. Plans submitted after the effective date of this permit shall limit the amount of disturbed area to no greater than 50 acres at any one time without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit. EPD will approve or disapprove such requests within 35 days of receipt. Failure of EPD to act within 35 days shall be considered an approval of such requests. If the EPD District Office approves a request to disturb 50 acres or more at any one time, the Plan must include at least four (4) of the best management practices listed in Part III.C.2. of this permit.

The Plan will clearly describe for each major activity identified in Part IV.D.2.b. appropriate control measures and the timing during the construction process that the measures will be implemented. The primary permittee is encouraged to utilize the document, Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, EPA 833-R-060-04, May
2007, when preparing the Plan. The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1). Stabilization measures. A description of interim and permanent stabilization measures, including site-specific scheduling of the implementation of the measures. Site plans should ensure that existing vegetation is preserved and that disturbed portions of the site are stabilized. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the Plan. Except as provided in paragraphs IV.D.3.(a),(1),(a). below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a). Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently cease is precluded by snow cover or other adverse weather conditions, stabilization measures shall be initiated as soon as practicable.

(2). Structural practices. A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(3). Sediment basins. For common drainage locations a temporary (or permanent) sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. The 1800 cubic feet (67 cubic yards) of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations where a temporary sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent controls is not attainable, sediment traps, silt fences, wood mulch berms or equivalent
sediment controls are required for all side slope and down slope boundaries of the construction area. When the sediment fills to a volume at most of 22 cubic yards per acre for each acre of drainage area, the sediment shall be removed to restore the original design volume. This sediment must be properly disposed. Sediment basins may not be feasible at some construction sites. Careful consideration must be used to determine when a sediment basin cannot be used and/or when 67 cubic yards of storage per acre drained is not attainable and a written justification explaining the decision(s) must be included in the Plan. Perennial and intermittent waters of the State shall not be used for temporary or permanent sediment detention.

When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan. Outlet structures that withdraw water from the surface are temporary BMPs and must be removed prior to submitting a Notice of Termination. For construction activities where the NOI was submitted prior to January 1, 2014, this requirement of the permit is not applicable.

(4). Alternative BMPs. The use of alternative BMPs whose performance has been documented to be equivalent or superior to conventional BMPs as certified by a Design Professional may be allowed (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission).

(5). High performance BMPs. The use of infiltration trenches, seep berms, sand filters, dry wells, flocculants or coagulants, etc. for minimizing point source discharges except for large rainfall events is encouraged.

b. Stormwater management. A description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Operators are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site.

(1). Such practices may include: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The Plan shall include an explanation
of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water(s)).

(3). Installation and use of green infrastructure approaches and practices that mimic natural processes and direct stormwater where it can be infiltrated, evaporated or re-used with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures are encouraged to the maximum extent practicable. Green Infrastructure practices or approaches include permeable or porous paving, vegetated swales instead of curbs and gutters, green roofs, tree boxes, rain gardens, constructed wetlands, infiltration planters, vegetated median strips, protection and enhancement of riparian buffers and floodplains, and the overall reduction in site disturbance and impervious area. Design information on Green Infrastructure practices and other ways to manage stormwater can be found in the Georgia Stormwater Management Manual and Coastal Stormwater Supplement. Additional information on Green Infrastructure can be found at the USEPA website.

c. Other controls.

(1). Waste disposal. Locate waste collection areas away from streets, gutters, watercourses and storm drains. Waste collection areas, such as dumpsters, are often best located near construction site entrances to minimize traffic on disturbed soils. The Plan should include secondary containment around liquid waste collection areas to further minimize the likelihood of contaminated discharges. Solid materials, including building materials, shall not be discharged to waters of the State, except as authorized by a Section 404 permit.

(2). For building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site, provide cover (e.g. plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or a similarly effective means designed to minimize the discharge of pollutants from these areas. Minimization of exposure is not required in cases where exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk to stormwater contamination (such as final products and materials intended for outdoor use).
(3). Off-site vehicle tracking of dirt, soils, and sediments and the generation of dust shall be minimized or eliminated to the maximum extent practical. The Plan shall include the best management practice to be implemented at the site or construction activity.

(4). Nothing in this permit relieves a permittee from any obligation to comply with all applicable State and local regulations of waste disposal, sanitary sewer, septic and petroleum storage systems.

(5). The Plan shall include best management practices for the remediation of all petroleum spills and leaks as appropriate.

(6). The Plan shall include best management practices for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of vehicles. Washout of the drum at the construction site is prohibited. Additional information about best management practices for concrete washout is available at the USEPA website.

(7). All permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

4. Inspections.

a. Permittee requirements.

(1). Each day when any type of construction activity has taken place at a primary permittee’s site, certified personnel provided by the primary permittee shall inspect: (a) all areas at the primary permittee’s site where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment and (b) all locations at the primary permittee’s site where vehicles enter or exit the site for evidence of off-site sediment tracking. These inspections must be conducted until a Notice of Termination is submitted.

(2). Measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday. The data collected for the purpose of compliance with this permit shall be representative of the monitored activity. Measurement of rainfall may be suspended if all areas of the site have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region.

(3). Certified personnel (provided by the primary permittee) shall inspect the following at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or
any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of the primary permittee’s construction site; (b) areas used by the primary permittee for storage of materials that are exposed to precipitation; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the primary permittee’s site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region, the permittee must comply with Part IV.D.4.a.(4). These inspections must be conducted until a Notice of Termination is submitted.

(4). Certified personnel (provided by the primary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination has been submitted) the areas of the site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s).

(5). Based on the results of each inspection, the site description and the pollution prevention and control measures identified in the Erosion, Sedimentation and Pollution Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following each inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following each inspection.

(6). A report of each inspection that includes the name(s) of certified personnel making each inspection, the date(s) of each inspection, construction phase (i.e., initial, intermediate or final), major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in accordance with Part IV.D.4.a.(5). of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site or that portion of a construction site that has been phased has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall be readily available by end of the second business day and/or working day and shall identify all incidents of best management practices that have not been properly installed and/or maintained as described in the Plan. Where the report does not identify any incidents, the inspection report shall contain a certification that the best management practices are in compliance with the Erosion,
Sedimentation and Pollution Control Plan. The report shall be signed in accordance with Part V.G.2. of this permit.

5. Maintenance. The Plan shall include a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan.

6. Sampling Requirements. This permit requires the monitoring of nephelometric turbidity in receiving water(s) or outfalls in accordance with this permit. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a subdivision or planned common development unless five (5) acres or more will be disturbed. The following procedures constitute EPD’s guidelines for sampling turbidity.

   a. Sampling Requirements shall include the following:

      (1). A USGS topographic map, a topographic map or a drawing (referred to as a topographic map) that is a scale equal to or more detailed than a 1:24000 map showing the location of the site or the stand alone construction; (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during mandatory field verification, into which the stormwater is discharged and (b) the receiving water and/or outfall sampling locations. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be hand-drawn on the USGS topographic map from where the stormwater(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map;

      (2). A written narrative of site specific analytical methods used to collect, handle and analyze the samples including quality control/quality assurance procedures. This narrative must include precise sampling methodology for each sampling location;

      (3). When the permittee has determined that some or all outfalls will be sampled, a rationale must be included on the Plan for the NTU limit(s) selected from Appendix B. This rationale must include the size of the construction site, the calculation of the size of the surface water drainage area, and the type of receiving water(s) (i.e., trout stream or supporting warm water fisheries); and

      (4). Any additional information EPD determines necessary to be part of the Plan. EPD will provide written notice to the permittee of the information necessary and the time line for submittal.
b. **Sample Type.** All sampling shall be collected by “grab samples” and the analysis of these samples must be conducted in accordance with methodology and test procedures established by 40 CFR Part 136 (unless other test procedures have been approved); the guidance document titled “NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001” and guidance documents that may be prepared by the EPD.

(1) Sample containers should be labeled prior to collecting the samples.

(2) Samples should be well mixed before transferring to a secondary container.

(3) Large mouth, well cleaned and rinsed glass or plastic jars should be used for collecting samples. The jars should be cleaned thoroughly to avoid contamination.

(4) Manual, automatic or rising stage sampling may be utilized. Samples required by this permit should be analyzed immediately, but in no case later than 48 hours after collection. However, samples from automatic samplers must be collected no later than the next business day after their accumulation, unless flow through automated analysis is utilized. If automatic sampling is utilized and the automatic sampler is not activated during the qualifying event, the permittee must utilize manual sampling or rising stage sampling during the next qualifying event. Dilution of samples is not required. Samples may be analyzed directly with a properly calibrated turbidimeter. Samples are not required to be cooled.

(5) Sampling and analysis of the receiving water(s) or outfalls beyond the minimum frequency stated in this permit must be reported to EPD as specified in Part IV.E.

c. **Sampling Points.**

(1) For construction activities the primary permittee must sample all receiving water(s), or all outfall(s), or a combination of receiving water(s) and outfall(s). Samples taken for the purpose of compliance with this permit shall be representative of the monitored activity and representative of the water quality of the receiving water(s) and/or the stormwater outfalls using the following minimum guidelines:

(a). The upstream sample for each receiving water(s) must be taken immediately upstream of the confluence of the first stormwater discharge from the permitted activity (i.e., the discharge farthest upstream at the site) but downstream of any other stormwater discharges not associated with the permitted activity. Where appropriate, several upstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the upstream turbidity value.
(b). The downstream sample for each receiving water(s) must be taken downstream of the confluence of the last stormwater discharge from the permitted activity (i.e., the discharge farthest downstream at the site) but upstream of any other stormwater discharge not associated with the permitted activity. Where appropriate, several downstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the downstream turbidity value.

(c). Ideally the samples should be taken from the horizontal and vertical center of the receiving water(s) or the stormwater outfall channel(s).

(d). Care should be taken to avoid stirring the bottom sediments in the receiving water(s) or in the outfall stormwater channel.

(e). The sampling container should be held so that the opening faces upstream.

(f). The samples should be kept free from floating debris.

(g). Permittees do not have to sample sheet flow that flows onto undisturbed natural areas or areas stabilized by the project. For purposes of this section, stabilized shall mean, for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region).

(h). All sampling pursuant to this permit must be done in such a way (including generally accepted sampling methods, locations, timing, and frequency) as to accurately reflect whether stormwater runoff from the construction site is in compliance with the standard set forth in Parts III.D.3. or III.D.4., whichever is applicable.

d. Sampling Frequency:

(1). The primary permittee must sample in accordance with the Plan at least once for each rainfall event described below. For a qualifying event, the permittee shall sample at the beginning of any stormwater discharge to a monitored receiving water and/or from a monitored outfall location within in forty-five (45) minutes or as soon as possible.
(2). However, where manual and automatic sampling are impossible (as defined in this permit), or are beyond the permittee’s control, the permittee shall take samples as soon as possible, but in no case more than twelve (12) hours after the beginning of the stormwater discharge.

(3). Sampling by the permittee shall occur for the following qualifying events:

(a). For each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a stormwater discharge that occurs during normal business hours as defined in this permit after all clearing and grubbing operations have been completed, but prior to completion of mass grading operations, in the drainage area of the location selected as the sampling location;

(b). In addition to (a) above, for each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a stormwater discharge that occurs during normal business hours as defined in this permit either 90 days after the first sampling event or after all mass grading operations have been completed, but prior to submittal of a NOT, in the drainage area of the location selected as the sampling location, whichever comes first;

(c). At the time of sampling performed pursuant to (a) and (b) above, if BMPs in any area of the site that discharges to a receiving water or from an outfall are not properly designed, installed and maintained, corrective action shall be defined and implemented within two (2) business days, and turbidity samples shall be taken from discharges from that area of the site for each subsequent rain event that reaches or exceeds 0.5 inch during normal business hours* until the selected turbidity standard is attained, or until post-storm event inspections determine that BMPs are properly designed, installed and maintained;

(d). Where sampling pursuant to (a), (b) or (c) above is required but not possible (or not required because there was no discharge), the permittee, in accordance with Part IV.D.4.a.(6), must include a written justification in the inspection report of why sampling was not performed. Providing this justification does not relieve the permittee of any subsequent sampling obligations under (a), (b) or (c) above; and

(e). Existing construction activities, i.e., those that are occurring on or before the effective date of this permit, that have met the sampling required by (a) above shall sample in accordance with (b). Those existing construction activities that have met the sampling required by (b) above shall not be required to conduct additional sampling other than as required by (c) above.
*Note that the permittee may choose to meet the requirements of (a) and (b) above by collecting turbidity samples from any rain event that reaches or exceeds 0.5 inch and allows for sampling at any time of the day or week.

7. Non-stormwater discharges. Except for flows from fire fighting activities, sources of non-stormwater listed in Part III.A.2. of this permit that are combined with stormwater discharges associated with construction activity must be identified in the Plan. The Plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

E. Reporting.

1. The applicable permittees are required to submit the sampling results to the EPD at the address shown in Part II.C. by the fifteenth day of the month following the reporting period. Reporting periods are months during which samples are taken in accordance with this permit. Sampling results shall be in a clearly legible format. Upon written notification, EPD may require the applicable permittee to submit the sampling results on a more frequent basis. Sampling and analysis of any stormwater discharge(s) or the receiving water(s) beyond the minimum frequency stated in this permit must be reported in a similar manner to the EPD. The sampling reports must be signed in accordance with Part V.G.2. Sampling reports must be submitted to EPD using the electronic submittal service provided by EPD. Sampling reports must be submitted to EPD until such time as a NOT is submitted in accordance with Part VI.

2. All sampling reports shall include the following information:

   a. The rainfall amount, date, exact place and time of sampling or measurements;
   b. The name(s) of the certified personnel who performed the sampling and measurements;
   c. The date(s) analyses were performed;
   d. The time(s) analyses were initiated;
   e. The name(s) of the certified personnel who performed the analyses;
   f. References and written procedures, when available, for the analytical techniques or methods used;
   g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results;
   h. Results which exceed 1000 NTU shall be reported as "exceeds 1000 NTU;” and
   i. Certification statement that sampling was conducted as per the Plan.

3. All written correspondence required by this permit shall be submitted by return receipt certified mail (or similar service) to the appropriate District Office of the EPD according to the schedule in Appendix A of this permit. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated location from commencement of construction until such time as a NOT is submitted in accordance with Part VI.
F. Retention of Records.

1. The primary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

   a. A copy of all Notices of Intent submitted to EPD;
   b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
   c. The design professional’s report of the results of the inspection conducted in accordance with Part IV.A.5. of this permit;
   d. A copy of all sampling information, results, and reports required by this permit;
   e. A copy of all inspection reports generated in accordance with Part IV.D.4.a. of this permit;
   f. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit; and
   g. Daily rainfall information collected in accordance with Part IV.D.4.a.(2). of this permit.

2. Copies of all Notices of Intent, Notices of Termination, inspection reports, sampling reports (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) or other reports requested by the EPD, Erosion, Sedimentation and Pollution Control Plans, records of all data used to complete the Notice of Intent to be covered by this permit and all other records required by this permit shall be retained by the permittee who either produced or used it for a period of at least three years from the date that the NOT is submitted in accordance with Part VI. of this permit. These records must be maintained at the permittee’s primary place of business or at a designated alternative location once the construction activity has ceased at the permitted site. This period may be extended by request of the EPD at any time upon written notification to the permittee.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Each permittee must comply with all applicable conditions of this permit. Any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) and is grounds for enforcement action; for permit termination; or for denial of a permit renewal application. Failure of a primary permittee to comply with any applicable term or condition of this permit shall not relieve any other primary permittee from compliance with their applicable terms and conditions of this permit.

2. Each permittee must document in their records any and all known violations of this permit at his/her site within seven (7) days of his/her knowledge of the violation. A summary of these violations must be submitted to EPD by the permittee at the addresses shown in Part II.C. within fourteen (14) days of his/her discovery of the violation.
3. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine or by imprisonment, or by both. The Federal Clean Water Act and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Acts, any permit condition or limitation established pursuant to the Acts, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director.

B. Continuation of the Expired General Permit. This permit expires on the date shown on the cover page of this permit. However, an expired general permit continues in force and effect until a new general permit is issued, final and effective.

C. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the Director; a State or local agency approving soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system, any information which is requested to determine compliance with this permit. In the case of information submitted to the EPD such information shall be considered public information and available under the Georgia Open Records Act.

F. Other Information. When the permittee becomes aware that he failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report required to be submitted to the EPD, the permittee shall promptly submit such facts or information.

G. Signatory Requirements. All Notices of Intent, Notice of Terminations, inspection reports, sampling reports or other reports requested by the EPD shall be signed as follows:

1. All Notices of Intent and Notices of Termination shall be signed as follows:

   a. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president
of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official; and

d. Changes to authorization. If an authorization under Part II.B. is no longer accurate, a modification NOI satisfying the requirements of Part II.B. must be submitted to the EPD prior to or together with any inspection reports, sampling reports, or other reports requested by the EPD to be signed by a person described above or by a duly authorized representative of that person.

2. All inspection reports, sampling reports, or other reports requested by the EPD shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person(s) described above and submitted to the EPD;

b. The authorization specifies either an individual or a position having responsibility for specified operation(s) of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and

c. Certification. Reports delineated in Part V.G.2. shall be signed by the permittee or duly authorized representative and shall make the following certification:

“I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that certified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those
persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**H. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60, et seq, or under Chapter 14 of Title 12 of the Official Code of Georgia Annotated; nor is the Operator relieved from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of Comprehensive Environmental Response Compensation And Liability Act.

**I. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**J. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**K. Other Applicable Environmental Regulations and Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act. Nothing in this permit, unless explicitly stated, exempts the permittee from compliance with other applicable local, state and federal ordinances, rules, regulations, and laws. Furthermore, it is not a defense to compliance with this permit that a local government authority has approved the permittee’s Erosion, Sedimentation and Pollution Control Plan or failed to take enforcement action against the permittee for violations of the Erosion, Sedimentation and Pollution Control Plan, or other provisions of this permit.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**L. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the required plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
M. Inspection and Entry. The permittee shall allow the Director or an authorized representative of EPA, EPD or to designated officials of the local government reviewing soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or, in the case of a construction site which discharges through a municipal separate storm sewer system, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; and

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

N. Permit Actions. This permit may be revoked and reissued, or terminated for cause including but not limited to changes in the law or regulations. The filing of a request by the permittee for termination of the permit, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Part VI. TERMINATION OF COVERAGE

A. Notice of Termination Eligibility. Notice of Termination signed in accordance with Part V.G.1. of this permit must be submitted:

1. For construction activities, by the permittee where the entire stand alone development has undergone final stabilization, all stormwater discharges associated with construction activity that are authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed. For construction activities where the primary permittee has elected to submit NOIs for separate phases of the stand alone development, the phase or phases of the stand alone development on the NOT shall correspond to the phase or phases on the NOI.

2. By the Owner or Operator when the Owner or Operator of the site changes. Where stormwater discharges will continue after the identity of the Owner or Operator changes, the permittee must, prior to filing the Notice of Termination, notify any subsequent Owner or Operator of the permitted site as to the requirements of this permit.
B. Notice of Termination Contents:

1. The NPDES permit number for the stormwater discharge associated with construction activity identified by the Notice of Termination (i.e., GAR100001 – Stand Alone);

2. The project construction site name, GPS location (decimal degrees) of construction exit, construction site location, city (if applicable) and county of the construction site for which the notification is submitted. This information must correspond to the similar information as provided on the NOI. Where an address for the construction site is not available, the construction site location information must be sufficient to accurately locate the construction site;

3. The Owner’s legal name, address, telephone number and email address and the Operator’s legal name, address, telephone and email address;

4. The name of the initial receiving water(s), and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4;

5. Copies of all sampling reports not previously submitted and/or a written justification why sampling was not conducted. Copies of all sampling reports may be submitted as a Portable Document Format (PDF) file on CD-ROM or other storage device;

6. Any other information specified on the NOT in effect at the time of submittal; and

7. The following certification signed in accordance with Part V.G.1. (signatory requirements):

   “I certify under penalty of law that either: (a) all stormwater discharges associated with construction activity authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed or (b) I am no longer an Owner or Operator at the construction site and a new Owner or Operator has assumed operational control of the permitted construction site where I previously had ownership or operational control; and that discharging pollutants in stormwater associated with construction activity to waters of Georgia is unlawful under the Georgia Water Quality Control Act and the Clean Water Act where the discharge is not authorized by a NPDES permit.”

C. Notice of Termination Submittal. All Notices of Termination (NOT) for this permit shall be submitted to EPD using the electronic submittal service provided by EPD and a copy to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq.
APPENDIX A

EPD DISTRICT OFFICES

A. For facilities/construction sites located in the following counties: Bibb, Bleckley, Chattahoochee, Crawford, Dooly, Harris, Houston, Jones, Lamar, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Talbot, Taylor, Troup, Twiggs, Upson

Information shall be submitted to: West Central District Office
Georgia Environmental Protection Division
2640 Shurling Drive
Macon, GA 31211-3576
(478) 751-6612

B. For facilities/construction sites located in the following counties: Burke, Columbia, Emanuel, Glascock, Jefferson, Jenkins, Johnson, Laurens, McDuffie, Montgomery, Richmond, Screven, Treutlen, Warren, Washington, Wheeler, Wilkinson

Information shall be submitted to: East Central District Office
Georgia Environmental Protection Division
3525 Walton Way Extension
Augusta, GA 30909-1821
(706) 667-4343

C. For facilities/construction sites located in the following counties: Baldwin, Banks, Barrow, Butts, Clarke, Elbert, Franklin, Greene, Hall, Hancock, Hart, Jackson, Jasper, Lincoln, Madison, Morgan, Newton, Oconee, Oglethorpe, Putnam, Stephens, Taliaferro, Walton, Wilkes

Information shall be submitted to: Northeast District Office
Georgia Environmental Protection Division
745 Gaines School Road
Athens, GA 30605-3129
(706) 369-6376

D. For facilities/construction sites located in the following counties: Carroll, Clayton, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Heard, Henry, Rockdale, Spalding

Information shall be submitted to: Mountain District - Atlanta Satellite
Georgia Environmental Protection Division
4244 International Parkway, Suite 114
Atlanta, GA 30354-3906
(404) 362-2671
E. For facilities/construction sites located in the following counties: Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Fannin, Floyd, Forsyth, Gilmer, Gordon, Habersham, Haralson, Lumpkin, Murray, Paulding, Pickens, Polk, Rabun, Towns, Union, Walker, White, Whitfield

Information shall be submitted to: Mountain District - Cartersville Office
Georgia Environmental Protection Division
P.O. Box 3250
Cartersville, GA 30120-1705
(770) 387-4900

F. For facilities/construction sites located in the following counties: Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Effingham, Evans, Glynn, Jeff Davis, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, Wayne

Information shall be submitted to: Coastal District - Brunswick Office
Georgia Environmental Protection Division
400 Commerce Center Drive
Brunswick, GA 31523-8687
(912) 264-7284

G. For facilities/construction sites located in the following counties: Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Crisp, Decatur, Dodge, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth

Information shall be submitted to: Southwest District Office
Georgia Environmental Protection Division
2024 Newton Road
Albany, GA 31701-3576
(229) 430-4144

H. For facilities/construction sites required to submit Plans required under Part IV.A.4.a. of this Permit:

Information shall be submitted to: Watershed Protection Branch
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1462 East
Atlanta, Georgia 30334
(404) 463-1511
### APPENDIX B

**Nephelometric Turbidity Unit (NTU) TABLES**

#### Trout Streams

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#### Waters Supporting Warm Water Fisheries

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To use these tables, select the size (acres) of the construction site. Then, select the surface water drainage area (square miles). The NTU matrix value arrived at from the above tables is the one to use in Part III.D.4.

**Example 1:** For a site size of 12.5 acres and a “trout stream” drainage area of 37.5 square miles, the NTU value to use in Part III.D.4. is 75 NTU.

**Example 2:** For a site size of 51.7 acres and “waters supporting warm water fisheries” drainage area of 72 square miles, the NTU value to use in Part III.D.4. is 100 NTU.
Insert Yellow Sheet
Back of Yellow Sheet
Authorization To Discharge Under The National Pollutant Discharge Elimination System
Storm Water Discharges Associated With Construction Activity For Infrastructure Construction Projects

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p.416, as amended), hereinafter called the "State Act," the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the "Clean Water Act," and the Rules and Regulations promulgated pursuant to each of these Acts, new and existing stormwater point sources within the State of Georgia that are required to have a permit, upon submittal of a Notice of Intent, are authorized to discharge stormwater associated with construction activity to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through VI hereof.

This permit shall become effective on August 1, 2018.

This permit and the authorization to discharge shall expire at midnight, July 31, 2023.

Signed this 16th day of May 2018.

Richard E. Dunn, Director
Environmental Protection Division
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Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit regulates point source discharges of stormwater to the waters of the State of Georgia from construction activities, as defined in this permit.

B. Definitions. All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act (Act) and the Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6 (Rules), unless otherwise defined in this permit:

1. “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. “Buffer” means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

3. “Certified Personnel” means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

4. “Commencement of Construction” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

5. “Construction Activity” means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural practices, but does include agricultural buildings.


7. “CWA” means Federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

8. “Design Professional” means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current
certification by EnviroCert International, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

9. “Director” means the Director of the Environmental Protection Division or an authorized representative.

10. “Division” means the Environmental Protection Division of the Department of Natural Resources.

11. “Erosion” means the process by which land surface is worn away by the action of wind, water, ice or gravity.

12. “Erosion, Sedimentation and Pollution Control Plan” or “Plan” means a plan for the control of soil erosion, sediment and pollution resulting from a construction activity.

13. “Filling” means the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.

14. “Final Stabilization” means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region). For infrastructure construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.

15. “General Contractor” means the operator of the infrastructure construction or site.

16. “Impossible” means the monitoring location(s) are either physically or legally inaccessible, or access would cause danger to life or limb.

17. “Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

18. “Infrastructure Construction” or “Infrastructure Construction Project” means construction activities that are not part of a common development that include the construction, installation and maintenance of roadway and railway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults, manholes and similar or related structures for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water, stormwater or sewage.
19. “Infrastructure Company” or “Infrastructure Contractor” means, for the purposes of this Permit, an entity or sub-contractor that is responsible, either directly or indirectly, for infrastructure construction or an infrastructure construction project.

20. “Local Issuing Authority” means the governing authority of any county or municipality which is certified pursuant to Official Code of Georgia Section 12-7-8(a).

21. “Mass Grading” means the movement of earth by mechanical means to alter the gross topographic features (elevations, slopes, etc.) to prepare a site for final grading and the construction of facilities (buildings, roads, parking, etc.).

22. “Nephelometric Turbidity Unit (NTU)” means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.

23. “NOI” means Notice of Intent to be covered by this permit (see Part II).

24. “Normal Business Hours” means Monday thru Friday, 8:00 AM to 5:00 PM, excluding any non-working Saturday, non-working Sunday and non-working Federal holiday.

25. “NOT” means Notice of Termination (see Part VI).

26. “Operator” means the entity that has the primary day-to-day operational control of those activities at the construction site necessary to ensure compliance with Erosion, Sedimentation and Pollution Control Plan requirements and permit conditions.

27. “Other Water Bodies” means ponds, lakes, marshes and swamps which are waters of the State.

28. “Outfall” means the location where stormwater, in a discernible, confined and discrete conveyance, leaves a facility or construction site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

29. “Owner” means the legal title holder to the real property on which is located the facility or site where construction activity takes place. For purposes of this permit, this definition does not include the legal title holder to property on which the only construction activity planned and being conducted is by a infrastructure company or infrastructure contractor and the legal title holder has no significant control over design and implementation of the construction activity.

30. “Permittee” means any entity that has submitted a Notice of Intent and obtained permit coverage.

31. “Phase” or “Phased” means sub-parts, sections or segments of infrastructure construction sites where the sub-part, section or segment is constructed and stabilized prior to completing the entire construction site.
32. “Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged. This term also means sheet flow which is later conveyed via a point source to waters of the State. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

33. “Primary Permittee” means the Owner or the Operator or both of a tract of land for a construction site subject to this permit.

34. “Proper design” and “properly designed” means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the GSWCC up until the date of NOI submittal.

35. “Receiving Water(s)” means all perennial and intermittent waters of the State into which the runoff of stormwater from a construction activity will actually discharge, either directly or indirectly.

36. “Roadway Project(s)” means traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways. This term also includes the accessory components to a roadway project that are necessary for the structural integrity of the roadway and the applicable safety requirements. These accessory components include but are not limited to slopes, shoulders, stormwater drainage ditches and structures, guardrails, lighting, signage, cameras and fences and exclude subsequent landscaping and beautification projects.

37. “Sediment” means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by, wind, water, ice, or gravity as a product of erosion.

38. “Sedimentation” means the action or process of forming or depositing sediment.

39. “Sheet flow” means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

40. “Site” or “Construction Site” means a facility of any type on which construction activities are occurring or are to occur which may result in the discharge of pollutants from a point source into the waters of the State.

41. “Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

42. “Structural Erosion and Sediment Control Practices” means measures for the stabilization of erosive or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss.
43. “Sub-contractor” means an entity employed or retained by the permittee to conduct any type of construction activity (as defined in this permit) at an infrastructure construction site. Subcontractors must complete the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19. Subcontractors are not permittees unless they meet the definition of either a primary, secondary or tertiary permittee.

44. “Surface Water Drainage Area” means the hydrologic area starting from the lowest downstream point where the stormwater from the construction activity enters the receiving water(s) and following the receiving water(s) upstream to the highest elevation of land that divides the direction of water flow. This boundary will connect back with the stormwater entrance point. Boundary lines follow the middle of the highest ground elevation or halfway between contour lines of equal elevation.

45. “Trout Streams” means waters of the State classified as either primary trout waters or secondary trout waters, as designated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.


47. “Vegetative Erosion and Sediment Control Practices” means measures for the stabilization of erosive or sediment producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod forming grass.

48. “Waters Supporting Warm Water Fisheries” means all waters of the State that sustain, or have the potential to sustain, aquatic life but excluding trout streams.

49. “Waters of Georgia” or “Waters of the State” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

C. Eligibility.

1. Construction Activities. This permit authorizes, subject to the conditions of this permit:

   a. all discharges of stormwater associated with infrastructure construction projects that will result in contiguous land disturbances equal to or greater than one (1) acre occurring on or before, and continuing after, the effective date of this permit, (henceforth referred to as existing stormwater discharges from construction activities) except for discharges identified under Part I.C.3. Contiguous means areas of land disturbances that are in actual contact to create a connected, uninterrupted area of land disturbance. However, for the
purposes of this permit, contiguous areas of land disturbances include those areas of land disturbances solely separated by drilling and boring activities, waters of the State and adjacent State-mandated buffers, roadways and/or railways. In addition, contiguous areas of land disturbances include all areas of land disturbances at a sole roadway intersection and/or junction;

b. all discharges of stormwater associated with infrastructure construction projects that will result in contiguous land disturbances equal to or greater than one (1) acre occurring after the effective date of this permit, (henceforth referred to as stormwater discharges from construction activities), except for discharges identified under Part I.C.3. Contiguous means areas of land disturbances that are in actual contact to create a connected, uninterrupted area of land disturbance. However, for purposes of this permit, contiguous areas of land disturbances include those areas of land disturbances solely separated by drilling and boring activities, waters of the State and adjacent State-mandated buffers, roadways and/or railways. In addition, contiguous areas of land disturbances include all areas of land disturbances at a sole roadway intersection and/or junction;

c. coverage under this permit is not required for discharges of stormwater associated with infrastructure construction projects that consist solely of routine maintenance for the original purpose of the facility that is performed to maintain the original line and grade and the hydraulic capacity, as applicable. The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, (3) the project shall have a duration of less than 120 calendar days, and (4) final stabilization must be implemented at the end of the maintenance project; and

d. coverage under this permit is not required for discharges of stormwater associated with infrastructure road construction projects that consist solely of routine maintenance for the original purpose of the facility that is performed to maintain the original line and grade and vehicular capacity, as applicable. The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur
on the project, (2) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, (3) the project shall have a duration of less than 120 calendar days, and (4) final stabilization must be implemented at the end of the maintenance project; and

e. coverage under this permit is not required for discharge of stormwater associated with railroad construction projects and emergency re-construction conducted pursuant to the Federal Railway Safety Act, the Interstate Commerce Commission Termination Act and which consist solely of routine maintenance for the original purpose of the facility that is performed to maintain the original line and grade and the hydraulic capacity, as applicable. The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation consistent with the requirements of the Federal Railway Safety Act and applicable requirements of the Clean Water Act.

f. coverage under this permit is not required for discharge of stormwater associated with infrastructure road construction projects that consist solely of the installation of cable barriers and guard rail for an existing facility within the existing rights-of-way. The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, and (3) final stabilization must be implemented at the end of the project.

g. coverage under this permit is not required for discharge of stormwater associated with infrastructure construction projects that consist of the installation of buried utility lines and comply with the following conditions: (1) solely installed via vibratory plow, (2) the conduit does not exceed 4 inches in diameter, and (3) occurs within an existing stabilized right-of-way. The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) no tree clearing, (3) no change in grade, (4) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, and (5) final stabilization must be implemented at the end of the project.
2. Mixed Stormwater Discharges. This permit may only authorize a stormwater discharge from a construction site or construction activities mixed with a stormwater discharge from an industrial source or activity other than construction where:

a. the industrial source or activity other than construction is located on the same site as the construction activity and is an integral part of the construction activity;

b. the stormwater discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and

c. stormwater discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are covered by a different NPDES general permit or individual permit authorizing such discharges and the discharges are in compliance with a different NPDES permit.

3. Limitations on Coverage. The following stormwater discharges from construction sites are not authorized by this permit:

a. stormwater discharges associated with an industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;

b. discharges that are mixed with sources of non-stormwater other than discharges which are identified in Part III.A.2. of this permit and which are in compliance with Part IV.D.7. (non-stormwater discharges) of this permit;

c. stormwater discharges associated with industrial activity that are subject to an existing NPDES individual or general permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges; and

d. stormwater discharges from construction sites that the Director (EPD) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

4. Compliance with Water Quality Standards. No discharges authorized by this permit shall cause violations of Georgia's in-stream water quality standards as provided by the Rules and Regulations for Water Quality Control, Chapter 391-3-6-.03.

D. Authorization.

1. Any person desiring coverage under this permit must submit a Notice of Intent (NOI) to the EPD and the NOI must be received by the EPD in accordance with the requirements of Part II,
using the electronic submittal service provided by the EPD, in order for stormwater discharges from construction sites to be authorized.

2. Unless notified by the Director to the contrary, a permittee who submits an NOI in accordance with the requirements of this permit is authorized to discharge stormwater from construction sites under the terms and conditions of this permit fourteen (14) days after the date that the NOI is submitted and confirmation of submittal is received. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general NPDES permit based on a review of the NOI or other information. Should the Director deny coverage under this permit, coverage under this permit is authorized until the date specified in the notice of denial by the Director.

3. Where a new permittee is to begin work on-site after an NOI for the facility/construction site has been submitted, that new permittee must submit a new NOI in accordance with Part II.

E. Continuing Obligations of Permittees. Unless and until responsibility for a site covered under this permit is properly terminated or ownership changes according to the terms of the permit, the current permittee remains responsible for compliance with all applicable terms of the permit and for any violations of said terms.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. Except as provided in Part II.A.2., II.A.3. and II.A.5., Owners or Operators or both who intend to obtain coverage under this general permit for stormwater discharges from a construction site (where construction activities begin after issuance of this permit), shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part at least fourteen (14) days prior to the commencement of construction activities.

2. For sites where construction activities, subject to this permit, are occurring on the effective date of this permit, the Owner or Operator or both shall submit a re-issuance NOI for an existing construction site in accordance with the requirements of this Part no later than ninety (90) days after the effective date of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

3. A discharger is not precluded from submitting an NOI in accordance with the requirements of this Part after the dates provided in Parts II.A.1. or II.A.2. of this permit. In such instances, EPD may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of stormwater associated with construction activity that have occurred on or after the dates specified in Part II.A.1. and II.A.2.
4. Where an Owner or an Operator or both changes after an NOI has been filed, the subsequent Owner or Operator or both must submit a modification NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site; or (b) thirty (30) days from acquiring legal title to the facility/construction site. In the event a lender or other secured creditor acquires legal title to the facility/construction site, such party must submit a modification NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site; or (b) thirty (30) days from acquiring legal title to the facility/construction site. Stabilization and BMP installation and/or maintenance measures of a disturbed site, by the subsequent Owner or Operator, may occur in advance of filing a new NOI, without violation of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

5. For sites where construction activities will result in land disturbance equal to or greater than one (1) acre that are required as a result of storm- or emergency-related repair work, the Owner or Operator or both shall notify the appropriate EPD District Office within three (3) days of commencement of said construction activities. The Owner or Operator or both shall submit the NOI to the appropriate EPD District Office as soon as possible after the storm- or emergency-related event but no later than fourteen (14) days after the commencement of construction activities and shall submit the Plan in accordance with Part IV.A.6.

B. Notice of Intent Contents.

1. Primary Permittee. A single Notice of Intent for the primary permittee (i.e., one NOI signed by the Owner or the Operator or both) shall be signed in accordance with Part V.G.1. of this permit and shall include the following information:

   a. The project construction site name, GPS locations (decimal degrees) of the beginning and end of the infrastructure project, construction site location, city (if applicable) and county of the construction site for which the notification is submitted. The construction site location information must be sufficient to accurately locate the construction site;

   b. The Owner’s legal name, address, telephone number and email address; and if available, the Operator’s legal name, address, telephone number and email address; and if applicable, the Duly Authorized Representative’s legal name and/or position name, telephone number and email address;

   c. The name, telephone number and email address of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e., construction superintendent, etc.) of the construction site;
d. The name of the initial receiving water(s) or if unnamed, the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee’s determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.

e. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s) shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” for the criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff);

f. An estimate of project start date and completion date, a schedule for the timing of the various construction activities, the number of acres of the site on which soil will be disturbed, and the surface water drainage area (if applicable). For projects that began on or before the effective date of this permit, the start date must be the actual start date of construction;

g. The following certification shall be signed in accordance with Part V.G.1. of this permit:

“I certify that to the best of my knowledge and belief, that the Erosion, Sedimentation and Pollution Control Plan (Plan) was prepared by a design professional, as defined by this permit, that has completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19 and that I will adhere to the Plan and comply with all permit requirements.”

h. The type of construction activity category (from those listed on the NOI) conducted at the site;

i. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be sampled on a map or drawing of appropriate scale. When it is determined by the primary permittee that some or all of the outfall(s) will be sampled, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i.e., based upon the size of the construction site and the surface water drainage area) must be shown for each outfall to be sampled.

j. A single NOI with multiple phases or multiple NOIs for multiple phases may be submitted for construction sites with a total planned disturbance greater than 5.0 acres,
provided that each phase shall not be less than 1.0 acre. Phased NOIs shall include all documentation required by this permit for each phase, including fees; and

k. Any other information specified on the NOI in effect at the time of submittal.

C. Notice of Intent Submittal. NOIs are to be submitted to EPD using the electronic submittal service provided by EPD and a copy to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such time as a Notice of Termination (NOT) is submitted in accordance with Part VI.

D. Fees. Any applicable fees shall be submitted by the Primary Permittee in accordance with Rules and Regulations for Water Quality Control (Rules) promulgated by the Board of Natural Resources. By submitting an NOI for coverage under this permit the primary permittee agrees to pay any fees required, now or in the future, by such Rules authorized under O.C.G.A. Section 12-5-23(a)(5)(A), which allows the Board of Natural Resources to establish a fee system. Fees may be assessed on land disturbing activity proposed to occur on or after the effective date of this permit and shall be paid in accordance with such Rules.

E. Renotification. Upon issuance of a new or different general permit for some or all of the stormwater discharges covered by this permit, the permittee is required to notify the EPD of their intent to be covered by the new or different general permit. The permittee must submit a renewal Notice of Intent in accordance with the notification requirements of the new or different general permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, PERMIT VIOLATIONS AND OTHER LIMITATIONS

A. Prohibition on Non-Stormwater Discharges.

1. Except as provided in Part I.C.2. and III.A.2., all discharges covered by this permit shall be composed entirely of stormwater.

2. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component of the discharge is explicitly listed in the Erosion, Sedimentation and Pollution Control Plan and is in compliance with Part IV.D.7.; discharges from fire fighting activities; fire hydrant flushing; potable water sources including water line flushing; irrigation drainage; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials or pollutants.

3. This permit does not authorize the discharge of soaps or solvents used in vehicle and equipment washing.
4. This permit does not authorize the discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.

**B. Releases in Excess of Reportable Quantities.**

1. The discharge of hazardous substances or oil in the stormwater discharge(s) from a site shall be prevented. This permit does not relieve the permittee of the reporting requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the permittee is required to notify EPD at (404) 656-4863 or (800) 241-4113 and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 and 40 CFR 302 as soon as he/she has knowledge of the discharge.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

**C. Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment.**

Any permittee who intends to obtain coverage under this permit for stormwater discharges associated with construction activity into an Impaired Stream Segment, or within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s), as shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” at the time of NOI submittal, must satisfy the requirements of Part III.C. of this permit if the Impaired Stream Segment has been listed for criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff). Those discharges that are located within one (1) linear mile of an Impaired Stream Segment, but are not located within the watershed of any portion of that stream segment, are excluded from this requirement. Georgia’s “305(b)/303(d) List Documents (Approved)” can be viewed on the EPD website.

1. If a Total Maximum Daily Load (TMDL) Implementation Plan for sediment has been finalized at least six (6) months prior to the permittee’s submittal of the NOI, the Erosion, Sedimentation and Pollution Control Plan (Plan) must address any site-specific conditions or requirements included in the TMDL Implementation Plan that are applicable to the permittee’s discharge(s) to the Impaired Stream Segment within the timeframe specified in the TMDL Implementation Plan. If the TMDL Implementation Plan establishes a specific numeric wasteload allocation that applies to a permittee’s discharge(s) to the Impaired Stream Segment, then the permittee must incorporate that allocation into the Erosion, Sedimentation and Pollution
Control Plan and implement all necessary measures to meet that allocation. A list of TMDL Implementation Plans can be viewed on the EPD website.

2. In order to ensure that the permittee’s discharge(s) do not cause or contribute to a violation of State water quality standards, the Plan must include at least four (4) of the following best management practices (BMPs) for those areas of the site which discharge into or within one (1) linear mile upstream and within the same watershed as the Impaired Stream Segment:

   a. During all construction activities as defined in this permit, double the width of the 25 foot undisturbed vegetated buffer along all State waters requiring a buffer and the 50 foot undisturbed vegetated buffer along all State waters classified as “trout streams” requiring a buffer. During construction activities, EPD will not grant variances to any such buffers that are increased in width pursuant to this section.

   b. Increase all temporary sediment basins and retrofitted stormwater management basins to provide sediment storage of at least 3600 cubic feet (134 cubic yards) per acre drained.

   c. Use baffles in all temporary sediment basins and retrofitted stormwater management basins to at least double the conventional flow path length to the outlet structure.

   d. A large sign (minimum 4 feet x 8 feet) must be posted on site by the actual start date of construction. The sign must be visible from a public roadway. The sign must identify the following: (1) the construction site, (2) the permittee(s), (3) the contact person(s) along with their telephone number(s), and (4) the permittee-hosted website where the Plan can be viewed. The permittee-hosted website where the Plan can be viewed must be provided on the submitted NOI. The sign must remain on site and the Plan must be available on the provided website until a NOT has been submitted.

   e. Use flocculants or coagulants and/or mulch to stabilize all areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1. of this permit.

   f. Conduct turbidity sampling after every rain event of 0.5 inch or greater within any 24 hour period, recognizing the exceptions specified in Part IV.D.6.d. of this permit.

   g. Comply with the applicable end-of-pipe turbidity effluent limit, without the “BMP defense” as provided for in O.C.G.A. 12-7-6(a)(1).

   h. Reduce the total planned site disturbance to less than 50% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included on the Plan.

   i. Limit the amount of disturbed area at any one time to no greater than 25 acres or 50% of the total planned site, whichever is less. All calculations must be included on the Plan.
j. Use “Dirt II” techniques available on the EPD website, to model and manage all construction stormwater runoff (including sheet flow). All calculations must be included on the Plan.

k. Add appropriate organic soil amendments (e.g., compost) and conduct pre- and post-construction soil sampling to a depth of six (6) inches to document improved levels of soil carbon after final stabilization of the construction site.

l. Use mulch filter berms, in addition to a silt fence, on the site perimeter wherever construction stormwater (including sheet flow) may be discharged. Mulch filter berms cannot be placed in waterways or areas of concentrated flow.

m. Use appropriate erosion control slope stabilization instead of concrete in all construction stormwater ditches and storm drainages designed for a 25 year, 24 hour rainfall event.

n. Use flocculants or coagulants under a passive dosing method (e.g., flocculant blocks) within all construction stormwater ditches and storm drainages that feed into temporary sediment basins and retrofitted management basins.

o. Install sod for a minimum 20 foot width (in lieu of seeding) after final grade has been achieved, along the site perimeter wherever construction stormwater (including sheet flow) may be discharged.

p. Conduct soil tests to identify and to implement site-specific fertilizer needs.

q. Certified personnel shall conduct inspections at least once every seven (7) calendar days and within 24 hours of the end of the storm that is 0.5 inches rainfall or greater in accordance with Part IV.D.4.a.(3).(a)–(c) of this permit.

r. Apply the appropriate compost blankets (minimum depth 1.5 inches) to protect soil surfaces until vegetation is established during the final stabilization phase of the construction activity.

s. Use alternative BMPs whose performance has been documented to be superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission).

t. Limit the total planned site disturbance to less than 15% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included on the Plan.

u. Conduct inspections during the intermediate grading and drainage BMP phase and during the final BMP phase of the project by the design professional who prepared the Plan in accordance with Part IV.A.5. of the permit.
v. Install Post Construction BMPs (e.g., runoff reduction BMPs) which remove 80% TSS as outlined in the Georgia Stormwater Management Manual known as the Blue Book or an equivalent or more stringent design manual.


1. Best management practices, as set forth in this permit, are required for all construction activities, and must be implemented in accordance with the design specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Part III.D.4. and Part III.D.5.

2. Except as required to install the initial sediment storage requirements and perimeter control BMPs as described in Part IV.D.3., the initial sediment storage requirements and perimeter control BMPs must be installed and implemented prior to conducting any other construction activities (e.g., clearing, grubbing and grading) within the construction site or when applicable, within phased sub-parts, sections or segments of the construction site. Failure to comply shall constitute a violation of this permit for each day on which construction activities occur. The design professional who prepared the Plan must inspect the initial sediment storage requirements and perimeter control BMPs in accordance with Part IV.A.5. within seven (7) days after installation.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs. BMP maintenance as a result of the permittee’s routine inspections shall not be considered a violation for the purposes of this paragraph. If during the course of the permittee’s routine inspection BMP failures are observed which have resulted in sediment deposition into waters of the State, the permittee shall correct the BMP failures and shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit.

4. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such discharge results in the turbidity of receiving water(s) being increased by more than ten (10) nephelometric turbidity units for waters classified as trout streams or more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries, regardless of a permittee’s certification under Part II.B.1.i.

5. When the permittee has elected to sample outfall(s), the discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such condition results in the turbidity of the discharge exceeding the value selected from Appendix B applicable to the
construction site. As set forth therein, the nephelometric turbidity unit (NTU) value shall be selected from Appendix B based upon the size of the construction site, the surface water drainage area and whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.

6. Whenever a permittee finds that a BMP has failed or is deficient (beyond routine maintenance) and has resulted in sediment deposition into waters of the State, the permittee shall immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. The permittee shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit and shall correct such BMP as follows:

   a. When the repair does not require a new or replacement BMP or significant repair, the BMP failure or deficiency must be repaired within two (2) business days from the time of discovery;

   b. When the repair requires a new or replacement BMP or significant repair, the installation of the new or modified BMP must be completed and the BMP must be operational by no later than seven (7) days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) days, the permittee must document why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document the schedule for installing or repairing the BMPs and making the BMPs operational as soon as feasible after the seven (7) day timeframe.

Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN

A site-specific Erosion, Sedimentation and Pollution Control Plan (Plan) shall be designed, installed and maintained for the entire construction activity covered by this permit. The Erosion, Sedimentation and Pollution Control Plan must be prepared by a design professional as defined by this permit. All persons involved in Plan preparation shall have completed the appropriate certification course, pursuant to O.C.G.A. 12-7-19(b), approved by the Georgia Soil and Water Conservation Commission. The design professional preparing the Plan must include and sign the following certification in the Plan:

“I certify that the permittee’s Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the stormwater outfalls and that the designed system of best management practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit No. GAR100002.”
The Plan shall include any additional certifications regarding the design professional's site visit in accordance with the Rules for Erosion and Sedimentation Control promulgated by the Board of Natural Resources;

“I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision.”

The Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and O.C.G.A. 12-7-6, as well as the following:

(i). Except as provided in Part IV.(iii). below, no construction activities shall be conducted within a 25 foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director has determined to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented, or along any ephemeral stream, or where bulkheads and seawalls must be constructed to prevent the erosion of the shoreline on Lake Oconee and Lake Sinclair. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

(1) public drinking water system reservoirs;
(2) fences;
(3) stream crossings for water lines and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
(4) stream crossings for any utility lines of any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, (b) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (c) the entity is not a secondary permittee for a project located within a common development or sale under this permit;
(5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 200 linear feet, (b) utility lines are routed and constructed so as to
minimize the number of stream crossings and disturbances to the buffer, (c) only trees and
tree debris are removed from within the buffer resulting in only minor soil erosion (i.e.,
disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-
established in any bare or disturbed areas within the buffer. The Plan shall include a
description of the stream crossings with details of the buffer disturbance including area and
length of buffer disturbance, estimated length of time of buffer disturbance, and justification;
(6) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance
of existing utility structures within the current right-of-way undertaken or financed in whole
or in part by the Department of Transportation, the Georgia Highway Authority or the State
Road and Tollway Authority or undertaken by any county or municipality, provided that: (a)
the area of land disturbance does not exceed 100 square feet per structure, (b) the area of
buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c)
native riparian vegetation is re-established in any bare or disturbed areas within the buffer
and (d) the entity is not a secondary permittee for a project located within a common
development or sale under this permit; and
(7) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance
of existing utility structures within the current right-of-way undertaken by any electric
membership corporation or municipal electrical system or any public utility under the
regulatory jurisdiction of the Public Service Commission, any utility under the regulatory
jurisdiction of the Federal Energy Regulatory Commission, any cable television system as
defined in Code Section 36-18-1, or any agency or instrumentality of the United States
engaged in the generation, transmission or distribution of power, provided that: (a) the area
of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer
vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native
riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d)
the entity is not a secondary permittee for a project located within a common development or
sale under this permit.

(ii). No construction activities shall be conducted within a 50 foot buffer, as measured
horizontally from the point where vegetation has been wrested by normal stream flow or wave
action, along the banks of any State waters classified as 'trout streams' except when approval is
granted by the Director for alternate buffer requirements in accordance with the provisions of
O.C.G.A. 12-7-6, or where a roadway drainage structure must be constructed; provided,
however, that small springs and streams classified as ‘trout streams’ which discharge an average
annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at
the discretion of the permittee, pursuant to the terms of a rule providing for a general variance
promulgated by the Board of Natural Resources including notification of such to EPD and the
Local Issuing Authority of the location and extent of the piping and prescribed methodology for
minimizing the impact of such piping and for measuring the volume of water discharged by the
stream. Any such pipe must stop short of the downstream permittee’s property, and the permittee
must comply with the buffer requirement for any adjacent trout streams. The buffer shall not
apply to the following activities provided that adequate erosion control measures are
incorporated into the project plans and specifications and are implemented:

(1) public drinking water system reservoirs;
(2) fences;
(3) stream crossings for water lines and sewer lines, provided that the stream crossings occur at
an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the
stream and cause a width of disturbance of not more than 50 feet within the buffer, and
native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
(4) stream crossings for any utility lines of any electric membership corporation or municipal
electrical system or any public utility under the regulatory jurisdiction of the Public Service
Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory
Commission, any cable television system as defined in Code Section 36-18-1, or any agency
or instrumentality of the United States engaged in the generation, transmission or
distribution of power, provided that: (a) the stream crossings occur at an angle, as measured
from the point of crossing, within 25 degrees of perpendicular to the stream and cause a
width of disturbance of not more than 50 feet within the buffer, (b) native riparian vegetation
is re-established in any bare or disturbed areas within the buffer and (c) the entity is not a
secondary permittee for a project located within a common development or sale under this
permit;
(5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way
width does not exceed 200 linear feet, (b) utility lines are routed and constructed so as to
minimize the number of stream crossings and disturbances to the buffer, (c) only trees and
tree debris are removed from within the buffer resulting in only minor soil erosion (i.e.,
disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-
established in any bare or disturbed areas within the buffer. The Plan shall include a
description of the stream crossings with details of the buffer disturbance including area and
length of buffer disturbance, estimated length of time of buffer disturbance, and justification;
(6) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance
of existing utility structures within the right-of-way undertaken or financed in whole or in
part by the Department of Transportation, the Georgia Highway Authority or the State Road
and Tollway Authority or undertaken by any county or municipality, provided that: (a) the
area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer
vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native
riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d)
the entity is not a secondary permittee for a project located within a common development or
sale under this permit; and
(7) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance
of existing utility structures within the current right-of-way undertaken by any electric
membership corporation or municipal electrical system or any public utility under the
regulatory jurisdiction of the Public Service Commission, any utility under the regulatory
jurisdiction of the Federal Energy Regulatory Commission, any cable television system as
defined in Code Section 36-18-1, or any agency or instrumentality of the United States
engaged in the generation, transmission or distribution of power, provided that: (a) the area
of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer
vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native
riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d)
the entity is not a secondary permittee for a project located within a common development or
sale under this permit.
(iii). Except as provided in Part IV(iv) below, no construction activities shall be conducted within a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Part 4 of Article 4 of Chapter 5 of Title 12, the Coastal Marshlands Protection Act of 1970, and the rules and regulations promulgated thereunder, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where otherwise allowed by the Director pursuant to Code Section 12-2-8, or where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, or for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or where a drainage structure or roadway drainage structure is constructed or maintained, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented:

(1) Public drinking water system reservoirs;
(2) Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer;
(3) Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015;
(4) Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development;
(5) Fences;
(6) Crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 200 linear feet, (b) utility lines are routed and constructed so as to minimize the number of crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification;
(7) Right-of-way posts, guy wires, anchors, survey markers and the replacement and maintenance of existing utility structures within the current right-of-way undertaken or
financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority or undertaken by any county or municipality, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; and

(8) Right-of-way posts, guy wires, anchors, survey markers and the replacement and maintenance of existing utility structures within the current right-of-way by any electric membership corporation or municipal electrical system or any public utility under the regulator jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit.

(iv). Except as provided above, for buffers required pursuant to Part IV.(i), and (ii) and (iii), no construction activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. During coverage under this permit, a buffer cannot be thinned or trimmed of vegetation and a protective vegetative cover must remain to protect water quality and aquatic habitat and a natural canopy must be left in sufficient quantity to keep shade on the stream bed or marsh.

The Erosion, Sedimentation and Pollution Control Plan shall identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site. In addition, the Plan shall describe and the applicable permittee shall ensure the implementation of practices which will be used to reduce the pollutants in stormwater discharges associated with construction activity at the site and to assure compliance with the terms and conditions of this permit. The applicable permittee must implement and maintain the provisions of the Plan required under this part as a condition of this permit.

Except as provided in Part IV.A.2., a single Erosion, Sedimentation and Pollution Control Plan must be prepared by the primary permittee for the infrastructure construction project.
A. Deadlines for Plan Preparation and Compliance.

1. Except as provided in Part IV.A.2. and Part IV.A.6., the Erosion, Sedimentation and Pollution Control Plan shall be completed prior to submitting the NOI and prior to conducting any construction activity by any permittee.

2. For construction activities that began on or before the effective date of this permit and were subject to the regulations under the previous permit, the permittee(s) shall continue to operate under the existing Plan.

3. For construction activities that begin after the effective date of this permit, the primary permittee shall be required to prepare the Plan for that phase of the infrastructure development that corresponds with the NOI being submitted and the primary permittee(s) shall implement the Plan on or before the day construction activities begin.

4. Additional Plan Submittals.

   a. For all projects identified under Part I.C.1.b., in a jurisdiction where there is no certified Local Issuing Authority regulating that project, a single copy of the Plan must be submitted to the EPD Watershed Protection Branch and a second copy of the Plan must be submitted to the appropriate EPD District Office prior to or concurrent with the NOI submittal. The second copy of the Plan must be submitted electronically as a Portable Document Format (PDF) file through the electronic submittal service provided by EPD, or by return receipt certified mail or similar service as a PDF on CD-ROM or other storage device to the appropriate EPD District Office. The permittee shall retain a copy of the proof of the submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such a time as a Notice of Termination (NOT) is submitted in accordance with Part VI. The EPD Watershed Protection Branch will review Plans for deficiencies using the applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

   b. For all projects where the construction activity as indicated on the existing NOI has changed, the amended Plans must be submitted in accordance with Part IV.A.4.a. In addition, the permittee must submit a modification NOI in accordance with Part II.

5. For infrastructure projects that begin construction activity after the effective date of this permit, the primary permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, or an alternative design professional approved by EPD in writing, to inspect the installation of the initial sediment storage requirements and perimeter control BMPs within seven (7) days after installation. Alternatively, for linear infrastructure projects, the primary permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, or an alternative design professional approved by EPD in writing, to inspect (a) the installation of the sediment storage requirements...
and perimeter control BMPs for the “initial segment” of the linear infrastructure project and (b) all sediment basins within the entire linear infrastructure project within seven (7) days after installation. For the purposes of the specific requirements in Part IV.A.5., the disturbed acreage of the “initial segment” of a linear infrastructure project must be equal to or greater than 10% of the total estimated disturbed acreage for the linear infrastructure project but not less than one (1) acre. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the primary permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required.

6. For storm- or emergency-related repair work, the permittee shall implement appropriate BMPs and certified personnel (provided by the primary permittee) shall inspect at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater. If the storm- or emergency-related repair work will not be completed within sixty (60) days of commencement of construction activity, a single copy of the Plan shall be submitted to EPD and the permittee shall comply with all requirements of this permit on the sixty-first (61st) day.

B. Signature and Plan Review.

1. The Erosion, Sedimentation and Pollution Control Plan shall be signed in accordance with Part IV., and be retained on the site (or, if not possible, at a readily accessible location) which generates the stormwater discharge in accordance with Part IV.F. of this permit.

2. The primary permittee shall make Plans available upon request to the EPD; to designated officials of the local government reviewing soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system.

3. EPD may notify the primary permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. Within seven (7) days of such notification (or as otherwise provided by EPD), the primary permittee shall make the required changes to the Plan and shall submit to EPD either the amended Plan or a written certification that the requested changes have been made.

C. Keeping Plans Current. The primary permittee(s) shall amend their Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on BMPs with a hydraulic component (i.e., those BMPs where the design is based upon rainfall intensity, duration and return frequency of storms) or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.3. of this permit. Amendments to the Plan must be certified by a design professional as provided in this permit.
**D. Contents of Plan.** The Erosion, Sedimentation and Pollution Control Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. **Checklist.** Each plan shall include a completed Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the applicable Checklist as approved by the GSWCC up until the date of the NOI submittal. The applicable checklists are available on the GSWCC website.

2. **Site description.** Each site-specific Plan shall provide a description of pollutant sources and other information as indicated:

   a. A description of the nature of the construction activity;

   b. A detailed description and chart or timeline of the intended sequence of major activities which disturb soils for major portions of the site (i.e., initial sediment storage requirements and perimeter BMPs, clearing and grubbing activities, excavation activities, grading activities, infrastructure activities, immediate and final stabilization activities);

   c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

   d. An estimate of the runoff coefficient or peak discharge flow of the site prior to the construction activities and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;

   e. A site-specific map or series of drawings indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the Plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where stormwater is discharged to a surface water; and

   f. Identify the receiving water(s) and areal extent of wetland acreage at the site;

3. **Controls.** Each Plan shall include a description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial sediment storage
requirements and perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase Plan. The Plan will include appropriate staging and access requirements for construction equipment. The Plan will clearly describe for each major activity identified in Part IV.D.2.b., appropriate control measures and the timing during the construction process that the measures will be implemented. The primary permittee is encouraged to utilize the document, Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, EPA 833-R-060-04, May 2007, when preparing the Plan. The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1). Stabilization measures. A description of interim and permanent stabilization measures, including site-specific scheduling of the implementation of the measures. Site plans should ensure that existing vegetation is preserved and that disturbed portions of the site are stabilized. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the Plan. Except as provided in paragraphs IV.D.3.(a).(1).(a). below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a). Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently cease is precluded by snow cover or other adverse weather conditions, stabilization measures shall be initiated as soon as practicable.

(2). Structural practices. A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(3). Sediment basins. For common drainage locations a temporary (or permanent) sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent control measures, shall be provided until final
stabilization of the site. The 1800 cubic feet (67 cubic yards) of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations where a temporary sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent controls is not attainable, sediment traps, silt fences, wood mulch berms or equivalent sediment controls are required for all side slope and down slope boundaries of the construction area. When the sediment fills to a volume at most of 22 cubic yards per acre for each acre of drainage area, the sediment shall be removed to restore the original design volume. This sediment must be properly disposed. Sediment basins may not be feasible at some construction sites. Careful consideration must be used to determine when a sediment basin cannot be used and/or when 67 cubic yards of storage per acre drained is not attainable and a written justification explaining the decision(s) must be included in the Plan. Perennial and intermittent waters of the State shall not be used for temporary or permanent sediment detention.

When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan. Outlet structures that withdraw water from the surface are temporary BMPs and must be removed prior to submitting Notice of Termination. For construction activities where the NOI was submitted prior to January 1, 2014, this requirement of the permit is not applicable.

(4). Alternative BMPs. The use of alternative BMPs whose performance has been documented to be equivalent or superior to conventional BMPs as certified by a Design Professional may be allowed (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission).

(5). High performance BMPs. The use of infiltration trenches, seep berms, sand filters, dry wells, flocculants or coagulants, etc. for minimizing point source discharges except for large rainfall events is encouraged.

b. Stormwater management. A description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Operators are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not
responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site.

(1). Such practices may include: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The Plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water(s)).

(3). Installation and use of green infrastructure approaches and practices that mimic natural processes and direct stormwater where it can be infiltrated, evapotranspirated or re-used with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures are encouraged to the maximum extent practicable. Green Infrastructure practices or approaches include permeable or porous paving, vegetated swales instead of curbs and gutters, green roofs, tree boxes, rain gardens, constructed wetlands, infiltration planters, vegetated median strips, protection and enhancement of riparian buffers and floodplains, and the overall reduction in site disturbance and impervious area. Design information on Green Infrastructure practices and other ways to manage stormwater can be found in the Georgia Stormwater Management Manual and the Coastal Stormwater Supplement. Additional information on Green Infrastructure can be found at the USEPA website.

c. Other controls.

(1). Waste disposal. Locate waste collection areas away from streets, gutters, watercourses and storm drains. Waste collection areas, such as dumpsters, are often best located near construction site entrances to minimize traffic on disturbed soils. The Plan should include secondary containment around liquid waste collection areas to further minimize the likelihood of contaminated discharges. Solid materials, including building materials, shall not be discharged to waters of the State, except as authorized by a Section 404 permit.

(2). For building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site, provide cover (e.g. plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or a similarly effective means designed to minimize the discharge
of pollutants from these areas. Minimization of exposure is not required in cases where exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk to stormwater contamination (such as final products and materials intended for outdoor use).

(3). Off-site vehicle tracking of dirt, soils, and sediments and the generation of dust shall be minimized or eliminated to the maximum extent practical. The Plan shall include the best management practice to be implemented at the site or construction activity.

(4). Nothing in this permit relieves a permittee from any obligations to comply with all applicable State and/or local regulations of waste disposal, sanitary sewer, septic and petroleum storage systems.

(5). The Plan shall include best management practices for the remediation of all petroleum spills and leaks as appropriate.

(6). The Plan shall include best management practices for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of vehicles. Washout of the drum at the construction site is prohibited. Additional information about best management practices for concrete washout is available at the USEPA website.

(7). All permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

4. Inspections.

a. Permittee requirements.

(1). Each day when any type of construction activity has taken place at a primary permittee’s site, certified personnel provided by the primary permittee shall inspect: (a) all areas at the primary permittee’s site where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment and (b) all locations at the primary permittee’s site where vehicles enter or exit the site for evidence of off-site sediment tracking. These inspections must be conducted until a Notice of Termination is submitted.

(2). Measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday. The data collected for the purpose of compliance with this permit shall be representative of the monitored activity. Measurement of rainfall may be suspended if all areas of the site have
undergone final stabilization or established a crop of annual vegetation and a
seeding of target perennials appropriate for the region.

(3). Certified personnel (provided by the primary permittee) shall inspect the
following at least once every fourteen (14) calendar days and within 24 hours of
the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends
after 5:00 PM on any Friday or on any non-working Saturday, non-working
Sunday or any non-working Federal holiday in which case the inspection shall be
completed by the end of the next business day and/or working day, whichever
occurs first): (a) disturbed areas of the primary permittee’s construction site; (b)
areas used by the primary permittee for storage of materials that are exposed to
precipitation; and (c) structural control measures. Erosion and sediment control
measures identified in the Plan applicable to the primary permittee’s site shall be
observed to ensure that they are operating correctly. Where discharge locations or
points are accessible, they shall be inspected to ascertain whether erosion control
measures are effective in preventing significant impacts to receiving water(s). For
areas of a site that have undergone final stabilization or established a crop of
annual vegetation and a seeding of target perennials appropriate for the region, the
permittee must comply with Part IV.D.4.a.(4). These inspections must be
conducted until a Notice of Termination is submitted.

(4). Certified personnel (provided by the primary permittee) shall inspect at least
once per month during the term of this permit (i.e., until a Notice of Termination
is submitted to EPD) the areas of the site that have undergone final stabilization
or established a crop of annual vegetation and a seeding of target perennials
appropriate for the region. These areas shall be inspected for evidence of, or the
potential for, pollutants entering the drainage system and the receiving water(s).
Erosion and sediment control measures identified in the Plan shall be observed to
ensure that they are operating correctly. Where discharge locations or points are
accessible, they shall be inspected to ascertain whether erosion control measures
are effective in preventing significant impacts to receiving water(s).

(5). Based on the results of each inspection, the site description and the pollution
prevention and control measures identified in the Erosion, Sedimentation and
Pollution Control Plan, the Plan shall be revised as appropriate not later than
seven (7) calendar days following each inspection. Implementation of such
changes shall be made as soon as practical but in no case later than seven (7)
calendar days following each inspection.

(6). A report of each inspection that includes the name(s) of certified personnel
making each inspection, the date(s) of each inspection, construction phase (i.e.,
initial, intermediate or final), major observations relating to the implementation of
the Erosion, Sedimentation and Pollution Control Plan, and actions taken in
accordance with Part IV.D.4.a.(5). of the permit shall be made and retained at the
site or be readily available at a designated alternate location until the entire site or
that portion of a construction site that has been phased has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall be readily available by end of the second business day and/or working day and shall identify all incidents of best management practices that have not been properly installed and/or maintained as described in the Plan. Where the report does not identify any incidents, the inspection report shall contain a statement that the best management practices are in compliance with the Erosion, Sedimentation and Pollution Control Plan. The report shall be signed in accordance with Part V.G.2. of this permit.

5. Maintenance. The Plan shall include a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan.

6. Sampling Requirements. This permit requires the monitoring of nephelometric turbidity in receiving water(s) or outfalls in accordance with this permit. The following procedures constitute EPD’s guidelines for sampling turbidity.

   a. Sampling Requirements shall include the following:

   (1). A USGS topographic map, a topographic map or a drawing (referred to as a topographic map) that is a scale equal to or more detailed than a 1:24000 map showing the location of the infrastructure construction; (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during mandatory field verification, into which the stormwater is discharged and (b) the receiving water and/or outfall sampling locations for each representative stormwater outfall. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be hand-drawn on the USGS topographic map from where the stormwater(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map;

   (2). A written narrative of site specific analytical methods used to collect and analyze the samples including quality control/quality assurance procedures. This narrative must include precise sampling methodology for each sampling location;

   (3). When the permittee has determined that some or all outfalls will be sampled, a rationale must be included on the Plan for the NTU limit(s) selected from Appendix B. This rationale must include the size of the construction site, the calculation of the size of the surface water drainage area, and the type of receiving water(s) (i.e., trout stream or supporting warm water fisheries); and
(4). Any additional information EPD determines necessary to be part of the Plan. EPD will provide written notice to the permittee of the information necessary and the time line for submittal.

b. Sample Type. All sampling shall be collected by “grab samples” and the analysis of these samples must be conducted in accordance with methodology and test procedures established by 40 CFR Part 136 (unless other test procedures have been approved), the guidance document titled “NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001” and guidance documents that may be prepared by the EPD.

(1). Sample containers should be labeled prior to collecting the samples.

(2). Samples should be well mixed before transferring to a secondary container.

(3). Large mouth, well cleaned and rinsed glass or plastic jars should be used for collecting samples. The jars should be cleaned thoroughly to avoid contamination.

(4). Manual, automatic or rising stage sampling may be utilized. Samples required by this permit should be analyzed immediately, but in no case later than 48 hours after collection. However, samples from automatic samplers must be collected no later than the next business day after their accumulation, unless flow through automated analysis is utilized. If automatic sampling is utilized and the automatic sampler is not activated during the qualifying event, the permittee must utilize manual sampling or rising stage sampling during the next qualifying event. Dilution of samples is not required. Samples may be analyzed directly with a properly calibrated turbidimeter. Samples are not required to be cooled.

(5). Sampling and analysis of the receiving water(s) or outfalls beyond the minimum frequency stated in this permit must be reported to EPD as specified in Part IV.E.

c. Sampling Points.

(1). For construction activities the primary permittee must sample all perennial and intermittent streams and other water bodies shown on the USGS topographic map and all other field verified perennial and intermittent streams and other water bodies, or all outfalls into such streams and other water bodies, or a combination thereof. However, provided for in and in accordance with Part IV.D.6.c.(2) of this permit, primary permittees on an infrastructure construction project may sample the representative perennial and intermittent streams, other water bodies or outfalls, or a combination thereof. Samples taken for the purpose of compliance with this permit shall be representative of the monitored activity and representative of the water quality of the receiving water(s) and/or the stormwater outfalls using the following minimum guidelines:
(a). The upstream sample for each receiving water(s) must be taken immediately upstream of the confluence of the first stormwater discharge from the permitted activity (i.e., the discharge farthest upstream at the site) but downstream of any other stormwater discharges not associated with the permitted activity. Where appropriate, several upstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the upstream turbidity value.

(b). The downstream sample for each receiving water(s) must be taken downstream of the confluence of the last stormwater discharge from the permitted activity (i.e., the discharge farthest downstream at the site) but upstream of any other stormwater discharge not associated with the permitted activity. Where appropriate, several downstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the downstream turbidity value.

(c). Ideally the samples should be taken from the horizontal and vertical center of the receiving water(s) or the stormwater outfall channel(s).

(d). Care should be taken to avoid stirring the bottom sediments in the receiving water(s) or in the outfall stormwater channel.

(e). The sampling container should be held so that the opening faces upstream.

(f). The samples should be kept free from floating debris.

(g). Permittees do not have to sample sheet flow that flows onto undisturbed natural areas or areas stabilized by the project. For purposes of this section, stabilized shall mean, for unpaved areas and areas not covered by permanent structures, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region). For infrastructure construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.

(h). All sampling pursuant to this permit must be done in such a way (including generally accepted sampling methods, locations, timing, and
frequency) as to accurately reflect whether stormwater runoff from the construction site is in compliance with the standard set forth in Parts III.D.3. or III.D.4., whichever is applicable.

(2). For infrastructure construction projects, the permittee is not required to sample a perennial or intermittent stream or other water bodies (or the associated outfall, if applicable) if the design professional preparing the Plan certifies that an increase in the turbidity of a specific identified receiving water to be sampled will be representative of the increase in the turbidity of a specific identified un-sampled receiving water. A written justification and detailed analysis shall be prepared by the design professional justifying such proposed sampling. A summary chart of the justification and analysis for the representative sampling must be included on the Plan. The justification and analysis shall include the location and description of the specified sampled and un-sampled receiving water and shall contain a detailed comparison and discussion of each such receiving water in the following areas:

(a). site land disturbances and characteristics;

(b). receiving water watershed sizes and characteristics; and

(c). site and watershed runoff characteristics utilizing the methods in Appendix A-1 (United States Department of Agriculture Soil Conservation Service’s TR-55, Urban Hydrology for Small Watersheds) of the most recent version of the “Manual for Erosion and Sedimentation Control in Georgia” for the various precipitation events and any other such considerations necessary to show that the increase in the turbidity of a specific identified sampled receiving water will be representative of the increases in the turbidity of a specific identified un-sampled receiving waters.

(3). For infrastructure construction projects, when the permittee determines that some receiving water(s) will not be sampled due to representative sampling, the design professional making this determination and preparing the Plan must include and sign the following certification in the Plan:

“I certify that the permittee’s Erosion, Sedimentation and Pollution Control Plan provides for the monitoring of: (a) all perennial and intermittent streams and other water bodies shown on the USGS topographic map and all other field verified perennial and intermittent streams and other water bodies, or (b) where any such specific identified perennial or intermittent stream and other water body is not proposed to be sampled, I have determined in my professional judgment, utilizing the factors required in the
General NPDES Permit No. GAR100002, that the increase in the turbidity of each specific identified sampled receiving water will be representative of the increase in the turbidity of a specific identified un-sampled receiving water.”

(4). For infrastructure construction projects, if at any time during the life of the project a selected receiving water no longer represents another receiving water, then the permittee shall sample the latter receiving water until selection of an alternative representative receiving water.

(5). For infrastructure construction projects, if at any time during the life of the project a receiving water is determined not to be represented as certified in the Plan, the permittee shall sample that receiving water until a Notice of Termination is submitted or until the applicable phase is stabilized in accordance with this permit.

(6). For infrastructure construction projects, monitoring obligations shall cease for any phase of the project that has been stabilized in accordance with Part IV.D.6.c.(1).(g).

d. Sampling Frequency.

(1). The primary permittee must sample in accordance with the Plan at least once for each rainfall event described below. For a qualifying event, the permittee shall sample at the beginning of any stormwater discharge to a monitored receiving water and/or from a monitored outfall location within forty-five (45) minutes or as soon as possible.

(2). However, where manual and automatic sampling are impossible (as defined in this permit), or are beyond the permittee’s control, the permittee shall take samples as soon as possible, but in no case more than twelve (12) hours after the beginning of the stormwater discharge.

(3). Sampling by the permittee shall occur for the following qualifying events:

(a). For each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a stormwater discharge that occurs during normal business hours as defined in this permit after all clearing and grubbing operations have been completed, but prior to completion of mass grading operations, in the drainage area of the location selected as the representative sampling location;
(b). In addition to (a) above, for each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a stormwater discharge that occurs during normal business hours as defined in this permit either 90 days after the first sampling event or after all mass grading operations have been completed, but prior to submittal of a NOT, in the drainage area of the location selected as the representative sampling location, whichever comes first;

(c). At the time of sampling performed pursuant to (a) and (b) above, if BMPs in any area of the site that discharges to a receiving water or from an outfall are not properly designed, installed and maintained, corrective action shall be defined and implemented within two (2) business days, and turbidity samples shall be taken from discharges from that area of the site for each subsequent rain event that reaches or exceeds 0.5 inch during normal business hours* until the selected turbidity standard is attained, or until post-storm event inspections determine that BMPs are properly designed, installed and maintained;

(d). Where sampling pursuant to (a), (b) or (c) above is required but not possible (or not required because there was no discharge), the permittee, in accordance with Part IV.D.4.a.(6), must include a written justification in the inspection report of why sampling was not performed. Providing this justification does not relieve the permittee of any subsequent sampling obligations under (a), (b) or (c) above; and

(e). Existing construction activities, i.e., those that are occurring on or before the effective date of this permit, that have met the sampling required by (a) above shall sample in accordance with (b). Those existing construction activities that have met the sampling required by (b) above shall not be required to conduct additional sampling other than as required by (c) above.

*Note that the Permittee may choose to meet the requirements of (a) and (b) above by collecting turbidity samples from any rain event that reaches or exceeds 0.5 inch and allows for sampling at any time of the day or week.

7. Non-stormwater discharges. Except for flows from fire fighting activities, sources of non-stormwater listed in Part III.A.2. of this permit that are combined with stormwater discharges associated with construction activity must be identified in the Plan. The Plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.
E. Reporting.

1. The applicable permittees are required to submit the sampling results to the EPD by the fifteenth day of the month following the reporting period. Reporting periods are months during which samples are taken in accordance with this permit. Sampling results shall be in a clearly legible format. Upon written notification, EPD may require the applicable permittee to submit the sampling results on a more frequent basis. Sampling and analysis of any stormwater discharge(s) or the receiving water(s) beyond the minimum frequency stated in this permit must be reported in a similar manner to the EPD. Sampling reports must be submitted to EPD using the electronic submittal service provided by EPD. Sampling reports must be submitted to EPD until such time as a NOT is submitted in accordance with Part VI.

2. All sampling reports shall include the following information:

   a. The rainfall amount, date, exact place and time of sampling or measurements;
   b. The name(s) of the certified personnel who performed the sampling and measurements;
   c. The date(s) analyses were performed;
   d. The time(s) analyses were initiated;
   e. The name(s) of the certified personnel who performed the analyses;
   f. References and written procedures, when available, for the analytical techniques or methods used;
   g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results;
   h. Results which exceed 1000 NTU shall be reported as "exceeds 1000 NTU;" and
   i. Certification statement that sampling was conducted as per the Plan.

3. All written correspondence required by this permit shall be submitted by return receipt certified mail (or similar service) to the appropriate District Office of the EPD according to the schedule in Appendix A of this permit. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated location from commencement of construction until such time as a NOT is submitted in accordance with Part VI.

F. Retention of Records

1. The primary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

   a. A copy of all Notices of Intent submitted to EPD;
   b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
   c. The design professional’s report of the results of the inspection conducted in accordance with Part IV.A.5. of this permit;
d. A copy of all sampling information, results, and reports required by this permit;
e. A copy of all inspection reports generated in accordance with Part IV.D.4.a. of this permit;
f. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit; and

g. Daily rainfall information collected in accordance with Part IV.D.4.a.(2). of this permit.

2. Copies of all Notices of Intent, Notices of Termination, inspection reports, sampling reports (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), or other reports requested by the EPD, Erosion, Sedimentation and Pollution Control Plans, records of all data used to complete the Notice of Intent to be covered by this permit and all other records required by this permit shall be retained by the permittee who either produced or used it for a period of at least three years from the date that the NOT is submitted in accordance with Part VI of this permit. These records must be maintained at the permittee’s primary place of business or at a designated alternative location once the construction activity has ceased at the permitted site. This period may be extended by request of the EPD at any time upon written notification to the permittee.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Each permittee must comply with all applicable conditions of this permit. Any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) and is grounds for enforcement action; for permit termination; or for denial of a permit renewal application. Failure of a primary permittee to comply with any applicable term or condition of this permit shall not relieve any other primary permittee from compliance with their applicable terms and conditions of this permit.

2. Each permittee must document in their records any and all known violations of this permit at his/her site within seven (7) days of his/her knowledge of the violation. A summary of these violations must be submitted to EPD by the permittee at the addresses shown in Part II.C. within fourteen (14) days of his/her discovery of the violation.

3. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine or by imprisonment, or by both. The Federal Clean Water Act and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Acts, any permit condition or limitation established pursuant
to the Acts, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director.

B. Continuation of the Expired General Permit. This permit expires on the date shown on the cover page of this permit. However, an expired general permit continues in force and effect until a new general permit is issued, final and effective.

C. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the Director; a State agency approving soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system, any information which is requested to determine compliance with this permit. In the case of information submitted to the EPD such information shall be considered public information and available under the Georgia Open Records Act.

F. Other Information. When the permittee becomes aware that he/she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report required to be submitted to the EPD, the permittee shall promptly submit such facts or information.

G. Signatory Requirements. All Notices of Intent, Notice of Terminations, inspection reports, sampling reports, or other reports requested by the EPD shall be signed as follows:

1. All Notices of Intent and Notices of Termination shall be signed as follows:

   a. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where
authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official; and

d. Changes to authorization. If an authorization under Part II.B. is no longer accurate, a modification NOI satisfying the requirements of Part II.B. must be submitted to the EPD prior to or together with any inspection reports, sampling reports, or other reports requested by the EPD to be signed by a person described above or by a duly authorized representative of that person.

2. All inspection reports, sampling reports, or other reports requested by the EPD shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person(s) described above and submitted to the EPD;

b. The authorization specifies either an individual or a position having responsibility for specified operation(s) of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and

c. Certification. Reports delineated in Part V.G.2. shall be signed by the permittee or duly authorized representative and shall make the following certification:

“I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that certified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**H. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60, et seq. or under Chapter 14 of Title 12 of the
Official Code of Georgia Annotated; nor is the Operator relieved from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of Comprehensive Environmental Response Compensation And Liability Act.

I. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

J. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Other Applicable Environmental Regulations and Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act. Nothing in this permit, unless explicitly stated, exempts the permittee from compliance with other applicable local, state and federal ordinances, rules, regulations, and laws. Furthermore, it is not a defense to compliance with this permit that a local government authority has approved the permittee’s Erosion, Sedimentation and Pollution Control Plan or failed to take enforcement action against the permittee for violations of the Erosion, Sedimentation and Pollution Control Plan, or other provisions of this permit.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

L. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the required plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

M. Inspection and Entry. The permittee shall allow the Director or an authorized representative of EPA or EPD or, in the case of a construction site which discharges through a municipal separate storm sewer system with an NPDES permit, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

N. Permit Actions. This permit may be revoked and reissued, or terminated for cause including but not limited to changes in the law or regulations. The filing of a request by the permittee for termination of the permit, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Part VI. TERMINATION OF COVERAGE

A. Notice of Termination Eligibility. Notice of Termination signed in accordance with Part V.G.1. of this permit must be submitted:

1. For infrastructure construction projects, by the permittee where the entire project has undergone final stabilization, all stormwater discharges associated with construction activity that are authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed. The permittee may also submit a Notice of Termination for each phase of the infrastructure project, not to exceed four (4) phases, that have undergone final stabilization and all stormwater discharges associated with construction activity for that phase authorized by this permit have ceased. Except for the final phase, the disturbed acreage for each phase must be equal to or greater than 25% of the total estimated disturbed acreage for the infrastructure project. For the final phase, the disturbed acreage for the final phase must be equal to or greater than 10% of the total estimated disturbed acreage for the infrastructure project. The Notice of Termination for each phase of the infrastructure project must include the GPS locations (decimal degrees) of the beginning and end of each phase and if applicable, a map identifying significant landmarks.

2. By the Owner or Operator or both when the Owner or Operator or both of the site changes. Where stormwater discharges will continue after the identity of the Owner or Operator or both changes, the permittee must, prior to filing the Notice of Termination, notify any subsequent Owner or Operator or both of the permitted site as to the requirements of this permit.

B. Notice of Termination Contents:

1. The NPDES permit number for the stormwater discharge associated with construction activity identified by the Notice of Termination (i.e., GAR100002 – Infrastructure);

2. The project construction site name, site location, GPS locations (decimal degrees) of the beginning and end of the infrastructure construction project or if applicable, of each phase in accordance with Part VI.A.1., construction site location and if applicable, a map identifying significant landmarks, city (if applicable) and county of the site for which the notification is submitted. This information must correspond to the similar information as provided on the NOI.
The construction site location information must be sufficient to accurately locate the construction site;

3. The owner’s legal name, address, telephone number and email address and the operator’s legal name, address, telephone and email address;

4. The name of the receiving water(s), and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4;

5. Copies of all sampling reports not previously submitted to EPD and/or a written justification why sampling was not conducted. Copies of all sampling reports may be submitted as a Portable Document Format (PDF) file on CD-ROM or other storage device;

6. Any other information specified on the NOT in effect at the time of submittal; and

7. The following certification signed in accordance with Part V.G.1. (signatory requirements):

“\[I certify under penalty of law that either: (a) all stormwater discharges associated with construction activity authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed or; (b) I am no longer an Owner or Operator at the construction site and a new Owner or Operator has assumed operational control of the permitted construction site where I previously had ownership or operational control; and that discharging pollutants in stormwater associated with construction activity to waters of Georgia is unlawful under the Georgia Water Quality Control Act and the Clean Water Act where the discharge is not authorized by a NPDES permit.\]”

C. Notice of Termination Submittal. All Notices of Termination (NOT) required by this permit shall be submitted to EPD using the electronic submittal service provided by EPD and a copy to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq.
APPENDIX A

EPD DISTRICT OFFICES

A. For facilities/construction sites located in the following counties: Bibb, Bleckley, Chattahoochee, Crawford, Dooly, Harris, Houston, Jones, Lamar, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Talbot, Taylor, Troup, Twiggs, Upson

Information shall be submitted to: West Central District Office
Georgia Environmental Protection Division
2640 Shurling Drive
Macon, GA 31211-3576
(478) 751-6612

B. For facilities/construction sites located in the following counties: Burke, Columbia, Emanuel, Glascock, Jefferson, Jenkins, Johnson, Laurens, McDuffie, Montgomery, Richmond, Screven, Treutlen, Warren, Washington, Wheeler, Wilkinson

Information shall be submitted to: East Central District Office
Georgia Environmental Protection Division
3525 Walton Way Extension
Augusta, GA 30909-1821
(706) 667-4343

C. For facilities/construction sites located in the following counties: Baldwin, Banks, Barrow, Butts, Clarke, Elbert, Franklin, Greene, Hall, Hancock, Hart, Jackson, Jasper, Lincoln, Madison, Morgan, Newton, Oconee, Oglethorpe, Putnam, Stephens, Taliaferro, Walton, Wilkes

Information shall be submitted to: Northeast District Office
Georgia Environmental Protection Division
745 Gaines School Road
Athens, GA 30605-3129
(706) 369-6376

D. For facilities/construction sites located in the following counties: Carroll, Clayton, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Heard, Henry, Rockdale, Spalding

Information shall be submitted to: Mountain District - Atlanta Satellite
Georgia Environmental Protection Division
4244 International Parkway, Suite 114
Atlanta, GA 30354-3906
(404) 362-2671
E. For facilities/construction sites located in the following counties: Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Fannin, Floyd, Forsyth, Gilmer, Gordon, Habersham, Haralson, Lumpkin, Murray, Paulding, Pickens, Polk, Rabun, Towns, Union, Walker, White, Whitfield

Information shall be submitted to: Mountain District - Cartersville Office
Georgia Environmental Protection Division
P.O. Box 3250
Cartersville, GA 30120-1705
(770) 387-4900

F. For facilities/construction sites located in the following counties: Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Effingham, Evans, Glynn, Jeff Davis, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, Wayne

Information shall be submitted to: Coastal District - Brunswick Office
Georgia Environmental Protection Division
400 Commerce Center Drive
Brunswick, GA 31523-8251
(912) 264-7284

G. For facilities/construction sites located in the following counties: Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Crisp, Decatur, Dodge, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth

Information shall be submitted to: Southwest District Office
Georgia Environmental Protection Division
2024 Newton Road
Albany, GA 31701-3576
(229) 430-4144

H. For facilities/construction sites required to submit Plans required under Part IV.A.4.a. of this Permit:

Information shall be submitted to: Watershed Protection Branch
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1462 East
Atlanta, Georgia 30334
(404) 463-1511
APPENDIX B

Nephelometric Turbidity Unit (NTU) TABLES

Trout Streams

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To use these tables, select the size (acres) of the construction site. Then, select the surface water drainage area (square miles). The NTU matrix value arrived at from the above tables is the one to use in Part III.D.4.

Example 1: For a site size of 12.5 acres and a “trout stream” drainage area of 37.5 square miles, the NTU value to use in Part III.D.4. is 75 NTU.

Example 2: For a site size of 51.7 acres and “waters supporting warm water fisheries” drainage area of 72 square miles, the NTU value to use in Part III.D.4. is 100 NTU.
Insert Yellow Sheet
Back of Yellow Sheet
Authorization To Discharge Under The National Pollutant Discharge Elimination System
Storm Water Discharges Associated With Construction Activity For Common Development Construction Projects

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p.416, as amended), hereinafter called the “State Act,” the Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the “Clean Water Act,” and the Rules and Regulations promulgated pursuant to each of these Acts, new and existing stormwater point sources within the State of Georgia that are required to have a permit, upon submittal of a Notice of Intent, are authorized to discharge stormwater associated with construction activity to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through VI hereof.

This permit shall become effective on August 1, 2018.

This permit and the authorization to discharge shall expire at midnight, July 31, 2023.

Signed this 16th day of May 2018.

Richard E. Dunn, Director
Environmental Protection Division
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Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit regulates point source discharges of stormwater to the waters of the State of Georgia from construction activities, as defined in this permit.

B. Definitions. All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act (Act) and the Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6 (Rules), unless otherwise defined in this permit:

1. “Best Management Practices” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. “Blanket NOI” means a Notice of Intent to be used by utility companies and/or utility contractors acting as secondary permittees that covers all construction activities in common developments during the calendar year for which the NOI is submitted.

3. “Buffer” means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

4. “Certified Personnel” means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

5. “Commencement of Construction” means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

6. “Common Development” means a contiguous area where multiple, separate, and distinct construction activities will be taking place at different times on different schedules under one plan of development on or after August 1, 2000.

7. “Construction Activity” means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural practices, but does include agricultural buildings.


10. “Design Professional” means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert International, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

11. “Director” means the Director of the Environmental Protection Division or an authorized representative.

12. “Division” means the Environmental Protection Division of the Department of Natural Resources.

13. “Erosion” means the process by which land surface is worn away by the action of wind, water, ice or gravity.

14. “Erosion, Sedimentation and Pollution Control Plan” or “Plan” means a plan for the control of soil erosion, sediment and pollution resulting from a construction activity.

15. “Filling” means the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.

16. “Final Stabilization” means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region).

17. “General Contractor” means the operator of the common development or site.

18. “Impossible” means the monitoring location(s) are either physically or legally inaccessible, or access would cause danger to life or limb.

19. “Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

20. “Landfill” means an area of land or an excavation in which waste materials are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile as defined by Georgia NPDES General Permit GAR050000, and which area of land or excavation must be certified by EPD before it can begin waste disposal operations.
21. “Landfill Cell(s)” means a defined area within a landfill where waste materials are permanently disposed and that must be certified by EPD for use before such cell(s) can begin receiving waste materials after which those activities associated with waste receipt and disposal in the landfill cell(s) shall not be considered construction activity as defined by this permit.

22. “Local Issuing Authority” means the governing authority of any county or municipality which is certified pursuant to Official Code of Georgia Section 12-7-8(a).

23. “Mass Grading” means the movement of earth by mechanical means to alter the gross topographic features (elevations, slopes, etc.) to prepare a site for final grading and the construction of facilities (buildings, roads, parking, etc.).

24. “Nephelometric Turbidity Unit (NTU)” means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.

25. “NOI” means Notice of Intent to be covered by this permit (see Part II).

26. “NOT” means Notice of Termination (see Part VI).

27. “Operator” means the entity that has the primary day-to-day operational control of those activities at the construction site necessary to ensure compliance with Erosion, Sedimentation and Pollution Control Plan requirements and permit conditions.

28. “Other Water Bodies” means ponds, lakes, marshes and swamps which are waters of the State.

29. “Outfall” means the location where stormwater, in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

30. “Owner” means the legal title holder to the real property on which is located the facility or site where construction activity takes place.

31. “Permittee” means any entity that has submitted a Notice of Intent and obtained permit coverage.

32. “Phase” or “Phased” means sub-parts or segments of construction sites where the sub-part or segment is constructed and stabilized prior to completing the entire construction site.

33. “Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged. This term also means sheet flow which is later conveyed via a point source to waters of the State. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
34. “Primary Permittee” means the Owner or the Operator or both of a tract of land for a construction project subject to this permit.

35. “Proper design” and “properly designed” means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the GSWCC up until the date of NOI submittal.

36. “Receiving Water(s)” means all perennial and intermittent waters of the State into which the runoff of stormwater from a construction activity will actually discharge, either directly or indirectly.

37. “Secondary Permittee” means an owner, individual builder, utility company, or utility contractor that conducts a construction activity within a common development with an existing primary permittee.

38. “Sediment” means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by, wind, water, ice, or gravity as a product of erosion.

39. “Sedimentation” means the action or process of forming or depositing sediment.

40. “Service Line” means the final connection installed by a utility company or utility contractor between a structure and the closest main and/or trunk line.

41. “Sheet flow” means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

42. “Site” or “Construction Site” means a facility of any type on which construction activities are occurring or are to occur which may result in the discharge of pollutants from a point source into the waters of the State.

43. “Stormwater” means stormwater runoff, snow melt runoff, and surface runoff and drainage.

44. “Structural Erosion and Sediment Control Practices” means measures for the stabilization of erosive or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss.

45. “Sub-contractor” means an entity employed or retained by the permittee to conduct any type of construction activity (as defined in this permit) at a site or common development. Sub-contractors must complete the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19. Sub-
contractors are not permittees unless they meet the definition of either a primary, secondary or tertiary permittee.

46. “Surface Water Drainage Area” means the hydrologic area starting from the lowest downstream point where the stormwater from the construction activity enters the receiving water(s) and following the receiving water(s) upstream to the highest elevation of land that divides the direction of water flow. This boundary will connect back with the stormwater entrance point. Boundary lines follow the middle of the highest ground elevation or halfway between contour lines of equal elevation.

47. “Tertiary Permittee” means either the Owner or Operator of a remaining lot(s) within a common development (as defined in this permit) conducting a construction activity where the primary permittee and all secondary permittees have submitted a Notice of Termination in accordance with Part VI.A.2. of this permit (excluding utility companies and/or utility contractors working under a Blanket NOI) or where a primary permittee does not exist.

48. “Trout Streams” means waters of the State classified as either primary trout waters or secondary trout waters, as designated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.


50. “Utility Company or Utility Contractor” means, for purposes of this Permit, an entity or sub-contractor that is responsible, either directly or indirectly, for the construction, installation, and maintenance of conduits, pipes, pipelines, cables, wires, trenches, vaults, manholes, and similar structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water, stormwater or sewage.

51. “Vegetative Erosion and Sediment Control Practices” means measures for the stabilization of erosive or sediment producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod forming grass.

52. “Waters Supporting Warm Water Fisheries” means all waters of the State that sustain, or have the potential to sustain, aquatic life but excluding trout streams.

53. “Waters of Georgia” or “Waters of the State” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
C. Eligibility.

1. Construction Activities. This permit authorizes, subject to the conditions of this permit:

a. all discharges of stormwater associated with common plans of development, or other construction activity where the primary permittee chooses to use secondary permittees, that will result in land disturbance equal to or greater than one (1) acre occurring on or before, and continuing after, the effective date of this permit, (henceforth referred to as existing stormwater discharges from construction activities) except for discharges identified under Part I.C.3. Stormwater discharges from construction activities involving less than one (1) acre where the primary permittee used secondary or tertiary permittees which are part of a larger common development (i.e., greater than one (1) acre; henceforth referred to as existing common development) occurring on or before, and continuing after, the effective date of this permit are authorized subject to the conditions of this permit;

b. all discharges of stormwater associated with common plans of development, or other construction activity where the primary permittee chooses to use secondary permittees, that will result in land disturbance equal to or greater than one (1) acre occurring after the effective date of this permit, (henceforth referred to as stormwater discharges from construction activities), except for discharges identified under Part I.C.3. Stormwater discharges from construction activities involving less than one (1) acre where the primary permittee uses secondary permittees or tertiary permittees which are part of a larger common development (i.e., greater than one (1) acre) are authorized subject to the conditions of this permit; and

c. coverage under this permit is not required for discharges of stormwater associated with minor land disturbing activities (such as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion) conducted outside of the 25 foot buffer along the banks of all State waters requiring a buffer and outside of the 50 foot buffer along the banks of all State waters classified as ‘trout streams’ requiring a buffer on individual residential lots sold to homeowners where all planned construction activities on that lot have been completed and have undergone final stabilization.

2. Mixed Stormwater Discharges. This permit may only authorize a stormwater discharge from a construction site or construction activities mixed with a stormwater discharge from an industrial source or activity other than construction where:

a. the industrial source or activity other than construction is located on the same site as the construction activity and is an integral part of the construction activity;

b. the stormwater discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
c. stormwater discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are covered by a different NPDES general permit or individual permit authorizing such discharges and the discharges are in compliance with a different NPDES permit.

3. Limitations on Coverage. The following stormwater discharges from construction sites are not authorized by this permit:

   a. stormwater discharges associated with an industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;

   b. discharges that are mixed with sources of non-stormwater other than discharges which are identified in Part III.A.2. of this permit and which are in compliance with Part IV.D.7. (non-stormwater discharges) of this permit;

   c. stormwater discharges associated with industrial activity that are subject to an existing NPDES individual or general permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges; and

   d. stormwater discharges from construction sites that the Director (EPD) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

4. Compliance with Water Quality Standards. No discharges authorized by this permit shall cause violations of Georgia's in-stream water quality standards as provided by the Rules and Regulations for Water Quality Control, Chapter 391-3-6-.03.

D. Authorization.

1. Any person desiring coverage under this permit as either a primary permittee, a secondary permittee or a tertiary permittee must submit a Notice of Intent (NOI) to the EPD and the NOI must be received by the EPD in accordance with the requirements of Part II, using the electronic submittal service provided by the EPD, in order for stormwater discharges from construction sites to be authorized. A Notice of Intent for secondary permittee coverage can be submitted either concurrently with or after the submittal of a Notice of Intent by the primary permittee.

2. Unless notified by the Director to the contrary, a permittee (either primary, secondary or tertiary) who submits an NOI in accordance with the requirements of this permit is authorized to discharge stormwater from construction sites under the terms and conditions of this permit fourteen (14) days after the date that the NOI is submitted and confirmation is received. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general NPDES permit based on a review of the NOI or
other information. Should the Director deny coverage under this permit, coverage under this permit is authorized until the date specified in the notice of denial by the Director.

3. Where a new primary or secondary permittee is to begin work on-site after an NOI for the facility/construction site has been submitted, that new primary or secondary permittee must submit a new NOI in accordance with Part II. A secondary permittee is not required to submit a new NOI or re-submit an NOI when a new primary permittee is named.

**E. Continuing Obligations of Permittees.** Unless and until responsibility for a site covered under this permit is properly terminated or ownership changes according to the terms of the permit, the current permittee remains responsible for compliance with all applicable terms of the permit and for any violations of said terms.

**Part II. NOTICE OF INTENT REQUIREMENTS**

**A. Deadlines for Notification.**

1. Except as provided in Part II.A.2., II.A.3. and II.A.5., Owners or Operators or both who intend to obtain coverage under this general permit for stormwater discharges from a construction site (where construction activities begin after issuance of this permit), shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part at least fourteen (14) days prior to the commencement of construction activities.

2. For sites where construction activities, subject to this permit, are occurring on or before the effective date of this permit, the Owner or Operator or both shall submit a re-issuance NOI for an existing construction site in accordance with the requirements of this part no later than ninety (90) days after the effective date of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

3. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1. or II.A.2. of this permit. In such instances, EPD may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of stormwater associated with construction activity that have occurred on or after the dates specified in Part II.A.1. and II.A.2.

4. Where an Owner or an Operator or both changes after an NOI has been filed, the subsequent Owner or Operator or both must submit a modification NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site or (b) thirty (30) days from acquitting legal title to the facility/construction site. In the event a lender or other secured creditor acquires legal title to the facility/construction site, such party must submit a modification NOI in accordance with this Part by the earlier to occur of (a) seven (7)
days before beginning work at the facility/construction site; or (b) thirty (30) days from acquiring legal title to the facility/construction site. Stabilization and BMP installation and/or maintenance measures of a disturbed site, by the subsequent Owner or Operator, may occur in advance of filing a new NOI, without violation of this permit. A secondary permittee is not required to submit a modification NOI when a new primary permittee is named. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

5. For sites where construction activities will result in land disturbance equal to or greater than one (1) acre that are required as a result of storm- or emergency-related repair work, the Owner or Operator or both shall notify the appropriate EPD District Office within three (3) days of commencement of said construction activities. The Owner or Operator or both shall submit the NOI to the appropriate EPD district office as soon as possible after the storm- or emergency-related event but no later than fourteen (14) days after the commencement of construction activities and shall submit the Plan in accordance with Part IV.A.6.

B. Notice of Intent Contents.

1. Primary Permittee. A single Notice of Intent for the primary permittee (i.e., one NOI signed by the Owner or the Operator or both) shall be signed in accordance with Part V.G.1. of this permit and shall include the following information:

   a. The project construction site name, GPS location (decimal degrees) of construction exit, construction site location (e.g., street address), common development name (if applicable), city (if applicable) and county of the construction site for which the notification is submitted. The construction site location information must be sufficient to accurately locate the construction site;

   b. The Owner’s legal name, address, telephone number and email address; and if available, the Operator’s legal name, address, telephone number and email address; and if applicable, the Duly Authorized Representative’s legal name and/or position name, telephone number and email address;

   c. The name, telephone number and email address of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e., construction superintendent, etc.) of the construction site;

   d. The name of the initial receiving water(s) or if unnamed the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee’s
determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6;

e. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s) shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” for the criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff);

f. An estimate of project start date and completion date, a schedule for the timing of the various construction activities, the number of acres of the site on which soil will be disturbed and the surface water drainage area (if applicable). For projects that began on or before the effective date of this permit, the start date must be the actual start date of construction;

g. The following certification shall be signed in accordance with Part V.G.1. of this permit:

“I certify that to the best of my knowledge and belief, that the Erosion, Sedimentation and Pollution Control Plan (Plan) was prepared by a design professional, as defined by this permit, that has completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19 and that I will adhere to the Plan and comply with all requirements of this permit.”

h. An estimate of the number of secondary permittees, if applicable;

i. The type of construction activity category (from those listed on the NOI) conducted at the site;

j. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be sampled on a map or drawing of appropriate scale. When it is determined by the primary permittee that some or all of the outfall(s) will be sampled, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i.e., based upon the size of the common development construction site and the surface water drainage area) must be shown for each outfall to be sampled;

k. NOIs may be submitted for separate phases of projects with a total planned disturbance greater than 5.0 acres, provided that each phase shall not be less than 1.0 acre. Phased NOIs shall include all documentation required by this permit for each phase, including applicable fees, and
l. Any other information specified on the NOI in effect at the time of submittal.

2. Secondary Permittee. The Notice of Intent for each secondary permittee shall be signed in accordance with Part V.G.I. of this permit. The Notice of Intent shall include the following information:

   a. The project construction site name, construction site location (e.g., street address), common development name (if applicable), lot number(s) (if applicable), city (if applicable) and county of the construction site for which the notification is submitted. The construction site location information must be sufficient to accurately locate the construction site;

   b. The secondary permittee’s legal name, address, telephone number and email address and if applicable, the Duly Authorized Representative’s legal name and/or position name, telephone number and email address;

   c. The name, address, telephone number and email address of the primary permittee (as shown on the primary permittee’s NOI);

   d. If this submittal is by a blanket secondary permittee, the legal name, address, telephone number and email address of the utility sub-contractor;

   e. The name, telephone number and email address of the individual to whom the secondary permittee has assigned the responsibility for the daily operational control of the construction site;

   f. The name of the initial receiving water(s) or if unnamed, the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee’s determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6;

   g. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s) shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” for the criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff);

   h. An estimate of project start date and completion date of the construction activity by the entity making this submission, and an estimate of the number of acres of the site on
which soil will be disturbed by the entity making this submission. For projects that began on or before the effective date of this permit, the start date must be the actual start date of construction;

i. A certification that the provisions of the primary permittee’s Erosion, Sedimentation and Pollution Control Plan applicable to the secondary permittee’s activities will be adhered to while conducting any construction activity at this site. (A copy of the Plans should not be included with the NOI submission by the secondary permittee);

j. The type of construction activity category (from those listed on the NOI) conducted at the site for this submission;

k. Any other information specified on the NOI in effect at the time of submittal; and

l. As an alternative to submitting a project specific NOI in accordance with subparts a. through k. above, a utility company may submit an annual Blanket Notice of Intent covering all construction activities within common developments statewide on or before January 15 of the year in which coverage is desired, but in no case less than seven (7) days before commencement of construction activities. The Blanket NOI will contain the information contained in subparts b, d, i and j above. A copy of the Blanket NOI or equivalent written contact information shall be provided to the primary permittee no less than seven (7) days prior to the commencement of construction activities by the secondary permittee at each site. The primary permittee shall provide appropriate means for posting this information or otherwise making it publicly accessible.

3. Tertiary Permittee. The Notice of Intent for each tertiary permittee shall be signed in accordance with Part V.G.1. of this permit and shall include the following information:

a. The project construction site name, GPS location (decimal degrees) of construction exit, construction site location (e.g., street address), common development name (if applicable), lot number(s) (if applicable), city (if applicable) and county of the construction site for which the notification is submitted. The construction site location information must be sufficient to accurately locate the construction site;

b. The Owner’s legal name, address, telephone number and email address; and if available, the Operator’s legal name, address, telephone number and email address; and if applicable, the Duly Authorized Representative’s legal name and/or position name, telephone number and email address;

c. If available, the original primary permittee’s legal name, address, telephone number and email address;

d. The name, telephone number and email address of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e., construction superintendent, etc.) of the construction site;
e. The name of the initial receiving water(s) or if unnamed, the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee’s determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6;

f. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “partially supporting” or “not supporting” its designated use(s) shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” listed for Biota due to sediment (i.e., “Bio F” or “Bio M”) and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff). This requirement of this permit is not applicable to tertiary permittees with a Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre;

g. An estimate of project start date and completion date, a schedule for the timing of the various construction activities, the number of acres of the site on which soil will be disturbed and the surface water drainage area (if applicable);

h. The following certification shall be signed in accordance with Part V.G.1. of this permit:

   “I certify that to the best of my knowledge and belief, that the Erosion, Sedimentation and Pollution Control Plan (Plan) was prepared by a design professional, as defined by this permit, that has completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19 and that I will adhere to the Plan and comply with all requirements of this permit.”

i. The type of construction activity category (from those listed on the NOI) conducted at the site;

j. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be sampled on a map or drawing of appropriate scale. When it is determined by the tertiary permittee that some or all of the outfall(s) will be sampled, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i.e., based upon the size of the construction site and the surface water drainage area) must be shown for each outfall to be sampled;
k. NOIs may be submitted for separate phases of projects with a total planned disturbance greater than 5.0 acres, provided that each phase shall not be less than 1.0 acre. Phased NOIs shall include all documentation required by this permit for each phase; and

1. Any other information specified on the NOI in effect at the time of submittal.

C. Notice of Intent Submittal. NOIs are to be submitted to EPD using the electronic submittal service provided by EPD and a copy to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated location from commencement of construction until such time as a Notice of Termination (NOT) is submitted in accordance with Part VI.

D. Fees. Any applicable fees shall be submitted by the Primary Permittee in accordance with Rules and Regulations for Water Quality Control (Rules) promulgated by the Board of Natural Resources. By submitting an NOI for coverage under this permit the primary permittee agrees to pay any fees required, now or in the future, by such Rules authorized under O.C.G.A. Section 12-5-23(a)(5)(A), which allows the Board of Natural Resources to establish a fee system. Fees may be assessed on land disturbing activity proposed to occur on or after the effective date of this permit and shall be paid in accordance with such Rules.

E. Renotification. Upon issuance of a new or different general permit for some or all of the stormwater discharges covered by this permit, the permittee is required to notify the EPD of their intent to be covered by the new or different general permit. The permittee must submit a renewal Notice of Intent (NOI) in accordance with the notification requirements of the new or different general permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, PERMIT VIOLATIONS AND OTHER LIMITATIONS

A. Prohibition on Non-Stormwater Discharges.

1. Except as provided in Part I.C.2. and III.A.2., all discharges covered by this permit shall be composed entirely of stormwater.

2. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component of the discharge is explicitly listed in the Erosion, Sedimentation and Pollution Control Plan and is in compliance with Part IV.D.7.; discharges from fire fighting activities; fire hydrant flushing; potable water sources including water line flushing; irrigation drainage; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials or pollutants.

3. This permit does not authorize the discharge of soaps or solvents used in vehicle and equipment washing.
4. This permit does not authorize the discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.

**B. Releases in Excess of Reportable Quantities.**

1. The discharge of hazardous substances or oil in the stormwater discharge(s) from a site shall be prevented. This permit does not relieve the permittee of the reporting requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the permittee is required to notify EPD at (404) 656-4863 or (800) 241-4113 and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 and 40 CFR 302 as soon as he/she has knowledge of the discharge.

2. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

**C. Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment.**

The requirements of Part III.C. of this permit are not applicable to utility companies and utility contractors if they are secondary permittees provided that the utility companies and utility contractors implement the applicable best management practices detailed in the primary permittee’s Plan. The requirements of Part III.C. of this permit are not applicable to tertiary permittees with a Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre.

Any permittee who intends to obtain coverage under this permit for stormwater discharges associated with construction activity into an Impaired Stream Segment, or within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as “not supporting” its designated use(s), as shown on Georgia’s most current “305(b)/303(d) List Documents (Approved)” at the time of NOI submittal, must satisfy the requirements of Part III.C. of this permit if the Impaired Stream Segment has been listed for criteria violated/cause, “Bio F” (Impaired Fish Community) and/or “Bio M” (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either “NP” (nonpoint source) or “UR” (urban runoff). Those discharges that are located within one (1) linear mile of an Impaired Stream Segment, but are not located within the watershed of any portion of that stream segment, are excluded from this requirement. Georgia’s “305(b)/303(d) List Documents (Approved)” can be viewed on the EPD website.
1. If a Total Maximum Daily Load (TMDL) Implementation Plan for sediment has been finalized at least six (6) months prior to the permittee’s submittal of the NOI, the Erosion, Sedimentation and Pollution Control Plan (Plan) must address any site-specific conditions or requirements included in the TMDL Implementation Plan that are applicable to the permittee’s discharge(s) to the Impaired Stream Segment within the timeframe specified in the TMDL Implementation Plan. If the TMDL Implementation Plan establishes a specific numeric wasteload allocation that applies to a permittee’s discharge(s) to the Impaired Stream Segment, then the permittee must incorporate that allocation into the Erosion, Sedimentation and Pollution Control Plan and implement all necessary measures to meet that allocation. A list of TMDL Implementation Plans can be viewed on the EPD website.

2. In order to ensure that the permittee’s discharge(s) do not cause or contribute to a violation of State water quality standards, the Plan must include at least four (4) of the following best management practices (BMPs) for those areas of the site which discharge to the Impaired Stream Segment:

   a. During all construction activities as defined in this permit, double the width of the 25 foot undisturbed vegetated buffer along all State waters requiring a buffer and the 50 foot undisturbed vegetated buffer along all State waters classified as “trout streams” requiring a buffer. During construction activities, EPD will not grant variances to any such buffers that are increased in width pursuant to this section.

   b. Increase all temporary sediment basins and retrofitted stormwater management basins to provide sediment storage of at least 3600 cubic feet (134 cubic yards) per acre drained.

   c. Use baffles in all temporary sediment basins and retrofitted stormwater management basins to at least double the conventional flow path length to the outlet structure.

   d. A large sign (minimum 4 feet x 8 feet) must be posted on site by the actual start date of construction. The sign must be visible from a public roadway. The sign must identify the following: (1) the construction site, (2) the permittee(s), (3) the contact person(s) along with their telephone number(s), and (4) the permittee-hosted website where the Plan can be viewed. The permittee-hosted website where the Plan can be viewed must be provided on the submitted NOI. The sign must remain on site and the Plan must be available on the provided website until a NOT has been submitted.

   e. Use flocculants or coagulants and/or mulch to stabilize all areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1. of this permit.

   f. Conduct turbidity sampling after every rain event of 0.5 inch or greater within any 24 hour period, recognizing the exceptions specified in Part IV.D.6.d. of this permit.

   g. Comply with the applicable end-of-pipe turbidity effluent limit, without the “BMP defense” as provided for in O.C.G.A. 12-7-6(a)(1).
h. Reduce the total planned site disturbance to less than 50% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included on the Plan.

i. Limit the amount of disturbed area at any one time to no greater than 25 acres or 50% of the total planned site, whichever is less. All calculations must be included on the Plan.

j. Use “Dirt II” techniques available on the EPD website, to model and manage construction stormwater runoff (including sheet flow). All calculations must be included on the Plan.

k. Add appropriate organic soil amendments (e.g., compost) and conduct pre- and post-construction soil sampling to a depth of six (6) inches to document improved levels of soil carbon after final stabilization of the construction site.

l. Use mulch filter berms, in addition to a silt fence, on the site perimeter wherever construction stormwater (including sheet flow) may be discharged. Mulch filter berms cannot be placed in waterways or areas of concentrated flow.

m. Use appropriate erosion control slope stabilization instead of concrete in all construction stormwater ditches and storm drainages designed for a 25 year, 24 hour rainfall event.

n. Use flocculants or coagulants under a passive dosing method (e.g., flocculant blocks) within all construction stormwater ditches and storm drainages that feed into temporary sediment basins and retrofitted management basins.

o. Install sod for a minimum 20 foot width (in lieu of seeding) after final grade has been achieved, along the site perimeter wherever construction stormwater (including sheet flow) may be discharged.

p. Conduct soil tests to identify and to implement site-specific fertilizer needs.

q. Certified personnel shall conduct inspections at least twice every seven (7) calendar days and within 24 hours of the end of the storm that is 0.5 inches rainfall or greater in accordance with Part IV.D.4.a.(3).(a)–(c), Part IV.D.4.b.(3).(a)–(c) or Part IV.D.4.c.(3).(a)–(c) of this permit, as applicable.

r. Apply the appropriate compost blankets (minimum depth 1.5 inches) to protect soil surfaces until vegetation is established during the final stabilization phase of the construction activity.

s. Use alternative BMPs whose performance has been documented to be superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission).
t. Limit the total planned site disturbance to less than 15% impervious surfaces (excluding any State mandated buffer areas from such calculations). All calculations must be included in the Plan.

u. Conduct inspections during the intermediate grading and drainage BMP phase and during the final BMP phase of the project by the design professional who prepared the Plan in accordance with Part IV.A.5. of the permit.

v. Install Post Construction BMPs (e.g., runoff reduction BMPs) which remove 80% TSS as outlined in the Georgia Stormwater Management Manual known as the Blue Book or an equivalent or more stringent design manual.


1. Best management practices, as set forth in this permit, are required for all construction activities, and must be implemented in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Part III.D.4. and Part III.D.5.

2. Except as required to install the initial sediment storage requirements and perimeter control BMPs as described in Part IV.D.3., the initial sediment storage requirements and perimeter control BMPs must be installed and implemented prior to conducting any other construction activities (e.g., clearing, grubbing and grading) within the construction site or when applicable, within phased sub-parts or segments of the construction site. Failure to comply shall constitute a violation of this permit for each day on which construction activities occur. The design professional who prepared the Plan must inspect the initial sediment storage requirements and perimeter control BMPs in accordance with Part IV.A.5. within seven (7) days after installation.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs. BMP maintenance as a result of the permittee's routine inspections shall not be considered a violation for the purposes of this paragraph. If during the course of the permittee’s routine inspection BMP failures are observed which have resulted in sediment deposition into Waters of the State, the permittee shall correct the BMP failures and shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit.

4. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such discharge results in the turbidity of receiving water(s) being increased by more than ten (10) nephelometric turbidity units for waters classified as trout streams or more
than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries, regardless of a permittee’s certification under Part II.B.1.j. and Part II.B.3.j.

5. When the permittee has elected to sample outfall(s), the discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such condition results in the turbidity of the discharge exceeding the value selected from Appendix B applicable to the construction site. As set forth therein, the nephelometric turbidity unit (NTU) value shall be selected from Appendix B based upon the size of the construction site, the surface water drainage area and whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6.

6. Whenever a permittee finds that a BMP has failed or is deficient (beyond routine maintenance) and has resulted in sediment deposition into waters of the State, the permittee shall immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. The permittee shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit and shall correct such BMP as follows:

   a. When the repair does not require a new or replacement BMP or significant repair, the BMP failure or deficiency must be repaired within two (2) business days from the time of discovery;

   b. When the repair requires a new or replacement BMP or significant repair, the installation of the new or modified BMP must be completed and the BMP must be operational by no later than seven (7) days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) days, the permittee must document why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document the schedule for installing or repairing the BMPs and making the BMPs operational as soon as feasible after the seven (7) day timeframe.

Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN

A site-specific Erosion, Sedimentation and Pollution Control Plan (Plan) shall be designed, installed and maintained for the phase or phases of the common development covered by this permit. The Erosion, Sedimentation and Pollution Control Plan must be prepared by a design professional as defined by this permit. All persons involved in Plan preparation shall have completed the appropriate certification course, pursuant to O.C.G.A. 12-7-19(b), approved by the Georgia Soil and Water Conservation Commission. The design professional preparing the Plan must include and sign the following certification in the Plan:

“I certify that the permittee’s Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water
Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the stormwater outfalls and that the designed system of best management practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit No. GAR100003.”

The Plan shall include any additional certifications regarding the design professional's site visit in accordance with the Rules for Erosion and Sedimentation Control promulgated by the Board of Natural Resources:

“I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision.”

The Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and O.C.G.A. 12-7-6, as well as the following:

(i). Except as provided in Part IV.(iii). below, no construction activities shall be conducted within a 25 foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director has determined to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented, or along any ephemeral stream, or where bulkheads and seawalls must be constructed to prevent the erosion of the shoreline on Lake Oconee and Lake Sinclair. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

1) public drinking water system reservoirs;
2) stream crossings for water and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
3) buffer crossing for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer; and
4) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees
and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification.

(ii). No construction activities shall be conducted within a 50 foot buffer, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as 'trout streams' except when approval is granted by the Director for alternate buffer requirements in accordance with the provisions of O.C.G.A. 12-7-6, or where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as 'trout streams' which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the permittee, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources including notification of such to EPD and the Local Issuing Authority of the location and extent of the piping and prescribed methodology for minimizing the impact of such piping and for measuring the volume of water discharged by the stream. Any such pipe must stop short of the downstream permittee's property, and the permittee must comply with the buffer requirement for any adjacent trout streams. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

1. public drinking water system reservoirs;
2. stream crossings for water and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer;
3. buffer crossing for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer; and
4. stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification.

(iii). Except as provided in Part IV(iv) below, no construction activities shall be conducted within a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal
marshland-upland interface, as determined in accordance with Part 4 of Article 4 of Chapter 5 of Title 12, the Coastal Marshlands Protection Act of 1970, and the rules and regulations promulgated thereunder, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where otherwise allowed by the Director pursuant to Code Section 12-2-8, or where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, or for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or where a drainage structure or roadway drainage structure is constructed or maintained, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, or on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation, provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented:

1. Public drinking water system reservoirs;
2. Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer;
3. Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015;
4. Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development;
5. Buffer crossings for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the Jurisdictional Line and cause a width of disturbance of not more than 50 feet within the buffer, and vegetation is re-established in any bare or disturbed areas within the buffer; and
6. Crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification.
(iv). Except as provided above, for buffers required pursuant to Part IV.(i), and (ii) and (iii), no construction activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. During coverage under this permit, a buffer cannot be thinned or trimmed of vegetation and a protective vegetative cover must remain to protect water quality and aquatic habitat and a natural canopy must be left in sufficient quantity to keep shade on the stream bed or marsh.

The Erosion, Sedimentation and Pollution Control Plan shall identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site. In addition, the Plan shall describe and the applicable permittee shall ensure the implementation of practices which will be used to reduce the pollutants in stormwater discharges associated with construction activity at the site and to assure compliance with the terms and conditions of this permit. The applicable permittee must implement and maintain the provisions of the Plan required under this part as a condition of this permit.

Except as provided in Part IV.A.2, a single Erosion, Sedimentation and Pollution Control Plan for a common development must be prepared by the primary permittee for all sites within the common development whether or not all of the sites within the common development are owned or operated by a single entity or by multiple entities. The Erosion, Sedimentation and Pollution Control Plan must address the best management practices for the phase or phases of the common development which includes all sites (i.e., individual home lots, out-parcels, etc) regardless of who owns or operates the individual sites.

The primary permittee must provide a copy of the Plan or applicable portions of the Plan and copy of the primary permittee’s most current Notice of Intent to each secondary permittee prior to the secondary permittee conducting any construction activity. Any revisions to the Plan and/or the Notice of Intent must be provided to the secondary permittees in a timely manner. A written acknowledgment of receipt of the Plan and Notice of Intent must be made by the secondary permittee and a copy of such be retained in the primary permittee’s records in accordance with Part IV.F. of this permit. If the primary permittee changes after the Plan is prepared and implemented, any subsequent primary permittee must ensure that the Plan complies with all terms and conditions of this permit and that each secondary permittee is provided with any revisions to the Plan and Notice of Intent made by the new primary permittee. A written acknowledgment of receipt of the Plan or amendments to the Plan and Notice of Intent must be made by the secondary permittee and a copy of such be retained in the new primary permittee’s records in accordance with Part IV.F. of this permit.

A. Deadlines for Plan Preparation and Compliance.

1. Except as provided in Part IV.A.2. and Part IV.A.6., the Erosion, Sedimentation and Pollution Control Plan shall be completed prior to submitting the NOI and prior to conducting any construction activity by any permittee.
2. For construction activities that began on or before the effective date of this permit and were subject to regulations under the previous general permit, the permittee(s) shall continue to operate under the existing Plan.

3. For construction activities that begin after the effective date of this permit, the primary permittee shall be required to prepare the Plan for that phase of the common development that corresponds with the NOI being submitted and the primary and all secondary permittee(s) shall implement the applicable portion of the Plan on or before the day construction activities begin.

4. Additional Plan Submittals.

   a. For all projects identified under Part I.C.1.b., which begin after the effective date of this permit, in a jurisdiction where there is no certified Local Issuing Authority regulating that project, a single copy of the Plan must be submitted to the EPD Watershed Protection Branch and a second copy of the Plan must be submitted to the appropriate EPD District Office prior to or concurrent with the NOI submittal. The second copy of the Plan must be submitted electronically as a Portable Document Format (PDF) file through the electronic submittal service provided by EPD, or by return receipt certified mail or similar service as a PDF on CD-ROM or other storage device to the appropriate EPD District Office. The permittee shall retain a copy of the proof of the submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such a time as a Notice of Termination (NOT) is submitted in accordance with Part VI. The EPD Watershed Protection Branch will review Plans for deficiencies using the applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

   b. For all projects where the construction activity as indicated on the existing NOI has changed, the amended Plans must be submitted in accordance with Part IV.A.4.a. In addition, the permittee must file submit a modification NOI in accordance with Part II.

5. For common developments that begin construction activity after the effective date of this permit, the primary permittee and tertiary permittee(s) must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, or an alternative design professional approved by EPD in writing, to inspect the installation of the initial sediment storage requirements and perimeter control BMPs within seven (7) days after installation. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required. This requirement of this permit is not applicable to tertiary permittees with a Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre.
6. For storm- or emergency-related repair work, the permittee shall implement appropriate BMPs and certified personnel (provided by the primary permittee) shall inspect at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. If the storm- or emergency-related repair work will not be completed within sixty (60) days of commencement of construction activity, a single copy of the Plan shall be submitted to EPD and the permittee shall comply with all requirements of this permit on the sixty-first (61st) day.

B. Signature and Plan Review.

1. The Erosion, Sedimentation and Pollution Control Plan shall be signed in accordance with Part IV., and be retained on the site (or, if not possible, at a readily accessible location) which generates the stormwater discharge in accordance with Part IV.F. of this permit. The primary permittee shall ensure, as provided for elsewhere in this permit, that each secondary permittee is provided with a copy of the Plan and that the secondary permittee understands their role in implementing the Plan. The secondary permittee shall sign the Plan or the portion of the Plan applicable to their site in accordance with Part V.G.1. and the Plan or applicable portion thereof shall be retained on the site or be readily available at a designated alternate location from the date of project initiation to the date of final stabilization.

2. The primary permittee and tertiary permittee(s) shall make Plans available upon request to the EPD; to designated officials of the local government reviewing soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system. A secondary shall make the Plan or portion of the Plan applicable to their site available upon request to the EPD; to the local government reviewing soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system. The Plan must be submitted to EPD or to the local government within three business days of such notification or within an alternate time frame established by EPD.

3. EPD may notify the primary, secondary or tertiary permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. Within seven (7) days of such notification (or as otherwise provided by EPD), the primary or tertiary permittee shall make the required changes to the Plan and shall submit to EPD either the amended Plan or a written certification that the requested changes have been made. For sites commencing construction on or before the effective date of this permit, EPD may notify the secondary permittee at any time that the Plan does not meet one or more of the minimum requirements of this permit. Within seven (7) days of such notification (or as otherwise provided by EPD), the secondary permittee shall implement the required changes to the Plan and shall submit to EPD either the amended Plan or a written certification that the requested changes have been made. For sites commencing construction after the effective date of this permit, when EPD notifies a secondary permittee of any Plan deficiencies, the secondary permittee must notify the primary permittee within 24-hours.
of the deficiencies. The primary permittee must amend the Plan in accordance with this paragraph to address those deficient BMPs within seven (7) days of being notified by the secondary permittee. When the Plan is amended, the primary permittee must notify and provide a copy of the amendment to any and all affected secondary permittees within this seven (7) day period. The secondary permittees must implement any new Plan requirements within 48-hours of notification by the primary permittee.

C. Keeping Plans Current. The primary, secondary or tertiary permittees, as applicable, shall amend their Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on BMPs with a hydraulic component (i.e., those BMPs where the design is based upon rainfall intensity, duration and return frequency of storms) or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.3. of this permit. Amendments to the Plan must be certified by a design professional as provided in this permit. Secondary permittees must notify the primary permittee within 24-hours of becoming aware of any suspected BMP designed deficiencies which are not effective in controlling the discharge of pollutants from the secondary permittee’s site. The primary permittee must evaluate whether these deficiencies exist within 48-hours of such notice, and if these deficiencies are found to exist must amend the Plan in accordance with this paragraph to address those deficient BMPs within seven (7) days of being notified by the secondary permittee. When the Plan is amended, the primary permittee must notify and provide a copy of the amendment to all affected secondary permittees within this seven (7) day period. The secondary permittee(s) must implement any new Plan requirements affecting their site(s) within 48-hours of notification by the primary permittee. Notwithstanding the foregoing, the primary or tertiary permittee remains responsible for insuring that the Plan, as appropriate, meets the requirements of this permit.

D. Contents of Plan. The Erosion, Sedimentation and Pollution Control Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Checklist. Each plan shall include a completed Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the applicable Checklist as approved by the GSWCC up until the date of the NOI submittal. The applicable checklists are available on the GSWCC website.

2. Site description. Each site-specific Plan shall provide a description of pollutant sources and other information as indicated:

   a. A description of the nature of the construction activity;
b. A detailed description and chart or timeline of the intended sequence of major activities which disturb soils for major portions of the site (i.e., initial sediment storage requirements and perimeter BMPs, clearing and grubbing activities, excavation activities, grading activities, utility activities, immediate and final stabilization activities). This requirement of this permit is not applicable to tertiary permittees with Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre;

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

d. An estimate of the runoff coefficient or peak discharge flow of the site prior to the construction activities and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site. This requirement of this permit is not applicable to tertiary permittees with Plan(s) for a typical individual lot(s), if the total land disturbance within the construction site is less than five (5) acres and the total land disturbance within each individual lot is less than one (1) acre;

e. A site-specific map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the Plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where stormwater is discharged to a surface water;

f. Identify the receiving water(s) and areal extent of wetland acreage at the site; and

g. For Plans prepared by a primary permittee for a common development, a list of the names and addresses of all secondary permittees must be included in the Plan and be amended as appropriate. These amendments are not subject to the design professional certification requirements specified in Part IV.C.

3. Controls. Each Plan shall include a description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase Plan. The Plan will include appropriate staging and access requirements for construction equipment. Plans submitted after the effective date of this permit shall limit the amount of disturbed area to no greater than 50 acres for each individual permittee (i.e., primary, secondary or tertiary permittees) at any one time, and to no more than 50 contiguous acres total at any one time, without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit. EPD will approve or disapprove such requests within 35 days of receipt. Failure of EPD to act within 35 days shall be
considered an approval of such requests. If the EPD District Office approves a request to disturb 50 acres or more at any one time, the Plan must include at least four (4) of the best management practices listed in Part III.C.2. of this permit.

The Plan will clearly describe for each major activity identified in Part IV.D.1.b. appropriate control measures and the timing during the construction process that the measures will be implemented. The primary permittee and tertiary permittee(s) are encouraged to utilize the document, Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, EPA 833-R-060-04, May 2007, when preparing the Plan. The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1) Stabilization measures. A description of interim and permanent stabilization measures, including site-specific scheduling of the implementation of the measures. Site plans should ensure that existing vegetation is preserved and that disturbed portions of the site are stabilized. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the Plan. Except as provided in paragraphs IV.D.3.(a).(1).(a). below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a). Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or other adverse weather conditions, stabilization measures shall be initiated as soon as practicable.

(2) Structural practices. A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(3) Sediment basins. For common drainage locations a temporary (or permanent) sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per
acre drained, or equivalent control measures, shall be provided until final stabilization of the site. The 1800 cubic feet (67 cubic yards) of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations where a temporary sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent controls is not attainable, sediment traps, silt fences, wood mulch berms or equivalent sediment controls are required for all side slope and down slope boundaries of the construction area. When the sediment fills to a volume at most of 22 cubic yards per acre for each acre of drainage area, the sediment shall be removed to restore the original design volume. This sediment must be properly disposed. Sediment basins may not be feasible at some construction sites. Careful consideration must be used to determine when a sediment basin cannot be used and/or 67 cubic yards of storage per acre drained is not attainable and a written justification explaining the decision(s) must be included in the Plan. Perennial and intermittent waters of the State shall not be used for temporary or permanent sediment detention.

When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan. Outlet structures that withdraw water from the surface are temporary BMPs and must be removed prior to submitting a Notice of Termination. For construction activities where the NOI was submitted prior to January 1, 2014, this requirement of the permit is not applicable.

(4). Alternative BMPs. The use of alternative BMPs whose performance has been documented to be equivalent or superior to conventional BMPs as certified by a Design Professional may be allowed (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission).

(5). High performance BMPs. The use of infiltration trenches, seep berms, sand filters, dry wells, flocculants or coagulants, etc. for minimizing point source discharges except for large rainfall events is encouraged.

b. Stormwater management. A description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Operators are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not
responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site.

(1). Such practices may include: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The Plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water(s)).

(3). Installation and use of green infrastructure approaches and practices that mimic natural processes and direct stormwater where it can be infiltrated, evapotranspirated or re-used with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures are encouraged to the maximum extent practicable. Green infrastructure practices or approaches include permeable or porous paving, vegetated swales instead of curbs and gutters, green roofs, tree boxes, rain gardens, constructed wetlands, infiltration planters, vegetated median strips, protection and enhancement of riparian buffers and floodplains, and the overall reduction in site disturbance and impervious area. Design information on green infrastructure practices and other ways to manage stormwater can be found in the Georgia Stormwater Management Manual and Coastal Stormwater Supplement. Additional information on green infrastructure can be found on USEPA’s website

c. Other controls.

(1). Waste disposal. Locate waste collection areas away from streets, gutters, watercourses and storm drains. Waste collection areas, such as dumpsters, are often best located near construction site entrances to minimize traffic on disturbed soils. The Plan should include secondary containment around liquid waste collection areas to further minimize the likelihood of contaminated discharges. Solid materials, including building materials, shall not be discharged to waters of the State, except as authorized by a Section 404 permit.

(2). For building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site, provide cover (e.g. plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or a similarly effective means designed to minimize the discharge
of pollutants from these areas. Minimization of exposure is not required in cases where exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk to stormwater contamination (such as final products and materials intended for outdoor use).

(3). Off-site vehicle tracking of dirt, soils, and sediments and the generation of dust shall be minimized or eliminated to the maximum extent practical. The Plan shall include the best management practice to be implemented at the site or common development.

(4). Nothing in this permit relieves a permittee from any obligation to comply with all applicable State and local regulations of waste disposal, sanitary sewer, septic and petroleum storage systems.

(5). The Plan shall include best management practices for the remediation of all petroleum spills and leaks as appropriate.

(6). The Plan shall include best management practices for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of vehicles. Washout of the drum at the construction site is prohibited. Additional information about best management practices for concrete washout is available at the USEPA website.

(7). All permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

4. Inspections.

a. Primary Permittee.

(1). Each day when any type of construction activity has taken place at a primary permittee’s site, certified personnel provided by the primary permittee shall inspect: (a) all areas at the primary permittee’s site where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment and (b) all locations at the primary permittee’s site where vehicles enter or exit the site for evidence of off-site sediment tracking. These inspections must be conducted until a Notice of Termination is submitted.

(2). Measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday. The data collected for the purpose of compliance with this permit shall be representative of the monitored activity. Measurement of rainfall may be suspended if all areas of the site have
undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region.

(3). Certified personnel (provided by the primary permittee) shall inspect the following at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of the primary permittee’s construction site; (b) areas used by the primary permittee for storage of materials that are exposed to precipitation; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the primary permittee’s site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region, the permittee must comply with Part IV.D.4.a.(4). These inspections must be conducted until a Notice of Termination is submitted.

(4). Certified personnel (provided by the primary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination is submitted to EPD) the areas of the site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s).

(5). Based on the results of each inspection, the site description and the pollution prevention and control measures identified in the Erosion, Sedimentation and Pollution Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following each inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following each inspection. The primary permittee must amend the Plan in accordance with Part IV.D.4.b.(5), when a secondary permittee notifies the primary permittee of any Plan deficiencies.

(6). A report of each inspection that includes the name(s) of certified personnel making each inspection, the date(s) of each inspection, construction phase (i.e., initial, intermediate or final), major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in
accordance with Part IV.D.4.a.(5). of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site or that portion of a construction site that has been phased has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall be readily available by end of the second business day and/or working day and shall identify all incidents of best management practices that have not been properly installed and/or maintained as described in the Plan. Where the report does not identify an incident, the inspection report shall contain a statement that the best management practices are in compliance with the Erosion, Sedimentation and Pollution Control Plan. The report shall be signed in accordance with Part V.G.2. of this permit.

b. Secondary Permittee.

(1). Each day when any type of construction activity has taken place at a secondary permittee’s site, certified personnel provided by the secondary permittee shall inspect: (a) all areas used by the secondary permittee where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment; and (b) all locations at the secondary permittee site where that permittee’s vehicles enter or exit the site for evidence of off-site sediment tracking. These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees.

(2). Certified personnel (provided by the utility companies and utility contractors if they are secondary permittees) shall inspect the following each day any type of construction activity has taken place at the construction site: (a) areas of the construction site disturbed by the utility companies and utility contractors that have not undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region; (b) areas used by the utility companies and utility contractors for storage of materials that are exposed to precipitation that have not undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region or established a crop of annual vegetation and a seeding of target perennials appropriate for the region; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the utility companies and utility contractors’ construction activities shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). This paragraph is not applicable to utility companies and utility contractors when they are secondary permittees performing service line installations or when conducting repairs on existing line installations.
(3). Certified personnel (provided by the secondary permittee) shall inspect the following at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of the secondary permittee’s construction site; (b) areas used by the secondary permittee for storage of materials that are exposed to precipitation; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the secondary permittee’s site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region, the permittee must comply with Part IV.D.4.b.(4). These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees.

(4). Certified personnel (provided by the secondary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination is submitted to EPD) the areas of their sites that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees.

(5). Based on the results of each inspection, the secondary permittee must notify the primary permittee within 24-hours of any suspected BMP design deficiencies. The primary permittee must evaluate whether these deficiencies exist within 48-hours of such notice, and if these deficiencies are found to exist must amend the Plan in accordance with Part IV.C. of this permit to address those deficient BMPs within seven (7) days of being notified by the secondary permittee. When the Plan is amended, the primary permittee must notify and provide a copy of the amendment to all affected secondary permittee(s) within this seven (7) day period. The secondary permittees must implement any new Plan requirements affecting their site(s) within 48-hours of notification by the primary permittee.
(6). A report of each inspection that includes the name(s) of certified personnel making each inspection, the date(s) of each inspection, construction phase (i.e., initial, intermediate or final), major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in accordance with Part IV.D.4.b.(5) of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall be readily available by the end of the second business day and or working day and shall identify all incidents of best management practices that have not been properly installed and/or maintained as described in the Plan. Where the report does not identify any incidents, the inspection report shall contain a certification that the best management practices are in compliance with the Erosion, Sedimentation and Pollution Control Plan. The report shall be signed in accordance with Part V.G.2. of this permit. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees performing only service line installations or when conducting repairs on existing line installations.

c. Tertiary Permittee.

(1). Each day when any type of construction activity has taken place at a tertiary permittee’s site, certified personnel provided by the tertiary permittee shall inspect: (a) all areas used by the tertiary permittee where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment; and (b) all locations at the tertiary permittee site where that permittee’s vehicles enter or exit the site for evidence of off-site sediment tracking. These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

(2). Measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday. The data collected for the purpose of compliance with this permit shall be representative of the monitored activity. Measurement of rainfall may be suspended if all areas of the site have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region.

(3). Certified personnel (provided by the tertiary permittee) shall inspect at least the following once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of the tertiary permittee’s construction site; (b) areas used by the
tertiary permittee for storage of materials that are exposed to precipitation; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the tertiary permittee’s site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region, the permittee must comply with Part IV.D.4.c.(4). These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

(4). Certified personnel (provided by the tertiary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination is submitted to EPD) the areas of their sites that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

(5). Based on the results of each inspection, the site description and the pollution prevention and control measures identified in the Erosion, Sedimentation and Pollution Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following each inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following the inspection.

(6). A report of each inspection that includes the name(s) of certified personnel making each inspection, the date(s) of each inspection, construction phase (i.e., initial, intermediate or final), major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in accordance with Part IV.D.4.c.(5) of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall be readily available by the end of the second business day and/or working day and shall identify all incidents of best management practices that have not been properly installed and/or maintained as described in the Plan. Where the report does not identify any incidents, the inspection report shall
contain a certification that the best management practices are in compliance with the Erosion, Sedimentation and Pollution Control Plan. The report shall be signed in accordance with Part V.G.2. of this permit. This paragraph is not applicable to utility companies and utility contractors performing only service line installations or when conducting repairs on existing line installations.

5. Maintenance. The Plan shall include a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan.

6. Sampling Requirements. This permit requires the monitoring of nephelometric turbidity in receiving water(s) or outfalls in accordance with this permit. This section is applicable to primary permittees with a total planned disturbance equal to or greater than one (1) acre and tertiary permittees with a total planned disturbance equal to or greater than five (5) acres. This section is not applicable to secondary permittees. The following procedures constitute EPD’s guidelines for sampling turbidity.

a. Sampling Requirements shall include the following:

1. A USGS topographic map, a topographic map or a drawing (referred to as a topographic map) that is a scale equal to or more detailed than a 1:24000 map showing the location of the site or the common development; (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during mandatory field verification, into which the stormwater is discharged and (b) the receiving water and/or outfall sampling locations. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be hand-drawn on the USGS topographic map from where the stormwater(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map;

2. The analytical method used to collect and analyze the samples including quality control/quality assurance procedures. This narrative must include precise sampling methodology for each sampling location;

3. When the permittee has determined that some or all outfalls will be sampled, a rationale must be included on the Plan for the NTU limit(s) selected from Appendix B. This rationale must include the size of the construction site, the calculation of the size of the surface water drainage area, and the type of receiving water(s) (i.e., trout stream or supporting warm water fisheries); and
(4). Any additional information EPD determines necessary to be part of the Plan. EPD will provide written notice to the permittee of the information necessary and the time line for submittal.

b. Sample Type. All sampling shall be collected by “grab samples” and the analysis of these samples must be conducted in accordance with methodology and test procedures established by 40 CFR Part 136 (unless other test procedures have been approved); the guidance document titled "NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001" and guidance documents that may be prepared by the EPD.

(1). Sample containers should be labeled prior to collecting the samples.

(2). Samples should be well mixed before transferring to a secondary container.

(3). Large mouth, clean and rinsed glass or plastic jars should be used for collecting samples. The jars should be cleaned thoroughly to avoid contamination.

(4). Manual, automatic or rising stage sampling may be utilized. Samples required by this permit should be analyzed immediately, but in no case later than 48 hours after collection. However, samples from automatic samplers must be collected no later than the next business day after their accumulation, unless flow through automated analysis is utilized. If automatic sampling is utilized and the automatic sampler is not activated during the qualifying event, the permittee must utilize manual sampling or rising stage sampling during the next qualifying event. Dilution of samples is not required. Samples may be analyzed using a direct reading, properly calibrated turbidimeter. Samples are not required to be cooled.

(5). Sampling and analysis of the receiving water(s) or outfalls beyond the minimum frequency stated in this permit must be reported to EPD as specified in Part IV.E.

c. Sampling Points.

(1). For construction activities the primary permittee with a total planned disturbance equal to or greater than one (1) acre and tertiary permittee with a total planned disturbance equal to or greater than five (5) acres must sample all receiving water(s), or all outfall(s), or a combination of receiving water(s) and outfall(s). Samples taken for the purpose of compliance with this permit shall be representative of the monitored activity and representative of the water quality of the receiving water(s) and/or the stormwater outfalls using the following minimum guidelines:

(a). The upstream sample for each receiving water(s) must be taken immediately upstream of the confluence of the first stormwater discharge from the permitted activity (i.e., the discharge farthest upstream at the site)
but downstream of any other stormwater discharges not associated with the permitted activity. Where appropriate, several upstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the upstream turbidity value.

(b). The downstream sample for each receiving water(s) must be taken downstream of the confluence of the last stormwater discharge from the permitted activity (i.e., the discharge farthest downstream at the site) but upstream of any other stormwater discharge not associated with the permitted activity. Where appropriate, several downstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the downstream turbidity value.

(c). Ideally the samples should be taken from the horizontal and vertical center of the receiving water(s) or the stormwater outfall channel(s).

(d). Care should be taken to avoid stirring the bottom sediments in the receiving water(s) or in the outfall stormwater channel.

(e). The sampling container should be held so that the opening faces upstream.

(f). The samples should be kept free from floating debris.

(g). Permittees do not have to sample sheet flow that flows onto undisturbed natural areas or areas stabilized by the project. For purposes of this section, stabilized shall mean, for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region).

(h). All sampling pursuant to this permit must be done in such a way (including generally accepted sampling methods, locations, timing, and frequency) as to accurately reflect whether stormwater runoff from the construction site is in compliance with the standard set forth in Parts III.D.3. or III.D.4., whichever is applicable.
d. **Sampling Frequency**.

(1). The primary permittee with a total planned disturbance equal to or greater than one (1) acre and tertiary permittee with a total planned disturbance equal to or greater than five (5) acres must sample in accordance with the Plan at least once for each rainfall event described below. For a qualifying event, the permittee shall sample at the beginning of any stormwater discharge to a monitored receiving water and/or from a monitored outfall within forty-five (45) minutes or as soon as possible.

(2). However, where manual and automatic sampling are impossible (as defined in this permit), or are beyond the permittee’s control, the permittee shall take samples as soon as possible, but in no case more than twelve (12) hours after the beginning of the stormwater discharge.

(3). Sampling by the permittee shall occur for the following qualifying events:

(a). For each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a stormwater discharge that allows for sampling during normal business hours as defined in this permit after all clearing and grubbing operations have been completed, but prior to completion of mass grading operations, in the drainage area of the location selected as the sampling location;

(b). In addition to (a) above, for each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a stormwater discharge that occurs during normal business hours as defined in this permit either 90 days after the first sampling event or after all mass grading operations have been completed, but prior to submittal of a NOT, in the drainage area of the location selected as the sampling location, whichever comes first;

(c). At the time of sampling performed pursuant to (a) and (b) above, if BMPs in any area of the site that discharges to a receiving water or from an outfall are not properly designed, installed and maintained, corrective action shall be defined and implemented within two (2) business days, and turbidity samples shall be taken from discharges from that area of the site for each subsequent rain event that reaches or exceeds 0.5 inch during normal business hours* until the selected turbidity standard is attained, or until post-storm event inspections determine that BMPs are properly designed, installed and maintained;

(d). Where sampling pursuant to (a), (b) or (c) above is required but not possible (or not required because there was no discharge), the primary permittee, in accordance with Part IV.D.4.a.(6)., or the tertiary permittee,
in accordance with Part IV.D.4.c.(6), must include a written justification in the inspection report of why sampling was not performed. Providing this justification does not relieve the permittee of any subsequent sampling obligations under (a), (b) or (c) above; and

(e). Existing construction activities, i.e., those that are occurring on or before the effective date of this permit, that have met the sampling required by (a) above shall sample in accordance with (b). Those existing construction activities that have met the sampling required by (b) above shall not be required to conduct additional sampling other than as required by (c) above.

*Note that the Permittee may choose to meet the requirements of (a) and (b) above by collecting turbidity samples from any rain event that reaches or exceeds 0.5 inch and allows for sampling at any time of the day or week.

7. Non-stormwater discharges. Except for flows from fire fighting activities, sources of non-stormwater listed in Part III.A.2. of this permit that are combined with stormwater discharges associated with construction activity must be identified in the Plan. The Plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

E. Reporting.

1. The applicable permittees are required to submit the sampling results to the EPD at the address shown in Part II.C. by the fifteenth day of the month following the reporting period. Reporting periods are months during which samples are taken in accordance with this permit. Sampling results shall be in a clearly legible format. Upon written notification, EPD may require the applicable permittee to submit the sampling results on a more frequent basis. Sampling and analysis of any stormwater discharge(s) or the receiving water(s) beyond the minimum frequency stated in this permit must be reported in a similar manner to the EPD. The sampling reports must be signed in accordance with Part V.G.2. Sampling reports must be submitted to EPD using the electronic submittal service provided by EPD. Sampling reports must be submitted to EPD until such time as a NOT is submitted in accordance with Part VI.

2. All sampling reports shall include the following information:

   a. The rainfall amount, date, exact place and time of sampling or measurements;
   b. The name(s) of the certified personnel who performed the sampling and measurements;
   c. The date(s) analyses were performed;
   d. The time(s) analyses were initiated;
   e. The name(s) of the certified personnel who performed the analyses;
f. References and written procedures, when available, for the analytical techniques or methods used;
g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results;
h. Results which exceed 1000 NTU shall be reported as "exceeds 1000 NTU;" and
i. Certification statement that sampling was conducted as per the Plan.

3. All written correspondence required by this permit shall be submitted by return receipt certified mail (or similar service) to the appropriate District Office of the EPD according to the schedule in Appendix A of this permit. The applicable permittees shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated location from commencement of construction until such time as a NOT is submitted in accordance with Part VI.

F. Retention of Records.

1. The primary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

   a. A copy of all Notices of Intent submitted to EPD;
   b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
   c. The design professional’s report of the results of the inspection conducted in accordance with Part IV.A.5. of this permit;
   d. A copy of all sampling information, results, and reports required by this permit;
   e. A copy of all inspection reports generated in accordance with Part IV.D.4.a. of this permit;
   f. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit; and
   g. Daily rainfall information collected in accordance with Part IV.D.4.a.(2). of this permit.

2. Each secondary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

   a. A copy of all Notices of Intent submitted to EPD;
   b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit or the applicable portion of the Erosion, Sedimentation and Pollution Control Plan for their activities at the construction site required by this permit;
   c. A copy of all inspection reports generated in accordance with Part IV.D.4.b. of this permit; and
   d. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit.
3. Each tertiary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

   a. A copy of all Notices of Intent submitted to EPD;
   b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
   c. The design professional’s report of the results of the inspection conducted in accordance with Part IV.A.5. of this permit;
   d. A copy of all sampling information, results, and reports required by this permit;
   e. A copy of all inspection reports generated in accordance with Part IV.D.4.c. of this permit;
   f. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit; and.
   g. Daily rainfall information collected in accordance with Part IV.D.4.c.(2). of this permit.

4. Copies of all Notices of Intent, Notices of Termination, inspection reports, sampling reports (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) or other reports requested by the EPD, Erosion, Sedimentation and Pollution Control Plans, records of all data used to complete the Notice of Intent to be covered by this permit and all other records required by this permit shall be retained by the permittee who either produced or used it for a period of at least three years from the date that the NOT is submitted in accordance with Part VI of this permit. These records must be maintained at the permittee’s primary place of business once the construction activity has ceased at the permitted site. This period may be extended by request of the EPD at any time upon written notification to the permittee.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Each permittee must comply with all applicable conditions of this permit. Any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) and is grounds for enforcement action; for permit termination; or for denial of a permit renewal application. Failure of a primary permittee, secondary permittee or tertiary permittee to comply with any applicable term or condition of this permit shall not relieve any other primary, secondary or tertiary permittee from compliance with their applicable terms and conditions of this permit.

2. Each permittee must document in their records any and all known violations of this permit at his/her site within seven (7) days of his/her knowledge of the violation. A summary of these violations must be submitted to EPD by the permittee at the addresses shown in Part II.C. within fourteen (14) days of his/her discovery of the violation.
3. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine or by imprisonment, or by both. The Federal Clean Water Act and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Acts, any permit condition or limitation established pursuant to the Acts, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director.

B. Continuation of the Expired General Permit. This permit expires on the date shown on the cover page of this permit. However, an expired general permit continues in force and effect until a new general permit is issued, final and effective.

C. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the Director; a State or local agency approving soil Erosion Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system, any information which is requested to determine compliance with this permit. In the case of information submitted to the EPD such information shall be considered public information and available under the Georgia Open Records Act.

F. Other Information. When the permittee becomes aware that he/she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report required to be submitted to the EPD, the permittee shall promptly submit such facts or information.

G. Signatory Requirements. All Notices of Intent, Notice of Terminations, inspection reports, sampling reports, or other reports requested by the EPD shall be signed as follows:

1. All Notices of Intent and Notices of Termination shall be signed as follows:
a. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official; and

d. Changes to authorization. If an authorization under Part II.B. is no longer accurate, a modification NOI satisfying the requirements of Part II.B. must be submitted to the EPD prior to or together with any inspection reports, sampling reports, or other reports requested by the EPD to be signed by a person described above or by a duly authorized representative of that person.

2. All inspection reports, sampling reports, or other reports requested by the EPD shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person(s) described above and submitted to the EPD;

b. The authorization specifies either an individual or a position having responsibility for specified operation(s) of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and

c. Certification. Reports delineated in Part V.G.2. shall be signed by the permittee or duly authorized representative and shall make the following certification:

"I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure
that certified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**H. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60, et seq. or under Chapter 14 of Title 12 of the Official Code of Georgia Annotated; nor is the Operator relieved from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of Comprehensive Environmental Response Compensation And Liability Act.

**I. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**J. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**K. Other Applicable Environmental Regulations and Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act. Nothing in this permit, unless explicitly stated, exempts the permittee from compliance with other applicable local, state and federal ordinances, rules, regulations, and laws. Furthermore, it is not a defense to compliance with this permit that a local government authority has approved the permittee’s Erosion, Sedimentation and Pollution Control Plan or failed to take enforcement action against the permittee for violations of the Erosion, Sedimentation and Pollution Control Plan, or other provisions of this permit.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**L. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the required plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance
requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**M. Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA, EPD or to designated officials of the local government reviewing soil Erosion, Sedimentation and Pollution Control Plans, grading plans, or stormwater management plans; or, in the case of a construction site which discharges through a municipal separate storm sewer system, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; and

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

**N. Permit Actions.** This permit may be revoked and reissued, or terminated for cause including but not limited to changes in the law or regulations. The filing of a request by the permittee for termination of the permit, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**Part VI. TERMINATION OF COVERAGE**

**A. Notice of Termination Eligibility.** Notice of Termination signed in accordance with Part V.G.1. of this permit must be submitted:

1. For construction activities, by the primary permittee where the entire common development has undergone final stabilization, all stormwater discharges associated with construction activity that are authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed. For construction activities where the primary permittee has elected to submit NOIs for separate phases of the common development, the phase or phases of the common development on the NOT shall correspond to the phase or phases on the NOI.

In addition, if the primary permittee decides not to proceed with all permitted construction activities, the primary permittee may submit a Notice of Termination, if and only if, (a) all construction activities have ceased for a minimum of 90 days; (b) final stabilization has been implemented by the primary permittee and by all secondary permittee(s); (c) all secondary permittees have submitted a NOT signed in accordance with Part V.G.1. of this permit (excluding utility companies and/or utility contractors working under a Blanket NOI); (d) the site is in compliance with this permit; and (e) all temporary BMPs have been removed.
2. After the filing of the Notice of Termination, the primary permittee shall notify by written correspondence with return receipt certified mail (or similar service) to the subsequent legal title holder of each remaining lot(s) that these lot Owners or Operators will become tertiary permittees for purposes of this permit and these tertiary permittees will be responsible for off-site best management practices, as applicable.

(i). If a person currently owns or purchases one or more of the remaining undeveloped lots within a common development for the purpose of engaging in construction activity in which a Notice of Termination has been filed by the primary permittee and all secondary permittees (excluding utility companies and/or utility contractors working under a Blanket NOI) or where a primary permittee no longer exists, then the person must file a Notice of Intent as a tertiary permittee (as set forth in Part II.B.3.). Except as provided in Part IV.A.2., a tertiary permittee must prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV. If the total land disturbance within the tertiary permittee’s construction site is less than five (5) acres and the total land disturbance within the individual lot(s) is less than one (1) acre, a tertiary permittee may submit a single Notice of Intent and an Erosion, Sedimentation and Pollution Control Plan(s) for a typical individual lot(s). EPD may notify the tertiary permittee at any time that the Plan does not meet one or more of the minimum requirements of the permit. The tertiary permittee must correct and implement any required changes to the Plan in accordance with Part IV.B.3. of this permit within the time frame established by EPD.

(ii). Tertiary permittees must submit a Notice of Termination when their sites within a common development have undergone final stabilization, all stormwater discharges from their construction activities have ceased, their construction sites are in compliance with this permit and all temporary BMPs have been removed. If the total land disturbance within the tertiary permittee’s construction site is less than five (5) acres, tertiary permittees may also submit a Notice of Termination for each individual lot resulting in land disturbance of less than one (1) acre with a Plan for a typical individual lot within the tertiary permittee’s construction site.

3. By the Owner or Operator or both when the Owner or Operator of the site changes. Where stormwater discharges will continue after the identity of the Owner or Operator or both changes, the permittee must, prior to filing the Notice of Termination, notify any subsequent Owner or Operator or both of the permitted site as to the requirements of this permit;

4. By secondary permittees when their sites within a common development have undergone final stabilization, all stormwater discharges from their construction activities have ceased, their sites are in compliance with this permit and all temporary BMPs have been removed; and

5. By secondary permittees working under a Blanket NOI postmarked no later than January 15 of the subsequent year in which the NOI was filed. The NOT shall contain the information contained in Part II. B. 2. a., b., c. and h.
B. Notice of Termination Contents:

1. The NPDES permit number for the stormwater discharge associated with construction activity identified by the Notice of Termination (i.e., GAR100003 – Common Development);

2. The project construction site name, GPS location (decimal degrees) of construction exit of the project or if applicable, of each typical lot in accordance with Part VI.A.6., construction site location, common development name (if applicable), lot number(s) (if applicable), city (if applicable) and county of the construction site for which the notification is submitted. This information must correspond to the similar information as provided on the NOI. Where an address for the construction site is not available, the construction site location information must be sufficient to accurately locate the construction site;

3. The owner’s legal name, address, telephone number and email address and the operator’s legal name, address, telephone and email address;

4. An indication as to whether the permittee is a primary, secondary or tertiary permittee;

5. When the NOT is submitted by a secondary permittee, the primary permittee’s legal name, address, telephone number and email address;

6. A listing of the legal name, address, telephone number and email address of all secondary permittees at the site for which this notification is submitted, if applicable;

7. The name of the receiving water(s), and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4;

8. When sampling is required by this permit, copies of all sampling reports not previously submitted to EPD and/or a written justification why sampling was not conducted. Copies of all sampling reports may be submitted as a Portable Document Format (PDF) file on CD-ROM or other storage device;

9. Any other information specified on the NOT in effect at the time of submittal; and

10. The following certification signed in accordance with Part V.G.1. (signatory requirements):

   “I certify under penalty of law that either: (a) all stormwater discharges associated with construction activity authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed or (b) I am no longer an Owner or Operator at the construction site and a new Owner or Operator has assumed operational control of the permitted construction site where I previously had ownership or operational control. If I am a primary permittee filing this Notice of Termination under Part VI.A.2. of this permit, I will notify by written correspondence to the subsequent
legal title holder of any remaining lots that these lot Owners or Operators will become tertiary permittees for purposes of this permit and I will provide these tertiary permittees with the primary permittee’s Erosion, Sedimentation and Pollution Control Plan and Notice of Termination. I understand that by submitting this Notice of Termination, that I am no longer authorized to discharge stormwater associated with construction activity by the general permit, and that discharging pollutants in stormwater associated with construction activity to waters of Georgia is unlawful under the Georgia Water Quality Control Act and the Clean Water Act where the discharge is not authorized by a NPDES permit.”

C. Notice of Termination Submittal. All Notices of Termination (NOT) by this permit shall be submitted to EPD using the electronic submittal service provided by EPD and a copy to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee’s construction site pursuant to O.C.G.A. 12-7-1, et seq.
APPENDIX A

EPD DISTRICT OFFICES

A. For facilities/construction sites located in the following counties: Bibb, Bleckley, Chattahoochee, Crawford, Dooly, Harris, Houston, Jones, Lamar, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Talbot, Taylor, Troup, Twiggs, Upson

Information shall be submitted to: West Central District Office
Georgia Environmental Protection Division
2640 Shurling Drive
Macon, GA 31211-3576
(478) 751-6612

B. For facilities/construction sites located in the following counties: Burke, Columbia, Emanuel, Glascock, Jefferson, Jenkins, Johnson, Laurens, McDuffie, Montgomery, Richmond, Screven, Treutlen, Warren, Washington, Wheeler, Wilkinson

Information shall be submitted to: East Central District Office
Georgia Environmental Protection Division
3525 Walton Way Extension
Augusta, GA 30909-1821
(706) 667-4343

C. For facilities/construction sites located in the following counties: Baldwin, Banks, Barrow, Butts, Clarke, Elbert, Franklin, Greene, Hall, Hancock, Hart, Jackson, Jasper, Lincoln, Madison, Morgan, Newton, Oconee, Oglethorpe, Putnam, Stephens, Taliaferro, Walton, Wilkes

Information shall be submitted to: Northeast District Office
Georgia Environmental Protection Division
745 Gaines School Road
Athens, GA 30605-3129
(706) 369-6376

D. For facilities/construction sites located in the following counties: Carroll, Clayton, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Heard, Henry, Rockdale, Spalding

Information shall be submitted to: Mountain District - Atlanta Satellite
Georgia Environmental Protection Division
4244 International Parkway, Suite 114
Atlanta, GA 30354-3906
(404) 362-2671
E. For facilities/construction sites located in the following counties: Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Fannin, Floyd, Forsyth, Gilmer, Gordon, Habersham, Haralson, Lumpkin, Murray, Paulding, Pickens, Polk, Rabun, Towns, Union, Walker, White, Whitfield

Information shall be submitted to: Mountain District - Cartersville Office
Georgia Environmental Protection Division
P.O. Box 3250
Cartersville, GA 30120-1705
(770) 387-4900

F. For facilities/construction sites located in the following counties: Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Effingham, Evans, Glynn, Jeff Davis, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, Wayne

Information shall be submitted to: Coastal District - Brunswick Office
Georgia Environmental Protection Division
400 Commerce Center Drive
Brunswick, GA 31523-8251
(912) 264-7284

G. For facilities/construction sites located in the following counties: Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Crisp, Decatur, Dodge, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth

Information shall be submitted to: Southwest District Office
Georgia Environmental Protection Division
2024 Newton Road
Albany, GA 31701-3576
(229) 430-4144

H. For facilities/construction sites required to submit Plans required under Part IV.A.4.a. of this Permit:

Information shall be submitted to: Watershed Protection Branch
Environmental Protection Division
2 Martin Luther King Jr. Drive
Suite 1462 East
Atlanta, Georgia 30334
(404) 463-1511
APPENDIX B

Nephelometric Turbidity Unit (NTU) TABLES

Trout Streams

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To use these tables, select the size (acres) of the construction site. Then, select the surface water drainage area (square miles). The NTU matrix value arrived at from the above tables is the one to use in Part III.D.4.

Example 1: For a site size of 12.5 acres and a “trout stream” drainage area of 37.5 square miles, the NTU value to use in Part III.D.4. is 75 NTU.

Example 2: For a site size of 51.7 acres and "waters supporting warm water fisheries” drainage area of 72 square miles, the NTU value to use in Part III.D.4. is 100 NTU.
Insert Tab 2

2016 Green Book Updates
Back of Tab
Manual For Erosion and Sediment Control in Georgia

Chapter 1 - The Erosion and Sedimentation Act of 1975
- Minor revisions were made to content
- Existing pictures were replaced with new ones

Chapter 2 – Sediment and Erosion Control Processes, Principles and Practices
- Minor revisions were made to content
- Updated to include new Best Management Practices
- Existing pictures were replaced with new ones

Chapter 3 - Planning and Plans
- Minor revisions were made to existing content
- Added two new sections:
  - “Coordination of Erosion and Sediment Control with Post-Construction Stormwater Management”
  - “Low Impact Development”
- The Erosion and Sedimentation and Pollution Control Plan has been updated to reflect requirements of O.C.G.A 12-7-1 and the current NPDES Permits
Chapter 4 - Local Programs: Principles and Processes
- Minor revisions were made to existing content

Chapter 5 – Sources of Assistance and Resource Information
- Contact information and maps have been updated

Chapter 6 – BMP Standards & Specifications
- Revised existing BMPs
- Added new structural and vegetative BMPs
- Remove/added mandatory and advisory conditions (should vs. shall) for BMP criteria

Revised BMPs
- Tackifiers (Tac) - (Vegetative)
- Sediment barriers (Sd1) - (Structural)
- Construction Exit (Co) – (Structural)
- Matting & Blankets (Mb) - (Vegetative)
- Check Dam (Cd) - (Structural)
- Channel Stabilization (Ch) - (Vegetative)
- Temporary Downdrain Structure (Dn1) – (Structural)
- Retrofit (Rt) – (Structural)
- Temporary Stream Crossing (Sr) – (Structural)
Chapter 6 - Revised BMP

Matting and Blanket (Mb) – No longer a stand-alone BMP, it is now called **Slope Stabilization (Ss)**
- This BMP now incorporates:
  - Hydraulic erosion control products (HECP)
  - Rolled erosion control products (RECP)

---

Chapter 6 - Revised BMP

- **Tackifiers and Binders (Tb)** was changed to **Tackifiers (Tac)**
- Tackifiers are used as a tie-down for soil, compost, seed, straw, hay or mulch. Tackifiers hydrate in water
  - Only anionic forms shall be used

---

Chapter 6 - Revised BMP

- There are five types of Tackifiers. These blends take into account different blends of synesthetic and/or organic polymers.
- For general use, the tackifier must meet the specifications in Manual. To be used in other BMP applications, such as Slope Stabilization or Channel Stabilization, please refer to that BMP for specification.
  - Guar is an annual legume. It is an organic tackifier
Sediment Barriers (Sd1)
- The 2016 Manual clarifies the use of Type A, B, C Silt Fences in Non-Sensitive and Sensitive Areas.
- Type C will be classified as Sensitive and Type A and B as Non-Sensitive.
- Type C definition was amended to include wire, or equivalent, reinforcement.
- The 2016 Manual clarifies that mulch berms and compost socks are types of sediment barriers.

Two rows of type S sediment barrier is still to be used along all state waters and sensitive areas, but it should be placed at least 36 inches apart.

Information is given about the static slicing and the traditional trenching method.
- This information came directly from EPA.

Sediment barriers shall be replaced whenever they have deteriorated to such an extent that the effectiveness of the product is reduced (approximately six months) or the height of the product is not maintaining 80% of its properly installed height.

Sediment Barriers (Sd1) incorporate BMPs other than silt fence for perimeter control.
- When a Sediment Barrier is used, the product height in inches for each barrier being used must be shown on the plans.
- Sediment Barriers must be maintained at half their height, regardless of size.
Construction Exit (Co)
- Pad Length – The gravel pad shall have a minimum length of 50 feet. When the construction is less than 50 feet from the paved access, the length shall be from the edge of existing pavement to the permitted building being constructed.

Check Dam (Cd)
- Practices will be categorized as follows
  - Stone Check Dams (Cd-S)
  - Straw-Bale Check Dams (Cd-Hb)
  - Compost Filter Sock (Cd-Fs)

TO BE SHOWN ON THE EROSION AND SEDIMENT CONTROL PLAN
1. Channel with check dam: ________
2. Above 2.0 ft: Yes________ No________
3. If Yes, list BMP being used in conjunction with check dam: ________
Chapter 6 - Revised BMP

- Most notable change in check dams is the installation of the straw bale check dam.

Channel Stabilization (Ch)
- Products will be categorized as follows:
  - Category 1 (0–5 ft/sec) Vegetated Lining with Blankets
  - Category 2 (5–10 ft/sec) Vegetated Lining with TRM or Rip Rap Lining
  - Category 3 (> 10 ft/sec) Concrete Lining
Chapter 6 - Revised BMP

Temporary Downdrain Structure (Dn1)
- For slopes steeper than 2:1, slope drains should be placed diagonally across the slope, extending the drain beyond the toe of the slope. Curve the outlet uphill and adequately protect the outlet from erosion.

Retrofit (Rt)
- "A device or structure placed in front of a permanent stormwater detention pond outlet or roadway drainage structure to serve as temporary sediment filter."
- Silt Control Gate (Rt-Sg)
  - May be used for temporary sediment storage on linear construction projects including roadway construction or maintenance, and utility line installation.
  - Drainage area shall not exceed 50 acres.

An approved Silt Fence has not been attached to the structure.
Chapter 6 - Revised BMP

Temporary Stream Crossing (Sr)
- Revised language

“Temporary stream crossings should not be used on streams with drainage areas greater than one square mile (640 acres), unless specifically designed to accommodate the additional drainage area by the design professional.”

Chapter 6 - BMP Standards and Specifications for Land Disturbing Activities

New BMPs
- Flocculants/Coagulants (Fl-Co) - (Vegetative)
- Slope Stabilization (Ss) - (Vegetative)
- Filter Surface Skimmer (Sk) - (Structural)
- Seep Berm (SpB) - (Structural)
- Temporary Sediment Trap (Sd4) - (Structural)
- Turbidity Curtain (Tc) - (Structural)
- Tree Protection (Tr) - (Structural)

Chapter 6 - New BMP

Flocculants & Coagulants (Fl-Co)
- Formulated to assist in the solids/liquid separation of suspended particles.
- There will be no Fl-Co on the Equivalent BMP List. Any product may be used as long as it conforms to the criteria set forth in the Manual.
- Only anionic forms shall be used.
Floating Surface Skimmer (Sk)
- A skimmer drains the water from the top allowing cleaner less turbid water to discharge from the ponding area.
- An emergency spillway is required when using a skimmer.
- It should not be used in conjunction with Rt.
- It can replace the riser pipe as the principal spillway.
- If a skimmer cannot be used, a rationale/justification must be given.

Chapter 6 - New BMP

- Floating Surface Skimmer (Sk)
- Skimmers are 1 option to meet NPDES Part IV.D.3.a(i) requirement
Chapter 6 - New BMP

Floating Surface Skimmers require the following to be shown on the erosion control plan:

- There is no min/max, shall be specified by design professional.
- There is not an equivalent list of manufacturers for skimmers. Any person utilizing a home-made skimmer, accepts liability for its use. Their name would be the manufacturer.

Seep Berm (SpB)

- A seep berm is a linear control device constructed as a diversion perpendicular to the direction of the runoff to enhance dissipation and infiltration of runoff, while creating multiple sedimentation chambers with the employment of intermediate dikes.
- To allow the 2 year storm event, 24 hour design storm to seep out while allowing larger flows to be diverted to a sediment storage area.
- If a fill berm is utilized it is very important that it has proper compaction and stabilization.
- Berm storage volumes can be figured as functions of berm height and watershed gradient.
Seep Berm requires the following to be shown on the erosion and sediment control plan:
- Top of Berm Elevation*
- Bottom of Berm Elevation*
- Top of Berm Width *
- Height of the Berm*
- Seep Hole Diameter*
- Distance from the top of the berm to the seep to be placed in accordance with the 2yr–24hr storm*
- Type of Seep
  - PVC
  - Metal
  - Other (specify)
- Spacing of Seep Along the Berm*

* shown in ft.

Temporary Sediment Trap (Sd4)
- This BMP was added to provide sediment storage options for smaller sites.
- This is effective against course sediment, not silt or clay particles that remain suspended.
- All Sd4’s are to be cleaned out at ⅓rd full
- Provides three options
  - Overflow
  - Combination
  - Rock

\[ V = 0.4 \times A \times D \]

Temporary Sediment Trap - Overflow (Sd4-A)
- An overflow temporary sediment trap is limited to small areas less than 1 acre.
- The maximum life span of an overflow trap is 6 months.
- Silt fence, straw bale barriers or grass filter strips are used to ‘polish’ the overflow water as it leaves the sediment trap.
Temporary Sediment Trap – Combination Outlet (Sd4-B)

- The combination outlet uses straw bales and silt fence to dewater the sediment trap.
- Proper installation and staking of the straw bales, and wire backing on the silt fence are required for the materials to resist 1 foot or more of ponded water.
- The combination straw bale and silt fence outlet is limited to 1 acre total drainage area, and has a life span of less than 1 year.
Temporary Sediment Trap – Rock Outlet (Sd4-C)
- The rock outlet relies on filtering through layers of aggregate, rock or riprap material to dewater the sediment trap.
- It is the most sturdy of the sediment trap designs and generally requires less maintenance.
- It can be used for drainage area up to 5 acres and has a life span of 1 year.
Chapter 6 - New BMP

Turbidity Curtain (Tc)
- A floating or staked barrier installed within the water. It may also be referred to as a floating boom, silt barrier or silt curtain.
- Not to be used as sediment storage
- Turbidity Curtain is installed to minimize turbidity and silt migration from work occurring within the water or as a supplement to perimeter control BMPs at the water’s edge.
- Silt or turbidity is confined to the area within the boundary created by the installation, such that suspended particles drop out of the water column over time.

Tree Protection (Tr)
- To protect desirable trees from injury during construction activity.
- Tree Protection Zones:
  1. Measure the diameter of the tree from the ground. This is called the Diameter Breast Height or DBH.
  2. Multiply this value by 1.5. This result is the radius of the root protection zone in feet. This is also considered the critical rooting distance.

Floating Turbidity Curtains Tc-F
Staked Turbidity Curtains Tc-S
“If it’s green, it’s clean”

BMPs are used in series to provide a defense against erosion on land disturbance sites using both vegetative and structural measures.

Questions?

GSWCC
Urban Program
4310 Lexington Road
Athens, GA 30605
(706) 552-4474
Insert Yellow Sheet
Back of Yellow Sheet
### VEGETATIVE BEST MANAGEMENT PRACTICES

<table>
<thead>
<tr>
<th>Code</th>
<th>Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bf</td>
<td>Buffer Zone</td>
</tr>
<tr>
<td>Cs</td>
<td>Coastal Dune Stabilization</td>
</tr>
<tr>
<td>Ds1</td>
<td>Disturbed Area Stabilization (With Mulching Only)</td>
</tr>
<tr>
<td>Ds2</td>
<td>Disturbed Area Stabilization (With Temporary Seeding)</td>
</tr>
<tr>
<td>Ds3</td>
<td>Disturbed Area Stabilization (With Permanent Vegetation)</td>
</tr>
<tr>
<td>Ds4</td>
<td>Disturbed Area Stabilization (With Sodding)</td>
</tr>
<tr>
<td>Du</td>
<td>Dust Control on Disturbed Area</td>
</tr>
<tr>
<td>Fl-Co</td>
<td>Flocculants and Coagulants</td>
</tr>
<tr>
<td>Sb</td>
<td>Streambank Stabilization (With Permanent Vegetation)</td>
</tr>
<tr>
<td>Ss</td>
<td>Slope Stabilization</td>
</tr>
<tr>
<td>Tac</td>
<td>Tackifiers</td>
</tr>
</tbody>
</table>

The products and practices presented in this Field Manual show the standard installation methods for each conventional BMP. New products and practices may not necessarily meet the requirements for each conventional BMP. Please see the Equivalent Best Management Practice List for specific manufacturer guidelines and specifications.

### BUFFER ZONE

**DEFINITION**
A strip of undisturbed, original vegetation, enhanced or restored existing vegetation or the re-establishment of vegetation surrounding an area of disturbance or bordering streams, ponds, wetlands, lakes, and coastal waters.

**PURPOSE**
- Reduce storm runoff velocities
- Act as screen for "visual pollution"
- Reduce construction noise
- Improve aesthetics
- Filtering and infiltrating runoff
- Cooling rivers and streams by creating shade
- Provide food and cover for wildlife and aquatic organisms
- Flood protection
- Protect channel banks from erosion

**INSTALLATION**
- Important factors, such as slope, hydrology, width, and structure shall be considered.
- The GA EPD enforces a 25 ft minimum undisturbed stream buffer requirement for warm water fisheries and a 50 ft minimum undisturbed stream buffer requirement for cold water fisheries.
• If any land-disturbing activity, exempt or non-exempt, occurs within a mandated stream buffer, all cut and fills shall be stabilized with appropriate slope stabilization.

• The size of the stream and topography of the area must be considered to determine the appropriate width.
• The buffer should be increased 2 ft in width for every 1% slope.

Planting Techniques
• Plantings for buffer re-establishment and enhancement can consist of bare root seedlings, container-grown seedlings, container-grown plants, and balled and burlapped plants.
• Standard erosion control grasses and legumes may be used in denuded areas for quick stabilization.
• Refer to Tables 6-1.1 & 6-1.2 in the Manual for Erosion & Sediment Control in Georgia for complete listing of all Native Plants & Unrooted Hardwood Cuttings.
• Streambank stabilization techniques may be required if steep slopes and hydrologic patterns deem it necessary.
• Soil preparation and maintenance are essential for the establishment of planted vegetation.

Table 1. Effectiveness of Vegetative Buffer Strips

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Grass</th>
<th>Shrub</th>
<th>Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filter Sediment</td>
<td>High</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Filter Chemicals</td>
<td>Medium</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Stabilize Stream Banks</td>
<td>Low</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Improve Aesthetics</td>
<td>Low</td>
<td>Medium</td>
<td>High</td>
</tr>
<tr>
<td>Improve Habitat</td>
<td>Low</td>
<td>Medium</td>
<td>High</td>
</tr>
<tr>
<td>Reduce Noise</td>
<td>Low</td>
<td>Medium</td>
<td>High</td>
</tr>
</tbody>
</table>
MAINTENANCE

- Areas closest to the stream should be maintained with minimal impact.
- During periods of drought, water as necessary in all buffer areas planted for enhancement.
- Remove weeds by hand or with careful spraying.
- Monitor to determine if plant material needs to be replaced.
- Fertilizer is unnecessary if the appropriate vegetation is chosen.

REFERENCES

- Disturbed Area Stabilization (With Mulching Only) (Ds1)
- Disturbed Area Stabilization (With Temporary Seeding) (Ds2)
- Disturbed Area Stabilization (With Permanent Vegetation) (Ds3)
- Streambank Stabilization (With Permanent Vegetation) (Sb)

CS

COASTAL DUNE STABILIZATION (WITH VEGETATION)

DEFINITION

Planting vegetation on dunes that are denuded, artificially constructed, or renourished.

PURPOSE

- Stabilize soil on dunes allowing them to become more resistant to wind and waves.
- Allow development of dunes in areas where they have been damaged or destroyed.

INSTALLATION

- Install in accordance with the approved plan.
- Install in accordance with all Federal, State and local regulations.
- Protect dunes from vehicular and human traffic.
- Provide crosswalks or crossover structures to allow for beach access.
- Irrigate during the first growing season in order to obtain good survival.
- Native plants commercially available that may be planted are included in Table 1.
Sand Fence
- Install according to approved plan.
- Use posts made of Black Locust, Red or White Cedar, or similarly durable wood.
- Use posts with minimum length of 7 ft and minimum diameter of 3”.
- Space posts at a maximum of 10 ft.
- Entrench posts a minimum of 3 ft.
- Fasten fence to posts with four 12-gauge galvanized wires.
- Vegetation must be established immediately following development of the dunes.
- Use standard commercial 4-ft high snow fence that consists of wooden slats wired together with 1-1/4” spaces between the slats (See Figure 2)

Table 1. Planting Requirements for Native Plants

<table>
<thead>
<tr>
<th>Species</th>
<th>Stock</th>
<th>Date</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marshay Cordgrass (Spartina patens)</td>
<td>Plants</td>
<td>Spring</td>
<td>4”-5”</td>
</tr>
<tr>
<td>Bitter Panicum (Panicum amarum)</td>
<td>Rhizomes</td>
<td>Spring</td>
<td>~4”</td>
</tr>
<tr>
<td>Coastal Panigrass (Panicum amarum v. amaralam)</td>
<td>Seeds or Plants</td>
<td>Spring</td>
<td>1”-3”</td>
</tr>
</tbody>
</table>

Figure 1. Sand Fence and Native Plants

MAINTENANCE
- Repair any blowouts, wash pits, or other natural or man-made damage quickly.
- Maintain fences and erect additional fences if needed until the eroding area is replenished.
- Replant lost or destroyed vegetation.
- Apply 50 lbs of nitrogen/acre/year.
- Protect dunes from traffic by using elevated walks, semi-permanent paved paths, and portable roll-up walkways.
DISTURBED AREA STABILIZATION
(WITH MULCHING ONLY)

DEFINITION
A temporary cover of plant residues or other suitable materials, produced on site if possible, applied to the soil surface.

PURPOSE
• Reduce runoff and erosion
• Modify soil temperature
• Conserve moisture
• Prevent surface compaction and crusting
• Control undesirable vegetation
• Increase biological activity in the soil

INSTALLATION
• Apply mulch or temporary grassing to all exposed areas within 14 days of disturbance.
• Applicable to graded or cleared areas where seedings may not have a suitable growing season to produce an erosion retardant cover.
• Mulch can be used as a singular erosion control device for up to 6 months.
• Apply at the appropriate depth. Refer to Table 1 for specific materials.

Site Preparation
• Grade to permit the use of equipment for applying and anchoring mulch
• Install needed erosion control measures such as dikes, berms, and sediment barriers.
• Loosen compacted soil to a minimum depth of 3”.

Applying Mulch
• Apply dry straw or hay and wood chips uniformly by hand or by mechanical equipment.
• Apply 20-30 lbs of nitrogen/acre if the area will eventually be covered with perennial vegetation.
• Apply polyethylene film on exposed areas.

Anchoring Mulch
• Press straw or hay into the soil with a disk harrow immediately after application. Tackifiers may be used when spreading mulch with blower-type equipment.
• Anchor wood waste using the appropriate size netting
• Trench polyethylene at the top as well as incrementally as necessary.

Table 1. Mulching Application Requirements

<table>
<thead>
<tr>
<th>Material</th>
<th>Rate</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Straw or hay</td>
<td>-</td>
<td>2” to 4”</td>
</tr>
<tr>
<td>Wood waste, chips, sawdust, bark</td>
<td>-</td>
<td>2” to 3”</td>
</tr>
<tr>
<td>Polyethylene film</td>
<td>Secure with soil, anchors, weights</td>
<td>-</td>
</tr>
<tr>
<td>Geotextiles, jute matting, netting, etc.</td>
<td>See manufacturer’s recommendations</td>
<td>-</td>
</tr>
</tbody>
</table>

MAINTENANCE
• The appropriate depth and 90% cover shall be maintained at all times.

REFERENCES
Tac Tackifiers

DISTURBED AREA STABILIZATION
(WITH TEMPORARY SEEDING)

DEFINITION
The establishment of temporary vegetative cover with fast growing seedings for seasonal protection on disturbed or denuded areas.

PURPOSE
• Reduce runoff and sediment damage of downstream resources
• Protect the soil surface from erosion
• Improve wildlife habitat
• Improve aesthetics
• Improve tilth, infiltration, and aeration as well as organic matter for permanent plantings

INSTALLATION
• Apply mulch or temporary grassing to all exposed areas within 14 days of disturbance.
• Applicable to rough graded areas that will be exposed for less than 6 months.
• Coordinate with permanent measures to ensure economical and effective stabilization.
• Take note of which species are not appropriate for companion crop plantings.
• When the soil has been sealed by rainfall or consists of smooth cut slopes, scarify the soil in order to provide a place for the seed to lodge and germinate.
• Apply agricultural lime at the rate determined by soil test pH.
• Apply lime before land preparation and incorporate with a disk, ripper, or chisel.
• On steep slopes, apply fertilizer hydraulically.
• Select grass or grass-legume mixtures based on the area and season of the year.
• Apply seed uniformly by hand, cyclone seeder, drill, culti-packer-seeder, or hydraulic seeder.
• The appropriate depth of planting is 10x the seed diameter.
• Apply irrigation at a rate that will not cause runoff and erosion. Thoroughly wet the soil to insure germination of the seed.

MAINTENANCE

• Re-seed areas where an adequate stand of temporary vegetation fails to emerge.
• If optimum conditions for temporary vegetation is lacking, mulch can be used a singular erosion control device.

REFERENCES

Disturbed Area Stabilization (With Mulching Only)

Tackifiers
### Table 1. Some Temporary Plant Species, Seeding Rates and Planting Dates

<table>
<thead>
<tr>
<th>Species</th>
<th>Rates Per 1,000 sq. ft.</th>
<th>Rates per Acre</th>
<th>Planting Dates by Region</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>M-L</td>
</tr>
<tr>
<td>Barley Alone</td>
<td>3.3 lbs.</td>
<td>3 bu.</td>
<td>9/1-10/31</td>
</tr>
<tr>
<td>Barley in Mixtures</td>
<td>.6 lbs.</td>
<td>.5 bu.</td>
<td></td>
</tr>
<tr>
<td>Lespedeza, Annual</td>
<td>0.9 lbs.</td>
<td>40 lbs.</td>
<td>3/1-3/31</td>
</tr>
<tr>
<td>Lespedeza in Mixtures</td>
<td>0.2 lbs.</td>
<td>10 lbs.</td>
<td></td>
</tr>
<tr>
<td>Lovegrass, Weeping</td>
<td>0.1 lbs.</td>
<td>4 lbs.</td>
<td>4/1-5/31</td>
</tr>
<tr>
<td>Lovegrass in Mixtures</td>
<td>.05 lbs.</td>
<td>2 lbs.</td>
<td></td>
</tr>
<tr>
<td>Millet in Mixtures</td>
<td>.2 lbs.</td>
<td>10 lbs.</td>
<td></td>
</tr>
<tr>
<td>Millet, Pearl</td>
<td>1.1 lbs.</td>
<td>50 lbs.</td>
<td>5/15-7/15</td>
</tr>
<tr>
<td>Oats in Mixtures</td>
<td>.7 lbs.</td>
<td>1 bu.</td>
<td></td>
</tr>
</tbody>
</table>

### Table 1. Some Temporary Plant Species, Seeding Rates and Planting Dates (continued)

<table>
<thead>
<tr>
<th>Species</th>
<th>Rates Per 1,000 sq. ft.</th>
<th>Rates per Acre</th>
<th>Planting Dates by Region</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>M-L</td>
</tr>
<tr>
<td>Rye (Grain) Alone</td>
<td>3.9 lbs.</td>
<td>3 bu.</td>
<td>8/15-10/31</td>
</tr>
<tr>
<td>Rye in Mixtures</td>
<td>.6 lbs.</td>
<td>.5 bu.</td>
<td></td>
</tr>
<tr>
<td>Ryegrass</td>
<td>0.9 lbs.</td>
<td>40 lbs.</td>
<td>8/15-11/15</td>
</tr>
<tr>
<td>Sudangrass</td>
<td>1.4 lbs.</td>
<td>60 lbs.</td>
<td>5/1-7/31</td>
</tr>
<tr>
<td>Triticale Alone (Late)</td>
<td>3.3 lbs.</td>
<td>3 bu.</td>
<td>NA</td>
</tr>
<tr>
<td>Triticale in Mixtures</td>
<td>.6 lbs.</td>
<td>.5 bu.</td>
<td></td>
</tr>
<tr>
<td>Wheat Alone</td>
<td>4.1 lbs.</td>
<td>3 bu.</td>
<td>9/15-11/30</td>
</tr>
<tr>
<td>Wheat in Mixtures</td>
<td>.7 lbs.</td>
<td>.5 bu.</td>
<td></td>
</tr>
</tbody>
</table>

1. Unusual site conditions may require heavier seeding rates.
2. Seeding dates may need to be altered to fit temperature variations and local conditions.
3. For Major Land Resource Areas (MLRAs), see page 60.
4. Seeding rates are based on pure live seed (PLS).
<table>
<thead>
<tr>
<th>Types of Species</th>
<th>Planting Year</th>
<th>Fertilizer (N-P-K)</th>
<th>Rate (lbs./acre)</th>
<th>N Top Dressing Rate (lbs./acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cool season grasses</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>6-12-12</td>
<td>1000</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>10-10-10</td>
<td>400</td>
<td>30</td>
</tr>
<tr>
<td>Cool season grasses &amp; legumes</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>0-50</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>0-10-10</td>
<td>1000</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>0-10-10</td>
<td>400</td>
<td>---</td>
</tr>
<tr>
<td>Temporary cover crops seeded alone</td>
<td>First</td>
<td>10-10-10</td>
<td>500</td>
<td>30</td>
</tr>
<tr>
<td>Warm season grasses</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>6-12-12</td>
<td>800</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>10-10-10</td>
<td>400</td>
<td>30</td>
</tr>
</tbody>
</table>
DISTURBED AREA STABILIZATION
(WITH PERMANENT SEEDING)

DEFINITION
The planting of perennial vegetation such as trees, shrubs, vines, grasses, or legumes on exposed areas for final permanent stabilization.

PURPOSE
• Protect the soil surface from erosion
• Reduce damage from sediment and runoff to down-stream areas
• Improve wildlife habitat and visual resources
• Improve aesthetics

INSTALLATION
• Use conventional planting methods where possible.
• Final Stabilization means that 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the plan (uniformly covered landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures.
• Select plants species based on site and soil conditions, planned use and maintenance of the area, time of year, method of planting, and the needs of the land user. (Refer to Table 1)
• Apply agricultural lime at a rate of 1-2 tons/acre unless soil tests indicate otherwise. Please refer to Table 2 for initial fertilization, nitrogen, topdressing, and maintenance fertilizer requirements for each species.
• Apply seed hydraulically. If using conventional methods, use a cultipacker seeder, drill, rotary seeder, or by hand.
• Cover the seed lightly with 1/8”-1/4” of soil for small seed and 1/2”-1” of soil for large seed when using a cultipacker.
• Check seed tags for % germination & % purity in order to calculate Pure Live Seed (PLS), which is the percentage of the seeds that are pure and will germinate.
• Mulch is required for all permanent vegetation applications. Please refer to Ds1 for application rates and anchoring methods for different materials.
• Irrigate when the soil is dry and at a rate that will not cause runoff.

Figure 1. Typical Tag on a Bag of Seed

PLS Example
Tall Fescue
85% germination & 95% purity
PLS = 0.85 germination x 0.95 purity
PLS = 0.8075

Seeding rate = 50 lbs. PLS/acre = 61.92 lbs/acre
PLS
80.75% PLS
Table 1. Some Permanent Plant Species, Seeding Rates, and Planting Dates

<table>
<thead>
<tr>
<th>Species</th>
<th>Rates per Acre</th>
<th>Rates per 1,000 sq. ft</th>
<th>Planting Dates by Region</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M- L</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Bahia, Pensacola</td>
<td>60 lbs.</td>
<td>1.4 lbs.</td>
<td>---</td>
<td>4/1-5/31</td>
</tr>
<tr>
<td>Alone or with temporary cover</td>
<td>30 lbs.</td>
<td>0.7 lb.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With other perennials</td>
<td>3/15-5/31</td>
<td>3/1-5/31</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Bahia, Wilmington</td>
<td>60 lbs.</td>
<td>1.4 lbs.</td>
<td>3/15-5/31</td>
<td>3/1-5/31</td>
</tr>
<tr>
<td>Alone or with temporary cover</td>
<td>30 lbs.</td>
<td>0.7 lb.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With other perennials</td>
<td>3/15-5/31</td>
<td>3/1-5/31</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Bermuda, Common (Hulled seed)</td>
<td>10 lbs.</td>
<td>0.2 lb.</td>
<td>---</td>
<td>4/1-5/31</td>
</tr>
<tr>
<td>Alone</td>
<td>6 lbs.</td>
<td>0.1 lb.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With other perennials</td>
<td>10/1-2/28</td>
<td>11/1-1/31</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Bermuda, Common (Unhulled seed)</td>
<td>10 lbs.</td>
<td>0.2 lb.</td>
<td>---</td>
<td>10/1-2/28</td>
</tr>
<tr>
<td>With temporary cover</td>
<td>6 lbs.</td>
<td>0.1 lb.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With other perennials</td>
<td>10/1-2/28</td>
<td>11/1-1/31</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Bermuda Springs Common lawn and forage hybrids</td>
<td>40 cu. ft.</td>
<td>0.9 cu.ft.</td>
<td>4/15-6/15</td>
<td>4/1-6/15</td>
</tr>
<tr>
<td>Sod plugs 3’ x3’</td>
<td>4/15-6/15</td>
<td>4/1-6/15</td>
<td>4/1-5/31</td>
<td></td>
</tr>
<tr>
<td>Centipede</td>
<td>Block Sod Only</td>
<td>Block Sod Only</td>
<td>---</td>
<td>11/1-5/31</td>
</tr>
<tr>
<td>Crown Vetch With winter annuals or cool season grasses</td>
<td>15 lbs.</td>
<td>0.3 lb.</td>
<td>9/1-10/15</td>
<td>9/1-10/15</td>
</tr>
<tr>
<td>Fescue, Tall Alone With other perennials</td>
<td>50 lbs.</td>
<td>1.1 lbs.</td>
<td>3/1-4/15</td>
<td>9/1-10/15</td>
</tr>
<tr>
<td></td>
<td>30 lbs.</td>
<td>0.7 lb.</td>
<td>8/15-10/15</td>
<td>---</td>
</tr>
<tr>
<td>Species</td>
<td>Rates per Acre</td>
<td>Rates per 1,000 sq. ft</td>
<td>Planting Dates by Region</td>
<td>Remarks</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lespedeza, Sericea</td>
<td>60 lbs.</td>
<td>1.4 lbs.</td>
<td>4/1-5/31</td>
<td>Widely adapted and low maintenance; takes 2-3 years to establish; inoculate seed with EL inoculant; mix with Weeping lovegrass, Common Bermuda, Bahia or Tall Fescue.</td>
</tr>
<tr>
<td>Scarified</td>
<td></td>
<td></td>
<td>3/15-5/31</td>
<td></td>
</tr>
<tr>
<td>Unscarified</td>
<td>75 lbs.</td>
<td>1.7 lbs.</td>
<td>9/1-2/28</td>
<td>Mix with Tall Fescue or winter annuals.</td>
</tr>
<tr>
<td>Seed-bearing hay</td>
<td>3 tons</td>
<td>138 lbs.</td>
<td>10/1-2/28</td>
<td>Cut when seed is mature but before it shatters. Add Tall Fescue or winter annuals.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10/1-1/31</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10/15-1/15</td>
<td></td>
</tr>
</tbody>
</table>

Table 1. Some Permanent Plant Species, Seeding Rates, and Planting Dates (continued)
Table 1. Some Permanent Plant Species, Seeding Rates, and Planting Dates (continued)

<table>
<thead>
<tr>
<th>Species</th>
<th>Rates per Acre</th>
<th>Rates per 1,000 sq. ft</th>
<th>Planting Dates by Region</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>M- L</td>
<td>P</td>
</tr>
<tr>
<td>Lovegrass, weeping Alone</td>
<td>4 lbs.</td>
<td>0.1 lb.</td>
<td>4/1-5/31</td>
<td>Quick cover; drought tolerant; grows well with Sericea Lespedeza on road-banks and other steep slopes; short lived.</td>
</tr>
<tr>
<td>With other perennials</td>
<td>2 lbs.</td>
<td>0.05 lb.</td>
<td>3/15-5/31</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3/1-5/31</td>
<td></td>
</tr>
<tr>
<td>Maidencane sprigs</td>
<td>2’ x 3’ spacing</td>
<td>2/1-3/31</td>
<td>2/1-3/31</td>
<td>For very wet sites such as river banks and shorelines. Dig sprigs locally.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2/1-3/31</td>
<td></td>
</tr>
<tr>
<td>Panicgrass, Atlantic</td>
<td>20 lbs.</td>
<td>0.5 lb.</td>
<td>3/1-4/30</td>
<td>Grows well on coastal sand dunes; mix with Sericea Lespedeza but not on sand dune.</td>
</tr>
<tr>
<td>Coastal</td>
<td></td>
<td></td>
<td>3/1-4/30</td>
<td></td>
</tr>
<tr>
<td>Red Canary Grass</td>
<td>50 lbs.</td>
<td>1.1 lbs.</td>
<td>8/15-10/15</td>
<td>Grows similar to Tall Fescue; for wet sites</td>
</tr>
<tr>
<td>With other perennials</td>
<td>30 lbs.</td>
<td>0.7 lb.</td>
<td>9/1-10/15</td>
<td></td>
</tr>
</tbody>
</table>

1. Rates are for broadcasted seed. If a seed drill is used, reduce the rates by one-half.
2. PLS is an abbreviation for Pure Live Seed. Refer to Glossary for an explanation of this term.
3. The resource areas are defined in the Glossary. See page 60 for Resource Area.
4. Seeding rates are based on pure live seeds (PLS).
<table>
<thead>
<tr>
<th>Types of Species</th>
<th>Planting Year</th>
<th>Fertilizer (N-P-K)</th>
<th>Rate (lbs./ acre)</th>
<th>N Top Dressing Rate (lbs./acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cool season grasses</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>6-12-12</td>
<td>1000</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>10-10-10</td>
<td>400</td>
<td>30</td>
</tr>
<tr>
<td>Cool grasses and legumes</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>0-50</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>0-10-10</td>
<td>1000</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>0-10-10</td>
<td>400</td>
<td>---</td>
</tr>
<tr>
<td>Warm season grasses</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>6-12-12</td>
<td>800</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>10-10-10</td>
<td>400</td>
<td>30</td>
</tr>
<tr>
<td>Warm season grasses and legumes</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>0-10-10</td>
<td>1000</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>0-10-10</td>
<td>400</td>
<td>---</td>
</tr>
</tbody>
</table>
MAINTENANCE

• Re-seed areas where an adequate stand of vegetation fails to emerge or where a poor stand exists.
• Maintain at least 6” of top growth under any use and management.
• Exclude traffic until the plants are well established.
• Please refer to Table 2 for second year and maintenance fertilizer rates.
• Apply one ton of agricultural lime every 4-6 years or as indicated by soil tests.
• Mow Bermudagrass, Bahiagrass, and Tall Fescue as desired.
• Mow Sericea Lespedeza only after frost to ensure that the seeds are mature.

REFERENCES

- Disturbed Area Stabilization (With Mulching Only)
- Disturbed Area Stabilization (With Temporary Seeding)
- Slope Stabilization
DISTURBED AREA STABILIZATION (WITH SODDING)

DEFINITION
A permanent vegetative cover using sods on highly erodible or critically eroded lands.

PURPOSE
- Establish immediate ground cover
- Reduce runoff and erosion
- Improve aesthetics and land value
- Reduce dust and sediments
- Stabilize waterways and critical areas
- Filter sediments, nutrients and bugs
- Reduce downstream complaints
- Reduce likelihood of legal action
- Reduce likelihood of work stoppage due to legal action
- Increase “good neighbor” benefits

INSTALLATION
- Bring soil surface to final grade. Clear surface of trash, woody debris, stones and clods larger than 1”. Apply sod to soil surfaces only and not frozen surfaces, or gravel type soils.

- Topsoil properly applied will help guarantee a stand. Don’t use topsoil recently treated with herbicides or soil sterilants.
- Mix fertilizer into soil surface. Fertilize based on soil tests or Table 1. For fall planting of warm season species, half the fertilizer should be applied at planting and the other half in the spring.
- Agricultural lime should be applied based on soil tests or at a rate of 1-2 tons/acre.
- Lay sod with tight joints and in straight lines. Don’t overlap joints. Stagger joints and do not stretch sod.

<table>
<thead>
<tr>
<th>Fertilizer Type (lbs./acre)</th>
<th>Fertilizer Rate (lbs./sq.ft.)</th>
<th>Fertilizer Rate</th>
<th>Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-10-10</td>
<td>1000</td>
<td>.025</td>
<td>Fall</td>
</tr>
</tbody>
</table>

- On slopes steeper than 3:1, sod should be anchored with pins or other approved methods.
- Installed sod should be rolled or tamped to provide good contact between sod and soil.
- Irrigate sod and soil to a depth of 4” immediately after installation.
- Sod should not be cut or spread in extremely wet or dry weather.
- Irrigation should be used to supplement rainfall for a minimum of 2-3 weeks.

MATERIALS
- Sod selected should be certified. Sod grown in the general area of the project is desirable.
- Sod should be machine cut and contain 3/4” (+ or - 1/4”) of soil, not including shoots or thatch.
Table 2. Sod Planting Requirements

<table>
<thead>
<tr>
<th>Grass</th>
<th>Varieties</th>
<th>Resource Area</th>
<th>Growing Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bermudagrass</td>
<td>Common Tifway</td>
<td>M-L, P, C</td>
<td>Warm weather</td>
</tr>
<tr>
<td></td>
<td>Tifgreen</td>
<td>P, C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tiflawn</td>
<td>P, C</td>
<td></td>
</tr>
<tr>
<td>Bahiagrass</td>
<td>Pensacola</td>
<td>P, C</td>
<td>Warm weather</td>
</tr>
<tr>
<td>Centipede</td>
<td></td>
<td>P, C</td>
<td>Warm weather</td>
</tr>
<tr>
<td>St. Augustine</td>
<td>Common Bitterblue</td>
<td>C</td>
<td>Warm weather</td>
</tr>
<tr>
<td></td>
<td>Raleigh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoysia</td>
<td>Emerald Myer</td>
<td>P, C</td>
<td>Warm weather</td>
</tr>
<tr>
<td>Tall Fescue</td>
<td>Kentucky 31</td>
<td>M-L, P</td>
<td>Cool weather</td>
</tr>
</tbody>
</table>

- Sod should be cut to the desired size within ±5%. Torn or uneven pads should be rejected.
- Sod should be cut and installed within 36 hours of digging.
- Avoid planting when subject to frost heave or hot weather, if irrigation is not available.
- The sod type should be shown on the plans or installed according to Table 2. See page 60 for your Resource Area.

Table 3. Fertilizer Requirements for Sod

<table>
<thead>
<tr>
<th>Types of Species</th>
<th>Planting Year</th>
<th>Fertilizer (N-P-K)</th>
<th>Rate (lbs./acre)</th>
<th>Nitrogen Top Dressing Rate (lbs./acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cool season grasses</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>6-12-12</td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>10-10-10</td>
<td>400</td>
<td>30</td>
</tr>
<tr>
<td>Warm season grasses</td>
<td>First</td>
<td>6-12-12</td>
<td>1500</td>
<td>50-100</td>
</tr>
<tr>
<td></td>
<td>Second</td>
<td>6-12-12</td>
<td>800</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintenance</td>
<td>10-10-10</td>
<td>400</td>
<td>50-100</td>
</tr>
</tbody>
</table>

- Fertilize grasses in accordance with soil tests or Table 3.

REFERENCES

Disturbed Area Stabilization (With Mulching Only)
Disturbed Area Stabilization (With Temporary Seeding)
Disturbed Area Stabilization (With Permanent Vegetation)
Slope Stabilization
DUST CONTROL ON DISTURBED AREAS

DEFINITION
Controlling surface and air movement of dust on construction sites, roads, and demolition sites.

PURPOSE
- Prevent surface and air movement of dust from exposed soil surfaces.
- Reduce the presence of airborne substances that may be harmful or injurious to human health, welfare, or safety, or to animals or plant life.

MATERIALS
Temporary Methods
- **Mulches** - See Ds1 - Disturbed Area Stabilization (with Mulching only). Refer to specification Tac - Tackifiers for the use of synthetic resin to bind mulch material.
- **Vegetative Cover** - See Ds2 - Disturbed Area Stabilization (with Temporary Seeding).
- **Spray-on Adhesives** - For use on mineral soils, not muck soils. Refer to specification Tac - Tackifiers.

Permanent Methods
- **Tillage** - Designed to roughen and bring clods to the soil surface. Begin plowing on windward side of site. Use chisel-type plows, spring-toothed harrows, or similar plows to achieve desired effect. This is an emergency measure to be used before wind erosion starts.
- **Irrigation** - Sprinkle the site with water until the surface is wet. Repeat as needed.
- **Barriers** - Use solid board fence, snow fence, burlap fence, crate walls, bales of hay, or similar material to control air currents and soil blowing. Place barriers at right angles at intervals of 15x their height to control wind erosion.
- **Calcium Chloride** - Apply at a rate to keep the surface moist.

MAINTENANCE
- Prohibit traffic on surface after spraying.
- Supplement surface covering as needed.
REFERENCES

- **Ds1** Disturbed Area Stabilization (With Mulching Only)
- **Ds2** Disturbed Area Stabilization (With Temporary Seeding)
- **Ds3** Disturbed Area Stabilization (With Permanent Vegetation)
- **Ds4** Disturbed Area Stabilization (With Sodding)
- **Tac** Tackifiers
- **Cr** Construction Road Stabilization
- **Tp** Topsoiling

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FLOCCULANTS & COAGULANTS

DEFINITION
Formulated to assist in the solids/liquid separation of suspended particles in solution.

Coagulant - Required to help give body to the water. A coagulant neutralizes the repulsive electrical charges surrounding particles allowing them to “stick together” creating clumps or flocs that form a small to mid-size particle.

Flocculent - Facilitate the agglomeration or aggregation of the coagulated particles to form larger floccules and act as a net where it gathers up the smaller coagulated particles making a larger particle. This larger particle will slowly drop out of suspension.

PURPOSE
• Settle suspended sediment, heavy metals and hydrocarbons (TSS) in runoff water from construction sites for water clarification.

INSTALLATION
• Application shall conform to manufacturer’s instructions and guidelines. Fl-Co applications shall comply with all federal and local laws.
• Only anionic forms of Fl-Co shall be used.

MAINTENANCE
• This practice is not intended for application to surface waters of the state. It is intended for application within construction storm water ditches and storm drainage systems that feed into pre-constructed ponds or basins.
• Maintenance shall consist of reapplying Fl-Co via the measures above when turbidity levels are no longer met or the Fl-Co is used up. Bricks, blocks, socks, logs and bags shall be maintained when sediment accumulates on the products.
STREAMBANK STABILIZATION (USING PERMANENT VEGETATION)

DEFINITION

The use of readily available native plant materials to maintain and enhance streambanks, or to prevent, or restore and repair small streambank erosion problems.

PURPOSE

• Lessen the impact of rain directly on the soil.
• Trap sediment from adjacent land.
• Form a root mat to stabilize and reinforce the soil on the streambank.
• Provide wildlife habitat.
• Enhance the appearance of the stream.
• Lower summertime water temperatures for a healthy aquatic population.

NOTE: Careful thought, planning and execution is required to assure that the streambank stabilization project is done efficiently and correctly. Please refer to GSWCC’s Guidelines for Streambank Restoration for more detailed information.

SELECTED PRACTICES

• Revegetation includes seeding and sodding of grasses, seeding in combination with erosion control fabrics, and the planting of woody vegetation (shrubs and trees).
• Use jute mesh and other geotextiles to aid in soil stabilization and revegetation.

Live Stake

• Fresh, alive woody plant cuttings tamped into the ground as stakes, intended to root and grow into mature shrubs that will stabilize soils and restore the riparian zone habitats.
• Willow species work best.
• Provides no immediate streambank stabilization.

Joint Planting

• Installation of live willow stakes between rock previously placed along the streambank.
• Rock needs to be loosely dumped or hand placed and no thicker than 2 ft.
• Enables a bank previously installed with conventional rip-rap to become naturalized.
Live Fascine

- Sausage-like bundles of live cut branches placed into trenches along the streambank.
- Willow species work best.
- Provides immediate protection from erosion when properly used and installed.
- Creates very little site disturbance as compared to other systems.
- Works especially well when combined with surface covers such as jute mesh or coir fabrics.

Brushmattress

- Combination of living units that form an immediate protective surface cover over the streambank.
- Living units used include live stakes, live fascines, and a mattress branch cover (long, flexible branches placed against the bank surface).
- Requires a great deal of live material.
- Complicated and expensive to evaluate, design, and install.
- Captures sediment during flood conditions.
- Produces habitat rapidly, and quickly develops a healthy riparian zone.

Live Cribwall

- A rectangular framework of logs or timbers, rock, and woody cuttings.
- Requires a great deal of assessment and understanding of stream behavior.
- Can be complicated and expensive if a supply of wood and some volunteer help is not available.
- Develops a natural streambank or upland slope appearance after it has begun to grow.
• Provides excellent habitat for a variety of fish, birds, and animals.
• Very useful where space is limited on small, narrow stream corridors.

Figure 5. Illustration of a Live Cribwall

Branchpacking
• Process of alternating layers of live branches and soil, incorporated into a hole, gully, or slumped-out area in a slope or streambank.
• Moderate to complex level of difficulty for construction.
• Produces an immediate filter barrier, reducing scouring conditions, repairing gully erosion, and providing habitat cover and bank reinforcement.

Figure 6. Illustration of Branchpacking

• One of the most effective and inexpensive methods for repairing holes in earthen embankments along small stream sites.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Relative Cost</th>
<th>Relative Complexity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live stake</td>
<td>Low</td>
<td>Simple</td>
</tr>
<tr>
<td>Joint planting</td>
<td>Low*</td>
<td>Simple*</td>
</tr>
<tr>
<td>Live fascine</td>
<td>Moderate</td>
<td>Moderate</td>
</tr>
<tr>
<td>Brushmattress</td>
<td>Moderate</td>
<td>Moderate to Complex</td>
</tr>
<tr>
<td>Live cribwall</td>
<td>High</td>
<td>Complex</td>
</tr>
<tr>
<td>Branchpacking</td>
<td>Moderate</td>
<td>Moderate to Complex</td>
</tr>
<tr>
<td>Conventional vegetation</td>
<td>Low to Moderate</td>
<td>Simple to Moderate</td>
</tr>
<tr>
<td>Conventional bank armoring (riprap)</td>
<td>Moderate to High</td>
<td>Moderate to Complex</td>
</tr>
</tbody>
</table>

*Assumes rock is in place
MAINTENANCE

• Check banks after every high-water event, fixing gaps in the vegetative cover at once with structural materials or new plants, and mulching if necessary.
• Fresh cuttings from other plants may be used for repairs.
• When fertilizer is applied on the surface, it is best to apply about one-half at planting, one-fourth when new growth is about 2” tall, and one-fourth about six weeks later.

REFERENCES

Disturbed Area Stabilization
(With Mulching Only)  
Disturbed Area Stabilization
(With Temporary Seeding)  
Disturbed Area Stabilization
(With Permanent Vegetation)  
Disturbed Area Stabilization
(With Sodding)  
Slope Stabilization

Guidelines for Streambank Restoration, Georgia Soil and Water Conservation Commission

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**SLOPE STABILIZATION**

**DEFINITION**
A protective covering used to prevent erosion and establish temporary or permanent vegetation on steep slopes, shore lines, or channels.

**Rolled Erosion Control Products (RECP)**
- A natural fiber blanket with single or double photodegradable or biodegradable nets.

**Hydraulic Erosion Control Products (HECP)**
- HECP shall utilize straw, cotton, wood or other natural based fibers held together by a soil binding agent which works to stabilize soil particles. Paper mulch should not be used for erosion control.

**PURPOSE**
- Provide a cover layer that stabilizes the soil and acts as a rain drop impact dissipater while providing a microclimate which protects young vegetation and promotes its establishment.

**INSTALLATION**
- Installation and stapling of RECPs and application rates for the HECPs shall conform to manufacturer’s guidelines for application.
- Hydraulic erosion control products shall be prepackaged from the manufacturer. Field mixing of performance enhancing additives will not be allowed. Fibrous components should be all natural or biodegradable.

**MAINTENANCE**
- Inspect all erosion control blankets and matting periodically after installation. Inspect immediately after rainstorms to check for erosion and undermining.
- Repair all dislocations and failures immediately.
- Re-install all materials after washouts or breakage occurs. Repair damage to the slope or ditch first.
- Monitor all areas until they are permanently stabilized.

---

Figure 1. Hydroseeding on disturbed areas

Figure 2. Installation of Jute Matting
Figure 2. Typical Installation Guidelines for RECP
TACKIFIERS

DEFINITION
A substance used as tie-down for soil, compost, seed, straw, hay or mulch. They hydrate in water and readily blend with other slurry materials to form a homogenous slurry.

PURPOSE
The purpose of tackifiers are to reduce soil erosion from wind and water on construction sites. It also increases the performance of the mulching material, so that it can:

• Increase infiltration.
• Increase soil fertility
• Control undesirable vegetation.
• Reduce runoff stormwater turbidity and loss of topsoil.
• Modify soil temperature.
• Increase soil cohesion and stabilization.
• Enhance seed germination

CONDITIONS
This practice is intended for direct soil surface application to sites where the timely establishment of vegetation may not be feasible or where vegetative cover is absent or inadequate.

CRITERIA
• All organic mulching materials shall be anchored by tackifiers/binders or matting/netting. Tackifiers and binders are used to anchor wood cellulose, wood pulp fiber, and other mulch materials applied with hydroseeding equipment.
• Only anionic forms of PAM shall be used. Not harmful to plants, animals, and aquatic life.
• Application rates shall conform to manufacturer’s guidelines for application.
• Shall not reduce infiltration rates.
• All organic tackifiers must be derived from natural plant sources.
• Contain no growth or germination inhibiting materials.
• Synthetic fibers shall be of nylon or polyester blends.
• There are 5 types of tackifiers:
  • Tac-1 Synthetic Polymers
  • Tac-2 Organic Polymers
  • Tac-3 Synthetic/Organic Blends
  • Tac-4 Organic Polymers w/ Synthetic Fibers
  • Tac-5 Synthetic/Organic Blends w/ Synthetic Fibers
Insert Yellow Sheet
Back of Yellow Sheet
The products and practices presented in this Field Manual show the standard installation methods for each conventional BMP. New products and practices may not necessarily meet the requirements for each conventional BMP. Please see the Equivalent Best Management Practice List for specific manufacturer guidelines and specifications.
CHECK DAM

DEFINITION
A small temporary barrier constructed across a swale, drainage ditch, or area of concentrated flow.

PURPOSE
- Reduce velocity.
- Filter sediment.
- Stabilize grade.

INSTALLATION
- Install according to the approved plan.
- Place in small, open channels, not in live streams.
- Construct center at least 9” lower than outer edges.
- Extend across entire width of ditch or swale.
- Make side slopes 2:1 or flatter.
- Toe of the upstream dam should be at the same elevation as the top of the downstream dam.
- Seed and mulch area beneath the dam after its removal.
- Check dams may be used in conjunction with other BMPs for any flows exceeding 2.0 cfs.

Stone Check Dams
- Drainage area not to exceed 2 acres.
- Constructed of graded size 2”-10” stone.
- The center of the check dam should be at least 9” lower than the outer edges.
- The dam height should be a maximum of 2 ft from the center to the rim edge.
- Place a suitable geotextile between the graded stone and the soil base and abutments.

Figure 1. Stone Check Dam Spacing Requirements

Straw Bale Check Dams
- Drainage area not to exceed 1 acre.
- Bales should be bound with wire or nylon string.
- Bales should be placed in rows with bale ends tightly abutting the adjacent bales.
- A trench shall be dug across the channel deep enough that the wide side of the 2nd bale is level with the ground.
- Drive the standard 2x2 stakes or #4 rebar through the bales into the ground 18”-24” for anchorage. The first stake in each bale should be driven toward a previously laid bale in order to force bales together.
**Requirements**

- **Compost Filter Sock**
  - Drainage area not to exceed 1 acre.
  - Place one stake in the filter sock at the center of the ditch/channel.
  - Place stakes at the bed/bank junction and at the end of the device not spaced more than 2 ft apart.
  - Compost filter sock to be at least 18” in diameter.
  - Minimum staking depth is 18”.
  - Can be seeded at the time of installation.

**Maintenance**

- Periodically inspect and maintain all structures.
- Remove sediment when it reaches a depth of one-half the original dam height.
- May remain in place permanently.

**References**

- **Ds1** Disturbed Area Stabilization (With Mulching Only)
- **Ds2** Disturbed Area Stabilization (With Temporary Seeding)
- **Ds3** Disturbed Area Stabilization (With Permanent Vegetation)
- **Ds4** Disturbed Area Stabilization (With Sodding)
CHANNEL STABILIZATION

DEFINITION
Improving, constructing, or stabilizing an open channel or waterway.

PURPOSE
- Prevent erosion and sediment deposition.
- Provide adequate capacity for flood water, drainage, or other water management practices.

INSTALLATION
- Install according to the approved plan.
- Drainage area not to exceed one square mile.
- This applies only to channels conveying intermittent flow, not to channels conveying a continuous, live stream.

Category 1 (≤ 5 ft/sec)
Vegetative Lining
- Temporary erosion control blankets or sod shall be used to aid in the establishment of the vegetated lining.
- Hydraulic Erosion Control Products are not intended to be applied in channels, swales, or other areas where concentrated flows are anticipated.

Category 2 (≥ 5 ft/sec to < 10 ft/sec)
Turf Reinforcement Matting (TRM)
- Permanent geosynthetic erosion control matting that is used in channels to stabilize the soil while permanent vegetation is rooting.

Rock Riprap Lining
- Slopes should be 1.5:1 or less.
- Place a filter blanket, at least 6 inches thick, of sand, gravel, and/or geotextile material between the riprap and the base material.

Category 3 (≥ 10 ft/sec)
Concrete Lining
- A separation geotextile should be placed under concrete linings to prevent undermining.
- Provide adequate outlet protection for discharge point.

Grade Stabilization Structure
- Constructed of concrete, rock, masonry, steel, aluminum or treated wood.
- Provide adequate outlet for discharge.
- Do not compromise the environmental integrity of the area.
- Vegetate all disturbed areas immediately.
MAINTENANCE

• Periodically inspect and maintain all structures.

REFERENCES

<table>
<thead>
<tr>
<th>Gr</th>
<th>Grade Stabilization Structure</th>
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</thead>
<tbody>
<tr>
<td>St</td>
<td>Storm Drain Outlet Protection</td>
</tr>
<tr>
<td>Ds1</td>
<td>Disturbed Area Stabilization (With Mulching Only)</td>
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<tr>
<td>Ds2</td>
<td>Disturbed Area Stabilization (With Temporary Seeding)</td>
</tr>
<tr>
<td>Ds3</td>
<td>Disturbed Area Stabilization (With Permanent Vegetation)</td>
</tr>
<tr>
<td>Ds4</td>
<td>Disturbed Area Stabilization (With Sodding)</td>
</tr>
</tbody>
</table>

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CONSTRUCTION EXIT

DEFINITION
A stone-stabilized pad located at any point where traffic will be leaving a construction site to a public right-of-way, street, alley, sidewalk, or parking area.

PURPOSE
• Reduce or eliminate the transport of mud from the construction area onto public right-of-ways.

INSTALLATION
• Install according to the approved plan.
• Use 1.5”-3.5” stone.
• Minimum pad thickness of 6”.
• Minimum pad width of 20 ft.
• Minimum pad length of 50 ft.
• When the construction is less than 50 ft from the paved access, the length shall be from the edge of the existing pavement to the permitted building being constructed.
• When washing is required, conduct on an area stabilized with crushed stone and route runoff to an approved sediment trap or sediment basin.
• Place the geotextile liner the full length and width of the entrance.

MAINTENANCE
• Periodically dress with 1.5”-3.5” stone.
• Maintain in a condition that will prevent tracking or flow of mud onto public rights-of-way.
• Immediately remove mud and debris tracked or spilled onto roadways.
CONSTRUCTION ROAD STABILIZATION

DEFINITION
A travel way constructed as part of a construction plan including access roads, subdivision roads, parking areas, and other on-site vehicle transportation routes.

PURPOSE
- Provide a fixed route of travel for construction traffic.
- Reduce erosion and subsequent regrading of permanent roadbeds between time of initial grading and final stabilization.

INSTALLATION
- Install according to the approved plan.
- Temporary roads shall follow the contours of the natural terrain to minimize disturbance of drainage patterns.
- If a temporary road must cross a stream, the crossing must be designed, installed and maintained according to specification Sr - Temporary Stream Crossing.
- Grades for temporary roads should not exceed 10% except for short lengths but maximum grades of 20% or more may be used for special uses.

• Temporary roadbeds shall be at least 14 ft wide for one-way traffic, 20 ft wide for two-way traffic. The width for two-way traffic shall be increased approximately 4 ft for trailer traffic.
• Provide a minimum shoulder width of 2 ft on each side.
• All cut and fills shall be 2:1 or flatter. Side slopes shall be no steeper than 3:1 if mowing.
• Drainage channels shall be designed to be on stable grades or protected with structures or linings for stability.
• Apply geotextile to the roadbed for additional stability according to the design manual specifications.
• Apply a 6” layer of coarse aggregate immediately after grading. For “heavy-duty” traffic situations, place stone at a depth of 8”-10”.
• Stabilize all roadside ditches, cuts, fills, and other disturbed areas adjacent to parking areas and roads with appropriate temporary or permanent vegetation.

MAINTENANCE
- Periodically top dress roads and parking areas with gravel to maintain the gravel depth at 6”.
- Check vegetated areas periodically to ensure a good stand of vegetation is maintained.
- Remove any silt or other debris causing clogging of roadside.

REFERENCES

Ds2  Disturbed Area Stabilization (With Temporary Seeding)
Ds3  Disturbed Area Stabilization (With Permanent Vegetation)
Sr   Temporary Stream Crossing
STREAM DIVERSION CHANNEL

DEFINITION
A temporary channel constructed to convey flow around a construction site while a permanent structure is being constructed in the stream channel.

PURPOSE
- Protect the streambed from erosion and allow work “in the dry”.

INSTALLATION
- Install according to the approved plan.
- Drainage area shall not exceed one square mile (640 acres).
- The bottom width of the stream diversion shall be a minimum of six feet or equal to the bottom width of the existing streambed, whichever is greater.
- Side slopes of the stream diversion channel shall be no steeper than 2:1.
- Depth and grade of the channel shall be sufficient to ensure continuous flow of water in the diversion.
- The channel shall be lined to prevent erosion of the channel and sedimentation in the stream.
- The lining is selected based upon the expected velocity of bankfull flow. Please refer to Table 1.

### Table 1. Stream Diversion Channel Linings

<table>
<thead>
<tr>
<th>Lining Materials</th>
<th>Symbol</th>
<th>Acceptable Velocity Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geotextile, polyethylene film, or sod</td>
<td>Dc-A</td>
<td>0-2.5 fps</td>
</tr>
<tr>
<td>Geotextile alone</td>
<td>Dc-B</td>
<td>2.5-9.0 fps</td>
</tr>
<tr>
<td>Class I RipRap &amp; Geotextile</td>
<td>Dc-C</td>
<td>9.0-13.0 fps</td>
</tr>
</tbody>
</table>

![Stream Diversion Channel](image-url)

Figure 1. Stream Diversion Channel (Perspective View)
• The channel shall be excavated, constructing plugs at both ends.
• Sediment barriers or berms shall be placed along the sides of the channel to prevent unfiltered runoff from entering the stream.
• The channel surface shall be smooth (to prevent tearing of the liner) and lined with the material specified in the plans.
• The plugs are removed when the liner installation is complete, removing the downstream plug first.
• As soon as construction in the streambed is complete, the diversion shall be replugged and backfilled.
• Upon removal of the lining, the stream shall immediately be restored and properly stabilized.
• A Stream Buffer Variance from the GA EPD may be required and all other appropriate agencies, including the U.S. Army Corps of Engineers, must be contacted to ensure compliance with other laws.

MAINTENANCE
• Inspect the stream diversion channel at the end of each day to make sure that the construction materials are positioned securely.
• Ensure that the work area stays dry and that no construction materials float downstream.
• All repairs shall be made immediately.

REFERENCES
Ss  Slope Stabilization

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DIVERSION

DEFINITION
A ridge of compacted soil, constructed above, across, or below a slope.

PURPOSE
• Reduce slope lengths.
• Intercept and divert storm runoff to a stable outlet at a non-erosive velocity.

INSTALLATION
• Install according to the approved plan.
• Remove trees, brush, stumps and other objectionable material.
• Compact all fills.
• Channel cross-section should be trapezoidal or parabolic in shape.
• Side slopes should be 2:1 or flatter.
• Excavate narrow, deep channels on steep slopes and broad, shallow channels on gentle slopes.
• Adequate outlet must be present.
• Stabilize channel and outlet with vegetation (mulch required for all seeded or sprigged channels), riprap, or concrete.
• Dispose of and/or stabilize unneeded excavated material.

MAINTENANCE
• Inspect frequently and after each rainfall and make necessary repairs.

REFERENCES

Di Disturbed Area Stabilization (With Mulching Only)
Ds1 Disturbed Area Stabilization (With Temporary Seeding)
Ds2 Disturbed Area Stabilization (With Permanent Vegetation)
Ds3 Disturbed Area Stabilization (With Sodding)
Ds4 Channel Stabilization
Ch
TEMPORARY DOWNDRAIN STRUCTURE

DEFINITION
A temporary structure used to convey storm water down the face of cut or fill slopes.

PURPOSE
• Transport storm runoff from one elevation to another.
• Reduce slope erosion.

INSTALLATION
• Install according to the approved plan.
• Install heavy-duty, flexible materials such as non-perforated, corrugated plastic pipe, or specifically designed flexible tubing.
• Place on undisturbed soil or well-compacted fill.
• Slightly slope the section of pipe under the dike toward its outlet.
• Install Tee, “L” or flared end section inlet at the top of the slope.
• Slope the entrance 1/2” per foot toward outlet.
• Compact a dike ridge no less than 1 ft above the top of the pipe.
• Use reinforced, hold-down grommets or stakes to anchor the pipe at intervals not to exceed 10 ft.

Table 1. Pipe Diameter for Temporary Downdrain

<table>
<thead>
<tr>
<th>Maximum Drainage Area per Pipe (acres)</th>
<th>Pipe Diameter (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3</td>
<td>10</td>
</tr>
<tr>
<td>0.5</td>
<td>12</td>
</tr>
<tr>
<td>1.0</td>
<td>18</td>
</tr>
</tbody>
</table>

• Ensure that fill over the drain at the top of the slope meets the minimum dimensions.
• Ensure connections are watertight.
• Extend pipe beyond the toe of the slope.
• For steep slopes, drains should be placed diagonally across the slope.
• Curve the outlet uphill.
• Stabilize outlet with rock riprap. A Tee outlet, flared end section, or other suitable device may be used for additional protection.
• Direct all flows into a sediment trap if drains convey sediment-laden runoff.
• Stabilize all disturbed areas immediately.

MAINTENANCE
• Inspect drain and diversion after every rainfall and promptly make necessary repairs.
• Remove once the protected area has been stabilized and the permanent water disposal system is fully functional.

REFERENCES
St Storm Drain Outlet Protection
Figure 1. Temporary Downdrain and Inlet Detail

Figure 2. Diagonally Placed Downdrain
PERMANENT DOWNDRAIN STRUCTURE

DEFINITION
A permanent structure to safely convey surface runoff from the top of a slope to the bottom of the slope.

PURPOSE
• Convey storm runoff safely down cut or fill slopes to minimize erosion.

INSTALLATION
• Install according to the approved plan.
• Slopes must have sufficient grade to prevent sediment deposition.
• Stabilize outlet according to plan.
• Vegetate all disturbed areas immediately.

Types of Structures
• Paved flume - parabolic, rectangular, or trapezoidal cross section.
• Pipe - steel, plastic, etc.
• Sectional - a prefabricated sectional conduit of half-round or third-round pipe.

MAINTENANCE
• Inspect periodically and maintain structure after each rainfall.

REFERENCES

| Ds1 | Disturbed Area Stabilization (With Mulching Only) |
| Ds2 | Disturbed Area Stabilization (With Temporary Seeding) |
| Ds3 | Disturbed Area Stabilization (With Permanent Vegetation) |
| Ds4 | Disturbed Area Stabilization (With Sodding) |
| St  | Storm Drain Outlet Protection |
FILTER RING

DEFINITION
A temporary stone barrier constructed at storm drain inlets and pond outlets.

PURPOSE
• Reduce flow velocity.
• Prevent the failure of other sediment control devices.
• Prevent sediment from leaving the site or entering drainage systems.

INSTALLATION
• Install according to the approved plan.
• Use in conjunction with other sediment control measures, except where other practices defined in this Manual are not appropriate.
• Surround all sides of the structure receiving runoff from disturbed areas.
• Place the ring a minimum of 4 ft from the structure.
• If the ring is utilized above a retrofit structure, place a minimum of 8-10 ft from the retrofit.
• When utilized at inlets with diameters less than 12", the filter ring shall be constructed of stone no smaller than 3"-5" (15-30 lbs).

• When utilized at pipes with diameters greater than 12", the filter ring shall be constructed of stone no smaller than 10"-15" (50-100 lbs).
• Construct the ring at a height no less than 2 ft above grade.
• Mechanically or hand place the stone uniformly around the structure.

MAINTENANCE
• Keep clear of trash and debris.
• Continuously monitor and maintain the structure.
• Remove sediment when it reaches one-half full.
• Remove structure when the project has reached final stabilization.

REFERENCES

Rt  Retrofit
Sd3  Temporary Sediment Basin
St  Storm Drain Outlet Protection
**DEFINITION**

Large, multi-celled, welded wire or rectangular wire mesh boxes, used in channel revetments, retaining walls, abutments, check dams, etc.

**PURPOSE**

- Construction of erosion control structures.
- Stabilize steep or highly erosive slopes.

**INSTALLATION**

- Install according to the approved plan.
- Foundations must be smooth and level.
- Use only galvanized or PVC coated wire. For highly corrosive conditions, the PVC coating must be used over the galvanizing.
- Set individual baskets into place, wire them together in courses, and fill with rock to form flexible monolithic building blocks.
- Rock should be durable and adequately sized (typically 4”-8”) to be retained in the baskets.
- Hand-pack the basket in order to completely fill.
- “Key” structure securely into foundations and abutment surfaces.
- Geotextiles should be used behind all gabion structures.

**MAINTENANCE**

- Periodically inspect for signs of undercutting or excessive erosion at transition areas.
- Make any necessary repairs immediately.
GRADE STABILIZATION STRUCTURE

DEFINITION
A structure to stabilize the grade in natural or artificial channels.

PURPOSE
- Stabilize the grade in natural or artificial channels.
- Prevent the formation or advancement of gullies.
- Reduce erosion and sediment pollution.

INSTALLATION
- Install according to the approved plan.
- Construct with concrete, rock, masonry, steel, aluminum, or treated wood or by soil bioengineering methods.
- Dewater excavations prior to filling.
- Construct embankment with a minimum top width of 10 ft and side slopes of 3:1 or flatter.
- Construct materials in 6”-8” horizontal lifts
- Place structure on compacted earth-fill. Compact fill to approximately 95% of standard density.
- Construct keyway 8 or more ft wide and 2 ft deep along centerline of the structure and embankment.
- Provide adequate outlet for discharge.

MAINTENANCE
- Periodically inspect and maintain all structures.

REFERENCES
- Storm Drain Outlet Protection
- Disturbed Area Stabilization (With Mulching Only)
- Disturbed Area Stabilization (With Temporary Seeding)
- Disturbed Area Stabilization (With Permanent Vegetation)
- Disturbed Area Stabilization (With Sodding)
LEVEL SPREADER

DEFINITION
A storm flow outlet device constructed at zero grade across the slope whereby concentrated runoff may be discharged at non-erosive velocities onto undisturbed areas stabilized by existing vegetation.

PURPOSE
• Dissipate storm flow energy at the outlet.
• Convert storm runoff into sheet flow.
• Discharge storm runoff onto areas stabilized by existing vegetation.

INSTALLATION
• Install according to the approved plan.
• Grade the channel no greater than 1% for the last 15 ft of the dike or diversion.
• Construct on undisturbed soil that is stabilized with vegetation.
• Minimum width of 6 ft.
• The depth of the level spreader from the lip shall be a minimum of 6”.
• The depth shall be uniform across the entire length.

MAINTENANCE
• Periodically inspect and maintain all structures.

REFERENCES

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<tr>
<td>(With Sodding)</td>
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</table>
ROCK FILTER DAM

DEFINITION
A temporary stone filter dam installed across drainageways or in conjunction with a temporary sediment trap.

PURPOSE
• Serve as a sediment filtering device.
• Reduce velocity of stormwater flow through a channel.
• Not intended to substantially impound water.

INSTALLATION
• Install according to the approved plan.
• The drainage area shall not exceed 50 acres.
• Must be used in conjunction with other appropriate sediment control measures.
• The dam should be located as close to the source of sediment as possible.
• The dam should not be higher than the channel banks or exceed the elevation of the upstream property line.
• The center of the dam should be at least 9” lower than the outer edges of the dam at the channel banks.

MAINTENANCE
• Periodically inspect and maintain all structures.
• Remove sediment when it reaches a depth of one-half of the original height of the dam.
• Remove once disturbed areas have been stabilized.
RETAINING WALL

DEFINITION
A constructed wall of one or more of the following: concrete masonry, reinforced concrete cribbing, treated timbers, steel pilings, gabions, stone drywall, rock riprap, etc.

PURPOSE
• Assist in stabilizing cut or fill slopes where stable slopes are not obtainable without the use of a wall.

INSTALLATION
• Retaining walls require a specific design that is within the capabilities of the design professional.
• Many factors must be taken into account during the design process.
• Close supervision is required to ensure proper installation.
• Depending on the Local Issuing Authority’s ordinance, a design professional certificate may be required prior to construction.

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**RETROFIT**

**DEFINITION**
A device or structure placed in front of a permanent stormwater detention pond outlet or roadway drainage structure to serve as a temporary sediment filter.

**PURPOSE**
- Allows a permanent stormwater detention basin structure to function as a temporary sediment retention basins.
- Allows a roadway drainage structure to be used for temporary sediment storage.

**INSTALLATION**
- Install according to the approved plan.
- Prohibited in basins on live streams.
- The height of the retrofit should be approximately one-half the height of structure.

**Perforated Half-Round Pipe with Stone Filter**
- Drainage area shall not exceed 30 acres.
- Never use on exposed pipe end or winged headwall.
- Diameter of half-round pipe should be 1.5x the diameter of the principal pipe outlet or wider than the greatest width of the concrete weir.

- Shall be affixed by means to the concrete outlet structure.

**Figure 1. Perforated Half-Round Pipe Retrofit with Stone Filter.**

**Figure 2. Affixed to Concrete Structure**
Slotted Board Dam with Stone

- For use in detention ponds with drainage areas up to 100 acres and on roadway drainage structures with a drainage area of 30 acres or less.
- Can be used with open end pipe outlets, winged headwalls, or concrete weir outlets.
- Install with minimum 4x4” posts.
- Install boards with a 0.5”-1.0” space between them.
- Install a minimum of 3”-4” stone or approved filter fabric around the upstream side of the board dam.

Silt Control Gate

- Use only on roadway drainage structures with the following structures: winged headwalls, tapered headwalls, straight headwalls, open end pipes, flared end sections.
- Drainage area shall not exceed 50 acres and the disturbed area of the basin shall not exceed 5 acres.
- Use 4”x4” treated posts & 2”x6” treated face boards with no spacing between the boards.
- Fasten an approved silt fence fabric to the front of the structure with staples or nails.

MAINTENANCE

- Clean-out when one-third sediment storage capacity is lost. Indicate this elevation with a mark on the outlet structure or a post inserted in the pond.
- Remove all trash and debris.
- Remove retrofit and accumulated sediment when the project is completed.
- Stabilize all disturbed areas immediately with permanent vegetation.
**SEDIMENT BARRIER**

**DEFINITION**
A temporary structure made up of porous material typically supported by steel or wood posts. Types include silt fence, brush piles, mulch berms, compost filter socks or other filtering material.

**PURPOSE**
- Minimize and prevent sediment carried by sheet flow from leaving the site.
- Retain the sediment on the disturbed area.
- Filter sediment from runoff.

**INSTALLATION**
- Install according to the approved plan.
- Do not install across streams, ditches, waterways, or other concentrated flow areas.
- The type of sediment barrier depends on whether the area is sensitive or non-sensitive.
- For silt fence, Type C will be classified as sensitive and Type A & B will be classified as non-sensitive.
- Install along the contour.
- Along all state waters and other sensitive areas, 2 rows of Type S shall be used. The 2 rows should be placed a minimum of 36” apart.
- Overlap barriers 18” when using multiple types of sediment barriers in a single run on a site.
- When storing runoff behind the sediment barrier, the maximum continuous slope length behind the sediment barrier shall not exceed those found in Table 1.
- Provide a riprap splash pad or other protection device at any point where flow may overtop the sediment barrier.

**Installation Methods**

**Static Slicing Method**
- Using a machine, pull a narrow blade through the ground to create a 12” deep slit, and simultaneously insert the silt fence fabric into the slit behind the blade.
- Roll a tractor wheel along both sides of the slit in the ground 2-4 times to achieve compaction.
- Drive posts 18” into ground and attach fabric.

**Trenching Method**
- Dig a 2”-6” wide trench with a 6” excavation.
- Drive posts 18” into ground and attach fabric.
- The best trenching method typically requires triple the time and effort to achieve results comparable to the static slicing method.

Figure 1. Static Slicing Machine
**Sensitive Areas**

Sediment barriers being used as Type S shall have a support spacing of no greater than 4 ft on center, with each being driven into the ground a minimum of 18”.

**Type C Silt Fence**
- 36” wide with wire reinforcement or equivalent backing
- To be used where runoff velocities are particularly high or where slopes exceed a vertical height of 10 ft.

![Figure 1. Type “C” Silt Fence](image1)

**Type A Silt Fence**
- 36” wide fabric
- To be used where the life of the project is greater than or equal to 6 months.

**Type B Silt Fence**
- 22” wide fabric
- Limit to use on minor projects, such as residential home sites or small commercial developments where permanent stabilization will be achieved in less than 6 months.
- Same flow rate as Type A.

**Non-Sensitive Areas**

Sediment barriers being used as Type NS shall have a support spacing of no greater than 6 ft on center, with each being driven into the ground a minimum of 18”.

**Type A Silt Fence**
- 36” wide fabric
- To be used where the life of the project is greater than or equal to 6 months.

**Type B Silt Fence**
- 22” wide fabric
- Limit to use on minor projects, such as residential home sites or small commercial developments where permanent stabilization will be achieved in less than 6 months.
- Same flow rate as Type A.

**Brush Barrier (only during timber clearing)**
- Intermingle brush so as not to form a solid dam.
- Should be wind-rowed on the contour as nearly as possible.
- Minimum base width is 5 ft and should be no wider than 10 ft.
- The height should be between 3-5 ft.
Table 1. Criteria for Sediment Barrier Placement

<table>
<thead>
<tr>
<th>Land Slope (%)</th>
<th>Maximum Slope Length Behind Fence (ft)</th>
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<tbody>
<tr>
<td>&lt;2</td>
<td>100</td>
</tr>
<tr>
<td>2-5</td>
<td>75</td>
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<td>5-10</td>
<td>50</td>
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<tr>
<td>10-20</td>
<td>25</td>
</tr>
<tr>
<td>&gt;20</td>
<td>15</td>
</tr>
</tbody>
</table>

**MAINTENANCE**

- Remove the sediment once it has accumulated to one-half the original height of the barrier.
- Replace barrier whenever it has deteriorated to such an extent that the effectiveness of the product is reduced (~ 6 months) or the height of the product is not maintaining 80% of its properly installed height.
- Remove and dispose of all accumulated sediment at the barrier before it is removed.
- Leave in place until all disturbed areas are permanently stabilized.

Table 2. Post Size

<table>
<thead>
<tr>
<th>Type</th>
<th>Min. Length</th>
<th>Type of Post</th>
<th>Size of Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS</td>
<td>4'</td>
<td>Oak</td>
<td>1.5&quot;x1.5&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steel, Soft Wood</td>
<td>1.15lb/ft min 3&quot; or 2&quot;x4&quot;</td>
</tr>
<tr>
<td>S</td>
<td>4'</td>
<td>Oak</td>
<td>2&quot;x2&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steel</td>
<td>1.15lb/ft. min</td>
</tr>
</tbody>
</table>

Figure 1. Thomas Carpenter, CPESC, Carpenter Erosion Control.

Figure 2. Type “A” & “B” Silt Fence

Figure 3. Compost Filter Sock - Type “B”
INLET SEDIMENT TRAP

DEFINITION
A temporary protective device formed at or around an inlet to a storm drain to trap sediment.

PURPOSE
• Prevent sediment from entering a storm drainage system prior to permanent stabilization of the disturbed area draining to the inlet.

INSTALLATION
• Install according to the approved plan.
• Do not install on paved surfaces where safety is a concern.
• Sediment traps must be self-draining unless otherwise protected.
• Install at or around all storm drain drop inlets that receive runoff from disturbed areas.
• Construct on natural ground surface, excavated surface, or on machine compacted fill.

Excavated Sediment Traps
• An excavation created around the inlet to provide additional sediment storage.
• Provide a minimum depth of 1.5 ft for sediment storage.
• The side slopes shall not be steeper than 2:1.
• The drainage area entering the trap shall be no greater than 1 acre.

Filter Fabric with Supporting Frame
• Applicable where the inlet drains a relatively flat area (<5% slope).
• Use Type S steel posts.
• Space stakes evenly around perimeter at a maximum of 3 ft apart.
• Drive stakes into the ground ~18" deep.
• The fabric shall be 36" tall and entrenched at least 12" and backfill with crushed stone or compacted soil.
• Securely fasten the fabric and wire to the posts.

Figure 1. Filter Fabric with Supporting Frame

Block and Gravel Drop Inlet Protection
• Applicable where heavy flows are expected and a overflow capacity is necessary to prevent excessive ponding.
**Sd2**

- Excavate foundation at least 2" below the crest of the storm drain.
- On each side of the structure, place one block in the bottom row on its side to allow pool drainage.
- Place the bottom row of blocks against the edge of the storm drain.
- Add support by placing 2"x4" wood studs through block openings.
- Fit hardware cloth or wire mesh with 1/2" openings over all block openings to hold gravel in place.
- Place clean gravel 2" below the top of the block on a 2:1 or flatter slope and smooth it to an even grade.
- GADOT #57 stone is recommended.

---

**Baffle Box**

- Applicable for inlets receiving a higher volume or velocity.
- Construct 2”x4” boards spaced a maximum of 1” apart OR of plywood with weep holes 2" in diameter.
- Place weep holes ~6” on center vertically or horizontally.
- Place gravel outside of the box and around the inlet at a depth of 2-4”.
- Wrap entire box in Type C filter fabric and entrench at a depth of 12”.

---

Figure 2. Block and Gravel Drop Inlet Protection Installation Requirements (Sd2-Bg)

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Figure 3. Baffle Box Installation Requirements (Sd2-B)

**Gravel Drop Inlet Protection**

- Applicable where heavy concentrated flows are expected.
- 3:1 or flatter slope toward the inlet.
• Leave a minimum 1 ft wide level stone area between the structure and the inlet to prevent gravel from entering the inlet.
• Place stone 3" in diameter or larger on the slope toward the inlet.
• Place 1/2" to 3/4" gravel on the slope away from the inlet at a minimum thickness of 1 foot.

Sod Inlet Protection

• Applicable only at the time of permanent seeding in order to protect the inlet from sediment and mulch material.
• Place the sod to form a turf mat covering the soil for a distance of 4 ft from each side of the inlet.
• Stagger sod strips so that adjacent ends are not aligned.

• Face openings in blocks outward.
• Leave a gap of ~4" between the inlet filter and the inlet to allow for overflow and prevent hazardous ponding in the roadway.
• Another method uses gravel bags constructed by wrapping GADOT #57 stone with filter fabric, wire, plastic mesh, or equivalent material.

Figure 4. Sod Inlet Protection Installation Requirements (Sd2-S)

Figure 5. Curb Inlet Protection Installation Requirements (Sd2-P)

Curb Inlet Protection

• Applicable once pavement has been installed.
• The method of inlet protection shall be removed if a safety hazard is created.
MAINTENANCE

- Inspect, clear, and/or repair trap at the end of each working day.
- Do not remove inlet protection and wash sediment into the inlet.
- Remove sediment when accumulation has reached one-half the height of the trap.
- Remove sediment from curb inlet protection immediately.
- Remove all materials and any sediment once the contributing drainage area has been permanently stabilized.
- Appropriately stabilize all disturbed areas around the inlet.

REFERENCES

-[Ds4] Disturbed Area Stabilization (With Sodding)
-[Sd1] Sediment Barrier

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TEMPORARY SEDIMENT BASIN

DEFINITION

A basin created by the construction of a barrier or dam across a concentrated flow area, or by excavating a basin, or by a combination of both.

PURPOSE

- Detain runoff waters and trap sediment from erodible areas.
- Protect properties and drainage ways below the installation from damage by excessive sedimentation and debris.

INSTALLATION

- Construct all basins according to the approved plan unless modified by the design professional.
- Remove all trees, vegetation, roots, and other objectionable material.

Location

- Never place basin in a live stream.
- Storm drains should discharge into the basin.
- Install on sites where (1) failure will not result in loss of life or interruption of use or service of public utilities and (2) the drainage area does not exceed 150 acres.

Figure 1. Components of a Typical Temporary Sediment Basin

Shape

- Length to width ratio shall be greater than 2:1
- The basin should be wedge shaped with the inlet at the narrow end.
- Install baffles and diversions when necessary.

Principal Spillway

- Join vertical pipe or box type riser to a pipe that extends through the embankment and exits beyond the downstream toe of the fill.
- The crest elevation of the riser should be 1 ft below the elevation of the control section of the emergency spillway.
- The riser and all pipe connections shall be completely watertight.
- Install pipe with a minimum diameter of 8".
• If using the conventional method for dewatering a sediment basin, perforate lower half of riser with 1/2" holes spaced approximately 3", and cover with 2 ft of 3"-4" stone.

• If constructing the basin with a skimmer outlet, please refer to the specification Sk - Floating Surface Skimmer.

• Install a trash rack and anti-vortex device securely on top of the riser.

• Attach riser to the base with a watertight connection. Embed riser 9" into an 18" thick concrete base.

• Provide an adequate outlet that allows discharge in an erosion free manner.

• Place the fill material around the the pipe spillway in 4" layers and compact to at least the same density as the adjacent embankment.

• A minimum depth of 2 ft of hand compacted backfil shall be placed over the pipe spillway before crossing it with construction equipment.

**Figure 2. Typical Sediment Basin Trash Rack**

**Emergency Spillway**

- Construct on undisturbed ground (not fill).
- Excavate a trapezoidal channel with minimum bottom width of 8 ft.

**Figure 3. Concrete Riser Base Detail**

- Construct a channel with a straight control section of at least 20 ft in length and a straight outlet section that is at least 25 ft in length.
- Stabilize with vegetation, asphalt, riprap or concrete.

**Entrance of Runoff into Basin**

- Install dikes, swales, or other water control devices to direct runoff into the basin.
- Locate points of entry as far away from the riser as possible.
• Stabilize the embankment and all other disturbed areas in accordance with the appropriate permanent vegetative measure, Ds3, immediately following construction.

Figure 5. Clean-out marker

Cut-off Trench

• Excavate a cut-off trench with a minimum depth of 2 ft along the center-line of the earth-fill embankment.
• Extend both abutments up to the riser crest with a minimum bottom width of 4 ft in order to permit operation of compaction equipment.
• Side slopes shall be no steeper than 1:1

Embarkment

• Place fill material in 6”-8” thick continuous layers over entire length of fill.
• Construct the embankment to an elevation 5% higher than the design height to allow for settlement.
• Fill material shall be free of rocks, woody vegetation, oversized stones, rocks, etc.

Table 1. Dam Width Requirements

<table>
<thead>
<tr>
<th>Fill Height (ft)</th>
<th>Minimum Top Width (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;10</td>
<td>8</td>
</tr>
<tr>
<td>10-15</td>
<td>10</td>
</tr>
</tbody>
</table>

MAINTENANCE

• Repair all damages caused by soil erosion or construction equipment at or before the end of each working day.
• Remove sediment from the basin when one-third of the storage volume has been lost to accumulation.
• Do not allow sediment to enter adjacent streams or drainage ways during the sediment removal process.
• Do not deposit sediment downstream from the embankment, adjacent to a stream or floodplain.
• Dispose of all temporary structures when they have served their intended purpose and the contributing drainage basin has been properly stabilized.

REFERENCES

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
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<td>Ds1</td>
<td>Disturbed Area Stabilization (With Mulching Only)</td>
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<tr>
<td>Ds2</td>
<td>Disturbed Area Stabilization (With Temporary Seeding)</td>
</tr>
<tr>
<td>Ds3</td>
<td>Disturbed Area Stabilization (With Permanent Vegetation)</td>
</tr>
<tr>
<td>Ds4</td>
<td>Disturbed Area Stabilization (With Sodding)</td>
</tr>
<tr>
<td>Ch</td>
<td>Channel Stabilization</td>
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<tr>
<td>Sk</td>
<td>Floating Surface Skimmer</td>
</tr>
<tr>
<td>St</td>
<td>Storm Drain Outlet Protection</td>
</tr>
</tbody>
</table>
TEMPORARY SEDIMENT TRAP

**DEFINITION**
A small temporary pond that drains a disturbed area so that sediment can settle out.

**PURPOSE**
- Collect and store sediment from uphill sites cleared and/or graded during construction.
- For use on small tributary areas with no unusual drainage features.

**INSTALLATION**
- Install according to the approved plan.
- Sediment traps are effective against coarse sediment, but not against silt or clay particles.
- The maximum drainage area is 5 acres depending on the type of installation.
- The maximum depth of a trap is 4 ft as measured from the bottom of the trap to the invert of the emergency spillway.
- Ensure the length to width ratio is great than 2:1.
- The height of the embankment shall not exceed 5.5 ft from the downstream toe to the top of the berm. The top width shall be at least 3 ft.
- Slopes shall not exceed 2:1.

**Methods**

Overflow Outlet
- Limited to small drainage areas less than 1 acre with gentle slopes (1-2%).
- The maximum life span is 6 months.
- Silt fence, straw bale barriers or grass filter strips are used to “polish” the overflow water as it leaves the sediment trap.

Combination Outlet
- A combination of straw bales and silt fence are used to dewater the trap.
- Properly install and stake the straw bales and ensure the silt fence has a wire backing so that the materials can resist 1 ft or more of ponded water.
- The maximum drainage area is 1 acre.
- The life span is less than 1 year.
- Requires frequent maintenance and adjustments.

Rock Outlet
- This type relies on filtering through layers of aggregate, rock or riprap material to dewater the sediment trap.
- This is the sturdiest design of the three and requires less maintenance.
- The maximum drainage area is 5 acres.
- The life span is typically 1 year.
Emergency Spillway

- Stabilize with rock, geotextile, vegetation, or another suitable material that is resistant to erosion.
- Must be able to convey the 10-year storm event.

**MAINTENANCE**

- Repair all damages caused by soil erosion or construction equipment at or before the end of each working day.
- The cleanout volume for a temporary sediment trap is one-third of the total storage volume.
FLOATING SURFACE SKIMMER

DEFINITION
A buoyant device that releases/drains water from the surface of sediment ponds, traps, or basins at a controlled rate of flow.

PURPOSE
• Discharge clearer water from the surface of a sediment pond, trap, or basin at relatively uniform rate.
• Reduce the retention time associated with meeting a desired water quality standard for discharge from a sediment pond, trap or basin.

INSTALLATION
• Install according to the approved plan.
• It can replace the riser pipe as the principal spillway, but does not replace the emergency spillway.
• A portion of the skimmer must be visible above the water surface at all times.
• Excavate a pit filled with riprap under the floating surface skimmer to account for sediment accumulation around the device.
• At a minimum, the pit has dimensions of 4x4 ft with a minimum depth of 2 ft.

MAINTENANCE
• Ensure the pit is lower than the invert of the outlet barrel from the riser.
• Use floating surface skimmers constructed of PVC (Schedule 40 or greater) or other appropriate materials.
• Install the device according to the approved plan and manufacturer’s instructions.

Figure 1. “Typical” Skimmer Design
**SEEP BERM**

**DEFINITION**
A linear control device constructed as a diversion perpendicular to the direction of runoff to enhance dissipation and infiltration, while creating multiple sedimentation chambers with the employment of intermediate dikes.

**PURPOSE**
- Allows the 2 year, 24-hour storm to seep out while allowing larger flows to be diverted to a sediment storage area.

**INSTALLATION**
- Install according to the approved plan.
- Install where runoff can be stored behind the seep berm without damaging the berm or submerged area behind the intermediate dike points.
- Do not use above fill slopes that have not achieved permanent stabilization.
- Do not install across streams, ditches, or waterways.
- The top of the berm shall have a minimum width of 12” and a height of 4 ft.
- Maximum spacing between the dikes should be such that the toe of the upstream dike is at the same elevation as the top of the downstream dike.
- Install clean out markers at each intermediate dike using a sediment storage calculation.
- Compact the earthen berm by using a skid-loader with a full bucket, tracking with a dozer and applying pressure with the bucket, or rubber tired backhoe.
- Compaction must meet a minimum of 90% standard proctor density test.
- Apply seed at 70% germination or better prior to other land disturbing activities taking place.

Figure 1. “Typical” Seep Berm System
• Seeps can be placed 3 different ways:
  • During the construction of the berm,
  • After construction has been completed, excavate at the location of the seeps, place in the trench and back-fill. Compact the berm to finalize,
  • After construction has been completed, using a steel pipe with a conical end, insert pipes through the berm.

MAINTENANCE

• Inspect the dam from the seep and supporting berm after every 1/2” or greater rainfall.
• Make any repairs promptly.
• Remove sediment when it has accumulated to one-third the height of the intermediate dike.
TEMPORARY STREAM CROSSING

DEFINITION
A temporary structure installed across a flowing stream or watercourse for use by construction equipment.

PURPOSE
• Provide a means for construction vehicles to cross streams or watercourses without moving sediment into streams, damaging the streambed or channel, or causing flooding.

INSTALLATION
• Install according to the approved plan.
• The drainage area is not to exceed one square mile, unless specifically designed to accommodate the additional drainage area by the design professional.
• Structures include bridges, round pipes, or pipe arches.
• Do not allow for use by the general public.
• Install perpendicular to the stream. The crossing may vary 15° from the perpendicular.
• Divert all surface water from the construction site onto undisturbed areas adjoining the stream.

• Convey full bank flow of stream without appreciably altering the stream flow characteristics.
• Washout protection may include elevation of bridges above adjacent flood plain lands, crowning of fills over pipes, or the use of diversions, dikes or island type structures.
• A Stream Buffer Variance from the GA EPD may be required and all other appropriate agencies, including the U.S. Army Corps of Engineers, must be contacted to ensure compliance with other laws.

Types of Stream Crossings

Temporary Bridge Crossing
• This method causes the least amount of erosion of the stream channel.
• Provides the least obstruction to flow and fish migration.
• Construct at or above the bank elevation to prevent entrapment of floating materials.
• Place abutments parallel to and on stable banks.
• Construct the bridge to span the entire channel. Install a footing, pier, or bridge support if the span exceeds 8 ft.
• Securely anchor the bridge at one end with a steel cable or chain, large trees, large boulders, or driven steel anchors.

Temporary Culvert Crossing
• The most common stream crossing design.
• Can be easily constructed and enables heavy equipment loads to be used.
• Creates the greatest obstruction to stream flows and are subject to blockages.
• Install the invert elevation of the culvert on the natural streambed grade.
• Extend the culvert(s) a minimum of 1 ft beyond the upstream and downstream toe of the aggregate placed around the culvert.
• Do not exceed 40 ft in length of the culvert.
• Cover the culvert(s) with a minimum of 1 ft of aggregate.
• If using multiple culverts, separate them with compacted aggregate fill by a minimum of 12 in.

<table>
<thead>
<tr>
<th>Drainage</th>
<th>Average Slope of Watershed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres</td>
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<td>551-600</td>
<td>48</td>
</tr>
<tr>
<td>601-640</td>
<td>48</td>
</tr>
</tbody>
</table>

Maintenace

• Inspect structure after every rainfall and at least once a week.
• Repair all damages immediately.
• Remove the structure immediately after construction is finished.
• Stabilize the streambed and banks.

References

- **Ds1** Disturbed Area Stabilization (With Mulching Only)
- **Ds2** Disturbed Area Stabilization (With Temporary Seeding)
- **Ds3** Disturbed Area Stabilization (With Permanent Vegetation)
- **Ds4** Disturbed Area Stabilization (With Sodding)
- **Bf** Buffer Zone
STORM DRAIN OUTLET PROTECTION

DEFINITION
Paved and/or riprapped channel sections placed below storm drain outlets.

PURPOSE
• Reduce the velocity of flow before entering receiving channels below storm drain outlets.

INSTALLATION
• Install according to the approved plan.
• The apron may be lined with riprap, grouted riprap, or concrete.
• Compact any fill required in the subgrade to the density of the surrounding undisturbed material.
• Ensure that the riprap and gravel filter conform to the specified grading limits on the plan.
• Install geotextile between the riprap and the soil base.
• Protect the geotextile from punching or tears during installation. Overlap connecting joints a minimum of 1 ft.
• The minimum thickness of the riprap should be 1.5x the maximum stone diameter.
• Place riprap by hand or equipment. Be careful to avoid damaging the filter fabric.

Figure 1. Outlet Protection for a Well-Defined Channel
• Construct the apron on zero grade with no overfall at the end. Ensure the top of the riprap at the downstream end is level with the receiving area or slightly below it.
• Place any necessary curves in the upper section of the apron.
• Ensure the apron is properly aligned and preferably straight throughout its length.
• Stabilize all disturbed areas after construction.

Apron Width for a Well-Defined Channel
• Side slopes of the channel shall be no steeper than 2:1.
• Extend the apron across the channel bottom.
• Extend the apron up the channel banks to an elevation one foot above the maximum tailwater depth or to the top of the bank (whichever is less).

Apron Width for a Flat Area
• The upstream end of the apron shall have a width 3x the diameter of the outlet pipe.
• For a Minimum Tailwater Condition, the downstream end of the apron shall have a width equal to the pipe diameter plus the length of the apron.
• For a Maximum Tailwater Condition, the downstream end shall have a width equal to the pipe diameter plus 0.4x the length of the apron.

**PIPE OUTLET TO FLAT AREA – NO WELL DEFINED CHANNEL**

**NOTES**
1. $L_o$ is the length of the riprap apron.
2. $D = 1.5$ times the maximum stone diameter but not less than 6.
3. In a well-defined channel, extend the apron of the channel banks to an elevation of $D$ above the maximum tailwater depth or to the top of the bank (whichever is less).
4. A filter blanket or filter fabric should be installed between the riprap and the soil foundation.

Figure 2. Outlet Protection for a Flat Area

**MAINTENANCE**

• Inspect riprap outlet structures after heavy rain events to see if any erosion has taken place around or below the riprap.

• Make all needed repairs immediately to prevent further damage.
SURFACE ROUGHENING

DEFINITION
Providing a rough soil surface with horizontal depressions created by operating a tillage or other suitable implement on the contour.

PURPOSE
• Aid in the establishment of vegetative cover with seed.
• Reduce runoff velocity and increase infiltration.
• Reduce erosion and provide for sediment trapping.

INSTALLATION
• Conduct according to the approved plan.
• Required on all slopes steeper than 3:1 if they are to be stabilized with vegetation.
• If slope is to be stabilized with matting and blankets, the surface should not be roughened.
• Not required on slopes with a stable rock face.
• Lightly roughen and loosen soil to a depth of 2”-4” on slopes 3:1 or flatter.
• Areas that will be mowed should have slopes less than 3:1.
• Groove or maintain roughness of fill slopes steeper than 3:1.

• Stair-step grade or groove cut slopes steeper than 3:1.

Roughening Methods

Stair-Step Grading
• May be carried out on any material soft enough to be ripped with a bulldozer.
• Particularly good for slopes with soft rock and some subsoil.
• The ratio of the vertical cut distance to the horizontal distance shall be less than 1:1.
• Horizontal portion of the “step” shall slope toward the vertical wall.

Figure 1. Stair-Stepping Cut Slopes

• Individual vertical cuts are not to exceed 30” on soft materials and not more than 40” in rocky materials.

Grooving
• Use discs, tillers, spring harrows, or the teeth on a front-end loader.
• On un-mowed slopes, minimum groove depth of 3” and maximum groove spacing of 15”.
• On mowed slopes, minimum depth of 1” and maximum groove spacing of 12”.
Tracking

- Not recommended on clayed soils unless no alternatives are available.
- Sandy soils may be tracked because they do not compact severely.
- Minimize machine passes to minimize compaction.
- Roughened areas shall be seeded and mulched as soon as possible to obtain optimum seed germination and growth.

Figure 2. Grooving Slopes

Figure 3. Tracking

Figure 4. Fill Slope Treatment

REFERENCES

Ds1 Disturbed Area Stabilization (With Mulching Only)
Ds2 Disturbed Area Stabilization (With Temporary Seeding)
Ds3 Disturbed Area Stabilization (With Permanent Vegetation)
Ds4 Disturbed Area Stabilization (With Sodding)
**DEFINITION**

A floating or staked barrier installed within the water.

**PURPOSE**

- Minimize turbidity and silt migration from work occurring within the water or as a supplement to perimeter control BMPs at the water’s edge.
- Allow suspended particles to drop out of the water column over time.

**INSTALLATION**

- Install according to the approved plan.
- This practice is only allowed as a primary device when required permitting has been obtained for the site that approves the filling of State or U.S. waters.
- A Stream Buffer Variance from the GA EPD may be required and all other appropriate agencies, including the U.S. Army Corps of Engineers, must be contacted to ensure compliance with other laws.
- Not to be used as sediment storage.

- The installation of a turbidity curtain as a supplemental BMP is allowed provided the stream or other water “body” is not altered in any manner by the installation.
- Place barrier approximately 25 ft outside of the affected construction area for large water bodies.
- Place barrier parallel to flow whenever there is significant velocity or current in the body of water.
- Never allow the silt dispersion to exceed the allowances the filling permit has authorized.
- Installation dimensions and methods shall be fitted to the conditions, permitted activity, and construction methods.

**ANALOG SYSTEM AND LAYOUT DETAILS**

- The curtain should be oriented parallel to the direction of flow.
- If the water subject to heavy wave action, the curtain height shall provide sufficient slack to allow the top of the curtain to ride to the maximum expected high-water level, including waves while the bottom maintains continuous contact with the bottom of the water body. The bottom edge of the curtain shall have a weight system capable of holding the bottom of the curtain down and conforming to the bottom of the water body, so as to prevent collapse of turbidity under the weight.
- The curtain shall be located beyond the low-channel of the construction site and firmly anchored and placed. The curtain shall be set in the water and fixed, so as to cause as to be designed by construction equipment.
- The sides of the curtain shall be kept directed by the support bars, or any other means requiring in navigable waters.
- The end of the first curtain shall be securely anchored and fixed in order to prevent area
- A general rule of thumb for stream anchoring is to go at 60 to 90 degrees on current and then connecting, to gain of necessary to anchor the barrier on both (as shown).

- Figure 1. Turbidity Curtain System
Installation Types

Floating Turbidity Curtain
• Typical installation include large bodies of water such as rivers and lakes.
• Extend curtain to a depth of 5 ft from the bottom of the water body.

Staked Turbidity Curtain
• Typical installations include shallow inundations where construction is required.
• Extend the barrier to the bottom of the streambed.
• Limit the height to 5 ft whenever possible and extend 2 ft above the normal water elevation.

MAINTENANCE

• Remove the curtain when it is no longer required.
• Carefully remove any sediment that exceeds the allowance of the filling permit.
• If using Tc as a supplemental BMP, it should be removed once the contributing drainage area reaches final stabilization and perimeter control removal has occurred.

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TOPSOILING

DEFINITION
The stripping off of the fertile topsoil, storing it, then spreading it over the disturbed area after the completion of construction activities.

PURPOSE
- Provide a suitable soil medium for vegetative growth on areas where other measures will not produce or maintain a desirable stand.

SPECIFICATIONS
- Recommended for sites with slopes 2:1 or flatter where:
  - (1) the texture of the exposed subsoil or parent material is not suitable to produce adequate vegetative growth.
  - (2) the soil material is so shallow that the rooting zone is not deep enough to support plants with continuing supplies of moisture and food.
  - (3) the soil to be vegetated contains material toxic to plant growth.
- Topsoil should be friable and loamy, free of debris, objectionable weed and stones, and contain no toxic substance that may be harmful to plant growth.
- A stripping depth of 4”-6” is common and should be confined to the immediate construction area.
- Stockpiles should not obstruct natural drainage or cause off-site environmental damage.
- Stockpiles shall be contained by sediment barriers and stabilized with temporary vegetative measures.
- Where the pH of the subsoil is 5.0 or less or composed of heavy clays, agricultural lime shall be spread at a rate of 100lbs/1000 sq.ft.
- Subsoil shall be loosened by discing or scarifying to a minimum depth of 3” to permit bonding of the topsoil to the subsoil. Tracking by a bulldozer is also adequate.
- Topsoil should be applied at a uniform depth of 5” (unsettled), but may be adjusted at the discretion of the design professional.
- Topsoil should be handled only when dry in order to prevent damaging the soil structure.

Table 1. Cubic Yards of Topsoil Required for Application to Various Depths

<table>
<thead>
<tr>
<th>Depth (in.)</th>
<th>Per 1,000 Sq. Ft.</th>
<th>Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.1</td>
<td>134</td>
</tr>
<tr>
<td>2</td>
<td>6.2</td>
<td>268</td>
</tr>
<tr>
<td>3</td>
<td>9.3</td>
<td>403</td>
</tr>
<tr>
<td>4</td>
<td>12.4</td>
<td>537</td>
</tr>
<tr>
<td>5</td>
<td>15.5</td>
<td>672</td>
</tr>
<tr>
<td>6</td>
<td>18.6</td>
<td>806</td>
</tr>
</tbody>
</table>
TREE PROTECTION

DEFINITION
The protection of desirable trees from injury during construction activity.

PURPOSE
• Ensure the survival of desirable trees where they will be effective for erosion and sediment control, watershed protection, landscape beautification, dust and pollution control, noise reduction, shade and other environmental benefits while the land is being converted.

SPECIFICATIONS
• Contact the local government to obtain information regarding tree ordinances BEFORE ES&PC plans are designed.

Tree Protection Zones
(1) Measure the diameter of the tree trunk in inches 4.5 ft from the ground. This is the Diameter Breast Height (DBH).
(2) Multiply this value by 1.5. This result is the radius of the root protection zone in ft also considered the critical rooting distance.

Figure 1. Chain Link Fence Installation

Tree Protection Zone Fencing
Tree protection zone fencing may be one of the following:
• For areas of large remnant forest to be protected, use 4 ft high orange plastic fabric fencing stapled in 3 locations to 2x4 treated wood stakes. Set stakes 6 ft on center. Do not use rebar as stakes.
• For single family homes use a treated wood fencing. It may have orange fabric attached to it.
• For all other developments use 6 ft high chain link fencing attached to galvanized metal post.

*Please refer to the American National Standard (ANSI) or the International Society of Arboriculture for more information regarding standards for adequate tree protection.

Figure 2. “Snow” Fence Installation
VEGETATED WATERWAY OR STORMWATER CONVEYANCE CHANNEL

DEFINITION
A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff.

PURPOSE
• Dispose of runoff without causing damage either by erosion or flooding.

INSTALLATION
• Install according to the approved plan.
• Remove all trees, brush, stumps, obstructions and other objectionable material so as not to interfere with the proper functioning of the waterway.
• Ensure the channel is free of bank projections or other irregularities that will impede normal flow.
• Compact fills as needed to prevent unequal settlement.
• Dispose of all excess earth fill so that it will not interfere with waterway functioning.
• Stabilize the channel in accordance with applicable vegetative standards.

• Channel shape may be parabolic, trapezoidal, or triangular.
• The bottom width shall not exceed 50 ft unless multiple or divided waterways or other means are provided to control meandering of low flows within this limit.
• Please refer to Table 1 for design velocities of the grassed waterways.

Table 1. Permissible Velocities for Vegetated and Rock-Lined Waterways

<table>
<thead>
<tr>
<th>Vegetative Cover</th>
<th>Maximum Permissible Velocity (fps)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bermuda</td>
<td>5</td>
</tr>
<tr>
<td>Bahia</td>
<td>4</td>
</tr>
<tr>
<td>Tall Fescue</td>
<td>4</td>
</tr>
<tr>
<td>Sericea Lespedeza Weeping Lovegrass</td>
<td>3</td>
</tr>
<tr>
<td>Stone Center</td>
<td>Design Required</td>
</tr>
</tbody>
</table>

• Tile or other subsurface drainage measure shall be provided for sites having high water tables or seepage problems. Where there is base flow, a stone center or lined channel will be required.
• Mulching is required for all seeded or sprigged channels.
• Geotextiles should be used as an erosion control measure beneath the riprap center.
• If conditions permit, water should be temporarily diverted from the channel, or otherwise disposed of, during the establishment of vegetation.
Figure 1. Stone Center Waterway

REFERENCES

**Ds1** Disturbed Area Stabilization  
(With Mulching Only)

**Ds2** Disturbed Area Stabilization  
(With Temporary Seeding)

**Ds3** Disturbed Area Stabilization  
(With Permanent Vegetation)

**Ds4** Disturbed Area Stabilization  
(With Sodding)

**Ss** Slope Stabilization

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State Waters
Back of Tab
Definition

Per O.C.G.A. 12-7-3(16)

“State waters” includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Agency Roles

GA Environmental Protection Division

- Reviews buffer variance applications
- Issues buffer variances for state-mandated buffers
- State waters determinations (where there is no certified LIA)

Local Issuing Authority

- Can incorporate additional stream buffers (more stringent than state buffers)
- Can issue variances for their own buffers
- State water determinations

Who Determines State Waters?

- For projects regulated by a certified Local Issuing Authority (LIA), the LIA is responsible for determining State Waters

- For projects that are exempt from local Erosion & Sediment Control Ordinances and not regulated by a LIA, the GA EPD is responsible for determining State Waters

- The Buffer Variance application must include a letter from the LIA, stating that the LIA has visited the site and determined the presence of State Waters that require a buffer
Important Terms - Buffer

- The State-mandated buffer requirements apply to State Waters that have wrested vegetation by normal stream flow
- **Buffer** (Per O.C.G.A. 12-7-3(2))
  - "The area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates, when properly vegetated, the protection of water quality and aquatic habitat."
- The State-mandated stream buffers are measured horizontally from the point where vegetation has been wrested by “normal stream flow” or “wave action”.

Important Terms – Wrested Vegetation

- The State mandated buffer requirements apply to State Waters that have **wrested vegetation** by normal stream flow
- **Wrested vegetation** = movement of water that removes soil, debris, and vegetation, creating a clear demarcation between water flow and vegetative growth
Wrested Vegetation

...movement of water by normal stream flow or wave action that removes soil, debris, and vegetation, creating a clear demarcation between water flow and vegetative growth...

Wrested or Not Wrested Vegetation?

...movement of water by normal stream flow or wave action that removes soil, debris, and vegetation, creating a clear demarcation between water flow and vegetative growth...
Wrested or Not Wrested Vegetation?

...movement of water by normal stream flow or wave action that removes soil, debris, and vegetation, creating a clear demarcation between water flow and vegetative growth...

Wrested

The absence of wrested vegetation can be due to completely vegetated banks and/or bottoms (excluding aquatic vegetation), rip rap or a solid bulkhead, seawall, or retaining wall.

Not Wrested

Wrested
Wrested or Not Wrested Vegetation?

...movement of water by normal stream flow or wave action that removes soil, debris, and vegetation, creating a clear demarcation between water flow and vegetative growth...

Not Wrested

The absence of wrested vegetation can be due to completely vegetated banks and/or bottoms (excluding aquatic vegetation), rip rap or a solid bulkhead, seawall, or retaining wall.

Wrested

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The absence of wrested vegetation can be due to completely vegetated banks and/or bottoms (excluding aquatic vegetation), rip rap or a solid bulkhead, seawall, or retaining wall.

The State mandated buffer requirements apply to State Waters that have wrested vegetation by normal stream flow.

**Normal Stream Flow** (Per Rule 391-3-7-.01(w))
- For non-trout waters only, any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year
- **Base Flow** - the discharge that enters the stream channel through the soil. This includes spring flow into streams.
- **Direct Runoff** - the water entering stream channels promptly after rainfalls or snow melts.

What Type of Stream is Present?
Perennial Stream Characteristics

- Base flow that maintains stream flow throughout the year under normal circumstances
- Well-developed stream banks
- A channel that is almost always sinuous (winding)
- Evidence of fluctuating high water marks
- Evidence of soil and debris movement (scour) in the channel
- Presence of hydric soils
- Presence of wetland vegetation

Intermittent Stream Characteristics

- Base flow that is seasonally present
- Presence of crayfish burrows and aquatic insects
- Well-developed stream banks
- Evidence of fluctuating high water marks
- Evidence of soil and debris movement (scour) in the channel
- Presence of hydric soils
- Presence of wetland vegetation
Intermittent Stream Characteristics

- Flows only in direct response to precipitation
- If there is no flowing water within 48 hours of a rain event, the drainage feature is most probably ephemeral
- No well-defined channel
- Absence of riffles/pools
- A flow area that is almost always straight
- Lack of groundwater-induced base flows
- Lack of hydric soils that dominate the banks
- Lack of wetland vegetation

Ephemeral Stream Characteristics

- Flows only in direct response to precipitation
- If there is no flowing water within 48 hours of a rain event, the drainage feature is most probably ephemeral
- No well-defined channel
- Absence of riffles/pools
- A flow area that is almost always straight
- Lack of groundwater-induced base flows
- Lack of hydric soils that dominate the banks
- Lack of wetland vegetation
Common Misconceptions

- These factors are not to be considered in State Water Determinations:
  - Whether a stream appears on a topo map as a solid or dashed blue line
  - Whether the stream originates on the property
  - Whether a stream that originates on the property flows into another stream before it leaves the property
  - The duration of flow in the stream
  - The absence of observable aquatic life

Steps for Determining the Presence of State Waters and Buffer Requirements on a Site

Field Guide for Determining the Presence of State Waters That Require a Buffer

GEORGIA WATERSHED PROTECTION BRANCH
NONPOINT SOURCE PROGRAM

Steps for Determining the Presence of State Waters

**Step 1:** Review the topography on the ES&PC Plan for natural or artificial features that may indicate the presence of State Waters.

**Step 2:** Physically visit the site & walk the entire length or perimeter of waterbody to verify the feature is not completely contained on the property. The waterbody must have an inlet/outlet outside of the property in order to be identified as a State Water.
Step 3: Once a State Water has been determined, the next step is to decide if it should have a buffer.
- The State-mandated buffer requirements apply to State Waters that have wrested vegetation and normal stream flow.

Step 4: Is wrested vegetation present?
- If no point of wrested vegetation, then the waterbody is not required to have a buffer.
- Lack of wrested vegetation can be when there are completely vegetated banks (excluding aquatic vegetation), rip rap, or a solid bulkhead, seawall, or retaining wall.

Step 5: Is base flow present?
- To accurately identify base flow, a site visit should be made within 48 hours of a rain event.
- If evidence of base flow is present during the site inspection, the stream is either perennial or intermittent and will require a buffer.
- If the site is visited and base flows are not evident, the feature may be ephemeral or intermittent.
- Ephemeral trout streams require a buffer if they have wrested vegetation even without evidence of a base flow.
- Ephemeral non-trout streams do not require a buffer.

Step 6 & Step 7: Further investigation is needed to determine if the stream is ephemeral
- Use professionally trained personnel
- Use the most current version of the “North Carolina Division of Water Quality Stream Identification Method

Step 8: If wrested vegetation and base flows exist, then a buffer is required. The buffer is measured from the point of wrested vegetation.

Step 9: Document the determination (photos recommended)
Stream Buffer Requirements

<table>
<thead>
<tr>
<th>Non-trout</th>
<th>Trout</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Warm water perennial and intermittent streams: 25-ft buffer</td>
<td>• Cold water perennial, intermittent and ephemeral streams: 50-ft buffer</td>
</tr>
</tbody>
</table>

Measured horizontally from point where vegetation has been wrested by normal stream flow or wave action

• Local Issuing Authorities may require additional buffers in the local ordinance!

Trout Streams

• Primary Trout Waters
  • Streams supporting a self-sustaining population of Rainbow, Brown, or Brook Trout

• Secondary Trout Waters
  • Streams with no evidence of natural trout reproduction but capable of supporting trout throughout the year (i.e. water temperatures will support introduced trout, whether or not the fish reproduce)

The list of Primary & Secondary trout waters is maintained by the GA EPD. Designations are listed by individual stream segments or watershed.

Stream Buffer Exemptions

• Stream crossings for water & sewer lines provided
  • It is within 25” of perpendicular to the stream
  • And the disturbance is not more than 50 ft. within the buffer

• Construction of public water system reservoirs
• Drainage Structures – warm water streams only
• Roadway Drainage Structures
• Construction of bulkheads or seawalls only on: Lake Sinclair & Lake Oconee
### Drainage Structure
A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

### Roadway Drainage Structure
A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without Shoulder areas, and carrying water to a release point on the other side.

### Buffer Variance
- The minimum 25-ft or 50-ft undisturbed State-mandated stream buffers shall be maintained, except where the GA EPD Director determines to allow a variance that is at least as protective of natural resources and the environment.
- A buffer variance application must be submitted and will only be considered for the applicable criteria [a-k] as delineated in the E&SC Rules & Regulations.
- The GA EPD receives ~220 buffer variance applications/year.
Stream Buffer Variance Criteria (a-k)

(a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, include but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways, and stabilization of areas of public access to water.

(b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality.

(c) Buffer intrusion is necessary to provide reasonable access to a property or properties.

(d) The intrusion is for water and sewer lines that cannot reasonably be placed outside the buffer, and stream crossings and vegetative disturbance are minimized.

(e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized.

(f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal.
(g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005.

(h) For non-trout waters, the proposed land disturbing activity within the buffer will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, and the Corps of Engineers has approved a mitigation plan to be implemented as a condition of such a permit.

(i) For non-trout waters, a plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will result in maintained or improved water quality downstream of the project.

(j) For non-trout waters, the project with a proposed land disturbing activity within the buffer is located in, or upstream and within ten linear miles of, a stream segment listed as impaired under Section 303(d) of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1313(d), and a plan is provided that shows that the completed project will result in maintained or improved water quality in such listed stream segment and that the project has no adverse impact relative to the pollutants of concern in such stream segment.
Stream Buffer Variance Criteria (a-k)

(k) The proposed land disturbing activity within the buffer is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, but includes required mitigation in accordance with current EPD “Stream Buffer Variance Mitigation Guidance” document and involves:

- piping, filling, or re-routing of non-trout waters that are not jurisdictional Waters of the U.S.
- stream buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure, which are covered under 391-3-7.052(2)(a).

General Variance

- A general variance is provided for the piping of trout streams with an average annual flow of 25 GPM or less provided
  - The total length of stream that is piped on any one property shall not exceed 200 ft
  - The downstream end of the pipe shall terminate at least 25 ft. before the property
  - Piping of more than 200 ft. will require an individual variance for the entire project

Public Notice

- Within 60 days of receipt of a complete buffer variance application, the GAEPD will either provide written comments to the applicant or propose to issue a variance.
- The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.
- The public notice shall describe:
  - The proposed buffer encroachment
  - The location of the project
  - Where the public can view the site plans
  - Where comments should be sent
Coastal Marshlands

- **Marshlands** – any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses (O.C.G.A 12-5-282(3)).

- The established **25-foot buffer** applies along all coastal marshlands and is measured horizontally from the coastal-marshlands-upland interface as determined in accordance with the Coastal Marshlands Protection Act of 1970.
Steps for Determining the Presence of Marshlands & Buffer Requirements on a Site

**Step 1:** Review topography of the ES&PC Plan for features that indicate the presence of coastal marshland

**Step 2:** A Jurisdictional Determination (JD) is needed for any land disturbing activity below the 2-meter elevation. The JD line must be documented.

**Step 3:** The LIA or EPD (if no LIA) will determine if the land disturbing activity is exempt. If not exempt, the project will require a buffer variance.

---

Steps for Determining the Presence of Marshlands & Buffer Requirements on a Site

**Step 4:** All determinations should be documented. Photos are strongly encouraged.

**Step 5:** If needed, buffer variance applications or variance by rule applications are to be submitted to GA EPD.

---

Coastal Marshlands Exemptions

No Buffer Variance Required

- For the maintenance of any currently serviceable structure, landscaping, or hardscaping
- Construction or maintenance of any drainage or roadway drainage structure
- On the landward side of any currently serviceable shoreline stabilization structure
- The maintenance of any man-made stormwater detention basin, golf course pond, or impoundment located on the property of a single individual, partnership, or corporation
Coastal Marshlands Exemptions
No Buffer Variance Required

- Utility line crossings that cause a width of disturbance less than 50 ft within the buffer
- Any land-disturbing activity conducted with a valid LDA permit issued between April 22, 2014 and December 31, 2015
- Any lot where the preliminary plat has been approved prior to December 31, 2015 provided:
  - Roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act
  - If the requirement to maintain a 25 ft buffer would consume at least 18% of the high ground of the platted lot

Coastal Marshland Variance by Rule

- Used for land disturbing activities where the area within the buffer is not more than 500 square feet
- Used for land disturbing activities that have a “minor buffer impact” provided that the total area of buffer impacts is less than 5,000 square feet
- Bank and shoreline stabilization structures are not eligible for coverage under the variance by rule

Variance by Rule Requirements

- Minimize disturbance to existing buffer vegetation
- Final stabilization must include a re-vegetation plan recommended using native riparian vegetation
- Stabilize soil disturbance on site at the end of each day, implement temporary vegetative measures after 14 days of soil disturbance
- Proper implementation of erosion and sediment control measures
- Consideration of post construction stormwater management
- Compliance with all other federal, state, and local laws and ordinances
Waters of the U.S.

Federal Level

**Agency Roles**

**U.S. Army Corps of Engineers**
- Administers day-to-day program
- Individual and general permit decisions/issuance
- Jurisdictional determinations
- Enforcement

**U.S. Environmental Protection Agency**
- Develops and interprets policy, guidance, and environmental criteria used in permit applications
- Determines scope of geographic jurisdiction and applicability of exemptions
- Has authority to prohibit, deny, or restrict the use of any defined area

**Waters of the U.S.**

- Navigable waters
  - Oceans, bays, inlets
- Tributaries
  - Rivers, creeks, ephemeral & intermittent streams, lakes, ponds
- Interstate bodies of water or wetlands
- Wetlands adjacent to the waters listed here
- Special aquatics sites
  - Sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, riffle and pool complexes
Definitions

- Navigable waters
  - Waters subject to the ebb and flow of the tide
  - Has a connection to transportation of interstate commerce

- Interstate commerce
  - Defined as had been used, being used presently, or potential to be used for interstate commerce

Jurisdictional Determinations

- Identifies the location and type of waters of the US on your property or project site
Three types of Jurisdictional Determinations

- Preliminary JD
  - Used for initial planning purposes and pre-application meeting
- Expanded Preliminary JD
  - Used for initial planning purposes and pre-application meetings.
- Approved JD
  - An approved JD must include:
    - All of the same information as the expanded preliminary JD
    - A significant nexus evaluation

Jurisdictional Determinations

<table>
<thead>
<tr>
<th>Preliminary</th>
<th>Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid for a specific project</td>
<td>Valid for 5 years</td>
</tr>
<tr>
<td>Only applicable to Waters of the U.S.</td>
<td>Applicable to Waters of the U.S. &amp; non-waters of the U.S.</td>
</tr>
<tr>
<td>Not appealable</td>
<td>Appealable</td>
</tr>
<tr>
<td>Coordination with other agencies is not required</td>
<td>In some circumstances, coordination with the EPA and USACE is required</td>
</tr>
</tbody>
</table>
Section 10 Rivers & Harbors Act

- **Purpose**
  - To protect and preserve the navigability of navigable waters

  - Requires that you obtain a permit from the USACE Regulatory Branch for:
    - Any structure or work in, over or under a navigable water of the U.S.

  - The list of Section 10 waters in Georgia is maintained by the USACE

Section 10 Regulated Activities

- Buoys
- Floats
- Marinas
- Bulkheads
- Breakwaters
- Dredging
- Fill
- Piers
- Piling
- Boatlifts
- Boat ramps
- Marine railways
- Disposal dredged material
Section 404 Clean Water Act

- Objective
  - To restore and maintain the chemical, physical, and biological integrity of the waters of the U.S.

- Establishes a program to regulate the discharge of dredged or fill material into waters of the U.S., including wetlands

- A permit must be obtained before any dredged or fill material may be discharged into waters of the U.S.

Discharge of Fill Material

- Material that has the effect of:
  - Replacing any portion of a water of the U.S. with dry land
  - Changing the bottom elevation of any portion of a water of the U.S.

- Fill Material includes:
  - Rock
  - Sand
  - Soil
  - Clay
  - Plastics
  - Construction debris
  - Wood chips
  - Overburden from excavation

Discharge of Dredged Material

- Mechanized land clearing
- Grading
- Excavation with associated discharge

Trenching in wetlands
404 Regulated Activities

- Placement of fill material
- Ditching activities when the excavated material is cast aside
- Levee and dike construction
- Mechanized land clearing
- Land leveling
- Most road construction
- Dam construction
- Slab-on-grade foundations
- Grading and Landscaping
- Certain pile-supported structures

USACE Jurisdiction

Definitions

- High Tide Line (Section 404)
  - Shoreward limit of jurisdiction for all tidal waters
  - Intersection of land and water at the maximum height reached by a rising tide
- Mean High Water (Section 10)
  - Shoreward limit of jurisdiction for all tidal waters
  - Line on the shore reached by the plane of the average high water
- Ordinary High Water Mark
  - Shoreward limit of jurisdiction for all non-tidal waters
  - Line on the shore established by the normal fluctuations in the water level
Wetlands

Definition
- Those areas inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions.
- Wetlands generally include marshes, swamps, bogs, and similar areas; also includes special aquatic sites such as riffle and pool complexes and submerged vegetation.

Important Wetland Functions
- Food chain production
- Habitat, spawning sites, rearing and resting sites for both land and aquatic species
- Protection from wave action and erosion
- Storage area for storm and flood waters
- Natural recharge areas
- Provide natural water filtration and purification

Wetlands
How are Wetlands Determined?

- **Vegetation Indicators – Hydrophytic Vegetation**
  - Cattails, bulrushes, cordgrass, sphagnum moss, arrowheads, willows, mangroves, sedges, rushes, and water plantains
  - Also includes tree that have a shallow root systems, swollen trunks (i.e. bald cypress & tupelo gum) or roots found growing from the plant stem or trunk above the soil surface

Hydrophytic Vegetation

- Cattails
- Bald Cypress
- Arrowheads
- Sphagnum Moss

How are Wetlands Determined?

- **Soil Indicators – Hydric soils**
  - Soils that were developed in conditions where soil oxygen is limited by the presence of saturated soil for long periods during the growing season
  - Characteristics include:
    - Consists predominantly of decomposed plant material
    - Thick layer of decomposing plant material on surface
    - Bluish-gray or gray color below the surface
    - Rotten egg odor
    - Sandy soil with dark stains or dark streaks in the upper layer below the surface
Hydric Soil

- Thick layer of decomposing plant material
- Gray color below the surface
- Sandy soils with dark stains

How are Wetlands Determined?

- **Hydrology Indicators**
  - The presence of water at or above the soil surface for a sufficient period of the year to significantly influence the plant types and soils in the area
  - Evidence of soil saturation
  - Standing or flowing water is observed during the growing season
  - Soil is waterlogged during the growing season
  - Water marks present on trees
  - Small piles of debris oriented in the direction of flow
  - Thin layer of sediment that has been deposited on leaves

Wetland Hydrology

- Water marks present with swollen bases
- Standing water during growing season
Summary

- Make no assumption when it comes to working near “State waters” or “Waters of the U.S.”
- Plan Ahead
  - Most buffer variances and permits take 3-4 months to be issued
- Buffer variances are issued by the GA EPD
- Permits for working within the flow of the water are issued by the USACE
- Contact information for each Regulatory agency can be found in the “Resource Information” section

Questions?

GSWCC
Urban Program
4310 Lexington Road
Athens, GA 30605
(706) 552-4474
Insert Yellow Sheet
Back of Yellow Sheet
Rule 391-3-7-.01 Definitions

The following definitions shall apply in the interpretation and enforcement of these rules and regulations unless otherwise specifically stated.

(a) "Best Management Practices" means a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control and are designed in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia." Best Management Practices also include, but are not limited to, design specifications from the most recent publications of the Georgia Stormwater Management Manual and Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

(b) "Certification" means an action by the Division that states in writing that a local issuing authority has met the criteria established in these rules and regulations.

(c) "Certified Personnel" means any person who meets or exceeds the education and training requirements of Code Section 12-7-19.

(d) "Coastal Marshlands" shall have the same meaning as in Code Section 12-5-282.

(e) "Complaint Investigation Process" means a process followed by a local issuing authority or the Division when dealing with inquiries, complaints or concerns about land disturbing activities.

(f) "Decertification" means an action by the Division that states in writing that a local issuing authority has failed to meet the criteria established in these rules and regulations.

(g) "Department" means the Department of Natural Resources of the State of Georgia.

(h) "Director" means the Director of the Environmental Protection Division.

(i) "District" means the appropriate local Soil and Water Conservation District.

(j) "Division" means the Environmental Protection Division of the Department of Natural Resources.

(k) "Erosion" means the process by which land surface is worn away by the action of wind, water, ice, or gravity.

(l) "Erosion, Sedimentation and Pollution Control Plan" or "Plan" means a plan for the control of soil erosion and sediment resulting from a land disturbing activity.

(m) "Infrastructure Project" means construction activities that are not part of a common development that include the construction, installation and maintenance of roadway and railway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults,
manholes, and similar or related structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data television, etc.), water or sewage.

(n) "Land Disturbing Activity" means any activity which may result in soil erosion and the movement of sediments into State waters or onto lands within the State, including but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, but not including those practices to the extent described in O.C.G.A. 12-7-17.

(o) "Local Issuing Authority" means the governing authority of any county or municipality that is certified pursuant to these rules and regulations and O.C.G.A. 12-7-8(a).

(p) "Maintenance" means actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design.

(q) "Major Buffer Impact" means any impact that does not meet the definition of "Minor Buffer Impact."

(r) "Minor Buffer Impact" means an impact that upon completion yields no additional above ground, man-made materials or structures within the buffer, maintains the original grade, and results in less than 5,000 square feet of buffer impacts per stream crossing and/or less than 5,000 square feet of buffer impacts per individual area of encroachment for each project.

(s) " Permit" means the authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.

(t) "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, State agency, municipality or other political subdivision or the State, any interstate body or any other legal entity.

(u) "Project" means the entire area of the proposed development site, regardless of the size of the area to be disturbed.

(v) "Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

(w) "Sedimentation" means the action or process of forming or depositing sediment.

(x) "Serviceable" means usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

(y) "Soil and Water Conservation District Approved Plan" means an erosion, sedimentation and pollution control plan approved in writing by the Soil and Water Conservation District in which the proposed land disturbing activity will take place.

(z) "Stabilization" means the process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or installing temporary or permanent structures for the
purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

(aa) "State Waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(7).

(bb) "Stream Bank" means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation. For nontroat waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.

(cc) "Trout Streams" means all streams or portions of streams within the watershed as designated by the Division under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

(dd) "Watercourse" means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and includes any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

(ee) "Water Quality" means the chemical, physical, and biological characteristics of the State's water resources.

Rule 391-3-7-.02 Repealed
Rule 391-3-7-.03 Repealed
Rule 391-3-7-.04 Repealed
Rule 391-3-7-.05 Buffer Variance Procedures and Criteria

(1) Buffers on state waters are valuable in protecting and conserving land and water resources; therefore, buffers should be protected. The buffer variance process will apply to all projects legally eligible for variances and to all state waters having vegetation wrested from the channel by normal stream flow, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. Rule 391-3-7-.05 does not apply to coastal marshlands. The following activities do not require application to or approval from the Division:

(a) stream crossings for water lines or stream crossing for sewer lines that occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer; or

(b) where drainage structures must be constructed within the twenty-five (25) foot
buffer area of any state water not classified as a trout stream; or

(c) where roadway drainage structures must be constructed within the twenty-five (25) foot buffer area of any state waters or the fifty (50) foot buffer of any trout stream; or

(d) construction of bulkheads or sea walls on Lake Oconee and Lake Sinclair where required to prevent erosion at the shoreline; or

(e) construction of public water system reservoirs.

(2) Variance applications will be reviewed by the Director only where the applicant provides reasonable evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable and only in the following cases:

(a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways, and stabilization of areas of public access to water; or

(b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality; or

(c) Buffer intrusion is necessary to provide reasonable access to a property or properties; or

(d) The intrusion is for water and sewer lines that cannot reasonably be placed outside the buffer, and stream crossings and vegetative disturbance are minimized; or

(e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or

(f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or

(g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005; or

(h) For non-trout waters, the proposed land disturbing activity within the buffer will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, and the Corps of Engineers has approved a mitigation plan to be implemented as a condition of such a permit; or

(i) For non-trout waters, a plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will
result in maintained or improved water quality downstream of the project; or

(j) For non-trout waters, the project with a proposed land disturbing activity within the buffer is located in, or upstream and within ten linear miles of, a stream segment listed as impaired under Section 303(d) of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1313(d) and a plan is provided that shows that the completed project will result in maintained or improved water quality in such listed stream segment and that the project has no adverse impact relative to the pollutants of concern in such stream segment; or

(k) The proposed land disturbing activity within the buffer is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, but includes required mitigation in accordance with current EPD "Stream Buffer Variance Mitigation Guidance" document, and involves:

1. piping, filling, or re-routing of non-trout waters that are not jurisdictional Waters of the U.S.; or

2. stream buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure, which are covered under 391-3-7.05(2)(a).

(3) If the buffer impact will be minor, the buffer variance request shall include the following information at a minimum:

(a) Site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey.

(b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

(c) Dated and numbered detailed site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated.

(d) Description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary.

(e) Calculation of the total area and length of the buffer disturbance.

(f) Letter from the issuing authority (if other than the Division and as applicable) stating that the issuing authority has visited the site and determined the presence of state waters that require a buffer and that a stream buffer variance is required as per the local erosion and sedimentation control ordinance.

(g) Erosion, sedimentation and pollution control plan.

(h) Re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization" and/or a plan for
permanent vegetation as per the "Manual for Erosion and Sedimentation Control in Georgia."

(i) For projects within the buffer of or upstream and within one linear mile of impaired stream segments on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).

(j) Any other reasonable information related to the project that the Division deems necessary to effectively evaluate the variance request.

(k) Applications must be on the most current forms provided by the Division.

(4) If the buffer impact will be major, the buffer variance request shall include all of the information in Sections (3)(a) thru (k) above, with the exception of (3)(h). A buffer variance request for major buffer impacts shall also include the following additional information:

(a) For variance requests made under Section (2)(h):
   1. Joint Public Notice (JPN), if it is an individual permit;
   2. Pre-Construction Notification (PCN), if it is a Nationwide Permit;
   3. Mitigation calculations; and
   4. Permit approval from the United States Army Corps of Engineers.

(b) Buffer mitigation plan addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions pursuant to Section (7)(c) herein.

(c) Plan for stormwater control once site stabilization is achieved, when required by a local stormwater ordinance.

(d) For variance requests made under Sections (2)(i) and (2)(j), the application shall include the following water quality information:
   1. Documentation that post-development stormwater management systems to conform to the minimum standards for water quality, channel protection, overbank flood protection and extreme flood protection as established in the Georgia Stormwater Management Manual or the equivalent and if applicable, the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.
   2. Documentation that existing water quality will be maintained or improved based on predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division.

(e) For variance requests made under Section (2)(j), if the proposed project is in, or upstream and within ten linear miles of impaired stream segments on Georgia's "305(b)/303(d) List Documents (Final)," documentation that the project will have no
adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).

(f) For variance requests made under Section (2)(k)1., the application shall include documentation from the United States Army Corps of Engineers verifying the water bodies identified in the application are non-jurisdictional waters of the United States under Section 404 of the Clean Water Act.

(5) Upon receipt of a completed application in accordance with Sections 391-3-7-.05(3) or 391-3-7-.05(4), the Division shall consider the completed application and the following factors in determining whether to issue a variance:

(a) Locations of state waters, wetlands, floodplain boundaries and other natural features as determined by field surveys.

(b) Shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

(c) Location and extent of buffer intrusion.

(d) Whether reasonable alternative project designs, such as the use of retaining walls, are possible which do not require buffer intrusion or which require less buffer intrusion.

(e) Whether issuance of the variance, with the required mitigation plan, re-vegetation plan and/or plan for permanent vegetation, is at least as protective of natural resources and the environment (including wildlife habitat).

(f) The current condition of the existing buffer, to be determined by:

1. The extent to which existing buffer vegetation is disturbed;

2. The hydrologic function of the buffer; and

3. Stream characteristics such as bank vegetative cover, bank stability, prior channel alteration or sediment deposition.

(g) The extent to which the encroachment into the buffer may reasonably impair buffer functions.

(h) The value of mitigation activities conducted pursuant to this rule, particularly Subsections 391-3-7-.05(7)(c) and 391-3-7-.05(7)(d) herein, and shall take regional differences into consideration on-site or downstream, to be determined by development techniques or other measures that will contribute to the maintenance or improvement of water quality, including the use of low impact designs and integrated best management practices, and reduction in effective impervious surface area.

(i) The long-term water quality impacts of the proposed variance, as well as the construction impacts. And for applications made under Subsections 391-3-7.05(2)(i) and 391-3-7-.05(2)(j), the following criteria, which reflect regional differences in the state, shall be used by the Director to assist in determining whether the project
seeking a variance will, when completed and with approved mitigation, result in maintained or improved water quality downstream of the project and minimal net impact to the buffer:

1. Division will assume that the existing water quality conditions are commensurate with an undeveloped forested watershed unless the applicant provides documentation to the contrary. If the applicant chooses to provide baseline documentation, site and/or stream reach specific water quality, habitat, and/or biological data would be needed to document existing conditions. If additional data are needed to document existing conditions, the applicant may need to submit a monitoring plan and have it approved by the Division prior to collecting any monitoring data. Existing local data may be used, if available and of acceptable quality to the Division.

2. The results of the predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division indicate that existing water quality conditions will be maintained or improved.

(j) For applications made under Section 391-3-7-.05(2)(j), for which a land disturbing activity is proposed within the buffer of a 303(d) listed stream, or upstream and within 10 linear miles of a 303(d) listed stream, the results of the model demonstrate that the project has no adverse impact relative to the pollutants of concern in such stream segment.

(6) Within 60 days of receipt of a complete buffer variance application, the Division will either provide written comments to the applicant or propose to issue a variance. When the Division proposes to issue a variance, it will issue a public notice. The public notice shall describe the proposed buffer encroachment, the location of the project, where the public can review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.

(7) In all cases in which a buffer variance is issued, the following conditions shall apply:

(a) The variance shall be the minimum reduction in buffer width necessary to provide relief. Streams shall not be piped if a buffer width reduction is sufficient to provide relief.

(b) Disturbance of existing buffer vegetation shall be minimized.

(c) Mitigation is required for all major buffer impacts and shall offset the buffer encroachment and any loss of buffer functions. Where lost functions cannot be replaced, mitigation shall provide other buffer functions that are beneficial. Buffer functions include, but are not limited to:
   1. temperature control (shading);
   2. streambank stabilization;
   3. trapping of sediments, if any;
   4. removal of nutrients, heavy metals, pesticides and other pollutants;
5. aquatic habitat and food chain;
6. terrestrial habitat, food chain and migration corridor; and
7. buffering of flood flows.

(d) Mitigation should be on-site when possible. Depending on site conditions, acceptable forms of mitigation may include but are not limited to:
1. Restoration of the buffer to a naturally vegetated state to the extent practicable, or to current existing conditions;
2. Bioengineering of channels to reduce bank erosion and improve habitat;
3. Creation or restoration of wetlands;
4. Stormwater management systems to better maintain the pre-development flow regime (with consideration given to downstream effects) that exceeds the requirements of applicable ordinances at the time of application;
5. Reduction in pollution sources, such as on-site water quality treatment or improving the level of treatment of septic systems;
6. Other forms of mitigation that protect or improve water quality and/or aquatic wildlife habitat;
7. An increase in buffer width elsewhere on the property;
8. Mitigation as required under a Clean Water Act Section 404 or Nationwide permit issued by the U.S. Army Corps of Engineers;
9. Stormwater management systems described in the most recent publication of the Georgia Stormwater Management Manual and the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual;
10. Mitigation as described in the most recent publication of the Division’s guidance document, Stream Buffer Mitigation Guidance.

(e) Forms of mitigation that are not acceptable include:
1. Activities that are already required by the Georgia Erosion and Sedimentation Act, such as the minimal use of best management practices;
2. Activities that are already required by other federal, state and local laws, except as described in 391-3-7.05(7)(d) above. U.S. Army Corps of Engineers mitigation is acceptable.

(f) The Division will not place a condition on a variance that requires a landowner to deed property or the development rights of property to the state or to any other entity. The landowner may voluntarily preserve property or the development rights of property as a mitigation option with the agreement of the Division.
(8) If the approved buffer impacts are not completed within five years of the date issued, buffer variances issued on or after the effective date of this rule will become null and void.

The applicant may request a buffer variance time extension only if the approved buffer impacts will not be completed prior to the buffer variance expiration date. The buffer variance time extension, if granted, can be for a period of up to five years. If the applicant can demonstrate that a time extension for a period of greater than five years is reasonable, the Director may grant a buffer variance time extension for a reasonable period of greater than five years. A buffer variance time extension may be issued only once.

The buffer variance time extension must be requested in writing at least 90 calendar days prior to the buffer variance expiration date with justifiable cause demonstrated. Once an approved buffer variance expires, it is no longer eligible for a time extension.

Time extension requests will be reviewed by the Division. The Division will either provide written comments to the applicant or propose to issue a buffer variance time extension within 60 days of receipt of a time extension request. If there are any other changes to the original buffer variance application, the Division shall issue a public notice in accordance with Section 391-3-7.05(6).

If a variance issued by the Director is acceptable to the issuing authority, the variance shall be included as a condition of permitting and therefore becomes a part of the permit for the proposed land disturbing activity project. If a stream buffer variance is not acceptable to the issuing authority, the issuing authority may issue a land disturbing permit without allowing encroachment into the buffer.

(9) A general variance is provided for piping of trout streams with an average annual flow of 25 gpm or less.

(10) To obtain this general variance in Section 391-3-7.05(9) for encroaching on the buffer of a trout stream, the applicant must submit information to the issuing authority or EPD if there is no issuing authority demonstrating that the average annual flow in the stream is 25 gpm or less. There are two acceptable methods for making this determination.

(a) The USGS unit area runoff map may be used to determine the threshold acreage that will produce an average annual flow of 25 gpm or less.

(b) The applicant may submit a hydrologic analysis certified by a Registered Professional Engineer or Geologist that presents information sufficient to estimate that the average annual flow of each stream to be piped is 25 gpm or less with a high level of certainty.

(11) Any stream piping performed in accordance with this general variance in Section 391-3-7.05(9) shall be subject to the following terms:

(a) The total length of stream that is piped in any one property shall not exceed 200 feet.

(b) Any project that involves more than 200 ft of piping will require an individual variance for the entire project. The general variance may not be applied to a portion of a project; e.g., it is not permissible to pipe 200 ft of a stream under the general variance and seek an individual variance for an additional length of pipe.
The downstream end of the pipe shall terminate at least 25 ft before the property boundary.

The applicant for a Land Disturbing Activity Permit shall notify the appropriate issuing authority of the precise location and extent of all streams piping as part of the land disturbing activity permit application. The issuing authority (if other than the Division) shall compile this information and convey it to the Division annually.

Where piping of a stream increases the velocity of stream flow at the downstream end of the pipe, appropriate controls shall be employed to reduce flow velocity to the predevelopment level. Plans for such controls must be submitted as part of the land disturbing activity permit.

**Rule 391-3-7-.06 Turbidity Limits for Stormwater Runoff Discharges**

Turbidity of stormwater runoff discharges shall be controlled to the extent that the limits established in O.C.G.A. 12-7-6 shall not be exceeded.

**Rule 391-3-7-.07 Inspection and Compliance**

(1) The Division may periodically inspect the site of any land disturbing activity for which a permit has been issued to determine if such activity is being conducted in accordance with the permit and to evaluate the effectiveness of the erosion and sediment control measures employed.

(2) The Division shall have the authority to conduct such investigations as it may reasonable deem necessary to carry out its duties as prescribed by O.C.G.A. 12-7-1 et seq., and these rules and regulations and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of land disturbing activities. The Division shall make its best efforts to contact a local issuing authority prior to any site inspection of a project within that local issuing authority's jurisdiction, provided however, that the Division shall, if contact was not prior made, contact the local issuing authority not more than five (5) business days after the site visit.

(3) No person shall refuse entry or access to any authorized representative of the Division who requests entry for purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out assigned official duties.

**Rule 391-3-7-.08 Enforcement**

(1) The administration and enforcement of these rules and regulations shall be in accordance with the Erosion and Sedimentation act of 1975, O.C.G.A. 12-7-1 et seq.; the Executive Reorganization Act of 1972, O.C.G.A. 12-2-1 et seq., and the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1 et seq., all as amended, but also includes the authority to require corrective action and/or remediation of conditions creating adverse water quality impacts, or otherwise in violation of these rules, regulations and authorizing statutes.

(2) When the Division seeks to enforce the requirements of these rules or the requirements of O.C.G.A. 12-7-1 et. seq., as amended, in a jurisdiction covered by a certified local issuing authority, the Division should coordinate enforcement with the local issuing authority. However, coordination with a local issuing authority is not a prerequisite for enforcement by
Rule 391-3-7-.09 Local Issuing Authorities

(1) Criteria for Certification.

(A) City or county has adopted an ordinance which demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia.

(B) City or county has inspection personnel, who are or will be qualified personnel (within 6 months of date of hire) in erosion and sediment control.

(C) Required Documentation. A city or county shall provided the following documentation to the Division:

1. A letter from the city or county requesting certification as a Local Issuing Authority; and

2. A listing of the number of inspectors employed by the City or County that will be responsible for land disturbance activity inspections and documentation of the training for each inspector; and

3. Documentation of the geographic size of the jurisdiction; and

4. Documentation of the estimated workload and inspection frequency schedule for the inspectors; and

5. A copy of the ordinance which demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia.

(D) The Division shall provide written notification to the city or county of the Director’s decision no later than 60 days after receipt of request for certification. In the case of a denial of local issuing authority certification, the Division shall explain the deficiencies causing the denial. The denial of certification by the Division shall not preclude a city or county from making any subsequent application for certification.

(2) Responsibilities of Certified Local Issuing Authorities.

(A) City or county demonstrates adequate program administration, record keeping and enforcement as evidenced by:

1. Processing land disturbing activity applications, issuing permits and compliance with stream buffer variance requirements; and

2. Maintaining a list of open land disturbance permits; and

3. Conducting inspections and maintaining reports of inspections including violations; and

4. Enforcing the ordinance and keeping record of written notification of violations, stop-work orders, court actions, etc.

(B) City or county must follow a Complaint Investigation Process which:
1. Includes an investigation of the complaint by the local issuing authority within 5 business days; and

2. Includes a mechanism for referral of unresolved complaints to the Division; and

3. Includes a monthly log of complaints and inquiries, including actions taken.

(C) City or county with a Memorandum of Agreement (MOA) with the appropriate local Soil and Water Conservation District to review and approve an Erosion and Sedimentation Control Plan shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the city or county to act within 35 days shall be considered an approval of the revised Plan submittal.

(3) **De-certification of a Local Issuing Authority.**

(A) Recommendation for De-certification Investigation. The Division shall begin an investigation for de-certification upon request with adequate documentation by the local Soil and Water Conservation District or Georgia Soil and Water Conservation Commission or on its own initiative if any of the following occurs:

1. City or county no longer has an ordinance which demonstrates compliance with the provisions in Title 12, Chapter 7 of the Official Code of Georgia; or

2. City or county no longer has inspection personnel who are or will be qualified personnel (within 6 months of date of hire) in erosion and sediment control; or

3. City or county does not utilize their Complaint Investigation Process pursuant to 391-3-7-.09 (2)(A); or

4. City or county no longer has adequate program administration, record keeping and enforcement pursuant to 391-3-7-.09 (2)(B).

(B) De-certification Investigation. Within 60 days of receipt of the de-certification request, the Division shall initiate an investigation by providing written notice of the recommendation for de-certification to the local issuing authority and detailing the perceived deficiencies enumerated in the recommendation. Prior to any de-certification of a local issuing authority, the Division must perform an on-site evaluation of the program.

The city or county shall have 30 days in which to respond in writing to the Division and:

1. Acknowledge the noted deficiencies and agree to comply; or

2. Offer explanation of why deficiency or omission has occurred and establish a target deadline to comply; or

3. Disagree with some or all of the noted deficiencies and recommendations for improvement and request mediation between the city or county and the
(C) Review Local Issuing Authority Response. The Director or his/her designee will review any response received from the local issuing authority. The Director may then uphold, modify, suspend or dismiss the de-certification recommendation. The determination of the Director shall be made within 30 days from receipt of the response from the local issuing authority.

(D) Final Decision and Appeal. A determination made by the Director to uphold, modify, suspend or dismiss the de-certification is a final action of the Director and may be appealed in accordance with subsection (c) of Code Section 12-2-2.

(4) Continuing Certification.

A local issuing authority shall submit documentation showing continued compliance with the criteria for certification established at 391-3-7-.09 (1)(A) and (B) to the Division whenever an event requiring the Division to evaluate a local issuing authority for continuing compliance with the certification requirements occurs.

Rule 391-3-7-.10 Site Visit Required

(1) All applications shall contain a certification stating that the plan preparer or his or her designee has visited the site prior to creation of the plan.

(2) Plans submitted shall contain the following certification:

"I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my direct supervision."

Rule 391-3-7-.11 Coastal Marshlands Buffer Variance Procedures and Criteria

(1) Buffers on state waters are valuable in protecting and conserving land and water resources. Therefore, there is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, except:

(a) Where the Director determines to allow a variance that is at least as protective of natural resources and the environment under the variance criteria in 391-3-7-.11 (2) through (7) or under the variance by rule criteria in 391-3-7-.11 (9); or

(b) Where otherwise allowed by the Director pursuant to O.C.G.A § 12-2-8; or

(c) Where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286; or

(d) For maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(e) Where a drainage structure or roadway drainage structure is constructed or
maintained; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(f) On the landward side of any currently serviceable shoreline stabilization structure; or

(g) For the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(h) Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(i) Any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(j) Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(2) The buffer variance process will apply to all projects legally eligible for variances, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. Variance applications will be reviewed by the Director only in the following cases:

(a) The project involves the construction or repair of an existing infrastructure project or a structure that, by its nature, must be located within the buffer. Such structures include, but are not limited to, dams, public water supply intake structures, detention/retention ponds, waste water discharges, docks including access ways, boat launches including access ways and stabilization of areas of public access to water; or

(b) The project will result in the restoration or enhancement to improve water quality and/or aquatic habitat quality; or

(c) Buffer intrusion is necessary to provide reasonable access to a property or properties; or

(d) The intrusion is for utility lines within or adjacent to existing utility or transportation right of ways or that cannot reasonably be placed outside the buffer, and crossings and vegetative disturbance are minimized; or
(e) Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or

(f) Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or

(g) The project involves construction of one (1) single family home for residential use by the owner of the subject property and, at the time of adoption of this rule, there is no opportunity to develop the home under any reasonable design configuration unless a buffer variance is granted. Variances will be considered for such single family homes only if construction is initiated or local government approval is obtained prior to January 10, 2005; or

(h) The proposed land disturbing activity within the buffer will require a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, and the Corps of Engineers has approved a mitigation plan to be implemented as a condition of such a permit; or

(i) A plan is provided for buffer intrusion that shows that, even with the proposed land disturbing activity within the buffer, the completed project will result in maintained or improved water quality; or

(j) The proposed land disturbing activity includes an alteration within the buffer that has been authorized pursuant to a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899; or

(k) The proposed land disturbing activity within the buffer is not eligible for a permit from the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, and involves:
   1. Piping, filling, or re-routing of waters that are not jurisdictional Waters of the U.S.; or
   2. Buffer impacts due to new infrastructure projects adjacent to state waters (jurisdictional and non-jurisdictional Waters of the U.S.). This criterion shall not apply to maintenance and/or modification to existing infrastructure.

(3) Except as provided in 391-3-7-.11 (9), if the buffer impact will be minor, the buffer variance request shall include the following information at a minimum:

   (a) Site map that includes locations of all state waters, wetlands, floodplain boundaries and other natural features, as determined by field survey.

   (b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

   (c) Dated and numbered detailed site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area of the buffer to be impacted shall be
accurately and clearly indicated.

(d) Description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary.

(e) Calculation of the total area and length of the buffer disturbance.

(f) Letter from the issuing authority (if other than the Division and as applicable) stating that the issuing authority has visited the site and determined the presence of coastal marshlands that require a buffer and that a buffer variance is required.

(g) Erosion, sedimentation and pollution control plan.

(h) Re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization", or the "Hydromodification Best Management Practice Manual for Coastal Georgia," and/or a plan for permanent vegetation as per the "Manual for Erosion and Sedimentation Control in Georgia."

(i) For projects within the buffer of or upstream and within one linear mile of an impaired water body on Georgia’s "305(b)/303(d) List Documents (Final)," documentation that the project will have no adverse impacts relative to the pollutants of concern and if applicable, documentation that the project will be in compliance with the TMDL Implementation Plan(s).

(j) Applications must be on the most current forms provided by the Division.

(4) If the buffer impact will be major, the buffer variance request shall include all of the information in 391-3-7-.11 (3)(a) through (j) above, with the exception of 391-3-7-.11 (3)(h). A buffer variance request for major buffer impacts shall also include the following additional information:

(a) For variance requests made under 391-3-7-.11 (2)(h) or (j):
   1. Joint Public Notice (JPN), if it is an individual permit;
   2. Pre-Construction Notification (PCN), if it is a Nationwide Permit;
   3. Mitigation calculations; and
   4. Permit approval from the United States Army Corps of Engineers.

(b) Buffer mitigation plan addressing impacts to critical buffer functions, including water quality and floodplain, watershed and ecological functions based on an evaluation of existing buffer conditions and predicted post construction buffer conditions pursuant to 391-3-7-.11 (7)(c) herein.

(c) Plan for stormwater control once site stabilization is achieved, when required by a local stormwater ordinance.

(d) For variance requests made under 391-3-7-.11 (2)(i), the application shall include the following water quality information:
1. Documentation that post-development stormwater management systems to conform to the minimum standards for water quality, channel protection, overbank flood protection and extreme flood protection as established in the Georgia Stormwater Management Manual or the equivalent and if applicable, the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

2. Documentation that existing water quality will be maintained or improved based on predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division.

(e) For variance requests made under 391-3-7-.11 (2)(k) 1., the application shall include documentation from the United States Army Corps of Engineers verifying the water bodies identified in the application are non-jurisdictional waters of the United States under Section 404 of the Clean Water Act.

(5) Upon receipt of a complete application, the Division shall consider the complete application and the following factors in determining whether to issue a variance:

(a) Locations of state waters, wetlands, coastal marshlands, floodplain boundaries and other natural features as determined by field surveys.

(b) Shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.

(c) Location and extent of buffer intrusion.

(d) Whether reasonable alternative project designs, such as the use of retaining walls are possible which do not require buffer intrusion or which require less buffer intrusion.

(e) Whether issuance of the variance, with the required mitigation plan, re-vegetation plan and/or plan for permanent vegetation, is at least as protective of natural resources and the environment.

(f) The current condition of the existing buffer, to be determined by:
   1. The extent to which existing buffer vegetation is disturbed;
   2. The hydrologic function of the buffer; and
   3. Hydrologic functional characteristics such as bank vegetative cover, bank stability, or prior channel alteration.

(g) The extent to which the encroachment into the buffer may reasonably impair buffer functions.

(h) The value of mitigation activities conducted pursuant to this rule, particularly 391-3-7-.11 (7)(c) and (d) herein, development techniques or other measures that will contribute to the maintenance or improvement of water quality, including the use of low impact designs and integrated best management practices, and reduction in effective impervious surface area.
The long-term water quality impacts of the proposed variance, as well as the construction impacts. And for applications made under 391-3-7-.11 (2)(i), the following criteria shall be used by the Director to assist in determining whether the project seeking a variance will, when completed and with approved mitigation, result in maintained or improved water quality downstream of the project and minimal net impact to the buffer:

1. The Division will assume that the existing water quality conditions are commensurate with an undeveloped maritime forested watershed unless the applicant provides documentation to the contrary. If the applicant chooses to provide baseline documentation, site specific water quality, habitat, and/or biological data would be needed to document existing conditions. If additional data are needed to document existing conditions, the applicant may need to submit a monitoring plan and have it approved by the Division prior to collecting any monitoring data. Existing local data may be used, if available and of acceptable quality to the Division.

2. The results of the predicted pollutant loading under pre- and post-development conditions as estimated by models accepted by the Division indicate that existing water quality conditions will be maintained or improved.

For applications made under 391-3-7-.11 (2)(i), for which a land disturbing activity is proposed within the buffer of a 303(d) listed water body, or upstream and within one linear mile of a 303(d) listed water body, the results of the model demonstrate that the project has no adverse impact relative to the pollutants of concern.

Within 60 days of receipt of a complete buffer variance application, the Division will either provide written comments to the applicant or propose to issue a variance. When the Division proposes to issue a variance, it will issue a public notice. The public notice shall describe the proposed buffer encroachment, the location of the project, where the public can review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the public notice to comment on the proposed buffer variance.

In all cases in which a buffer variance is issued, the following conditions shall apply:

(a) The variance shall be the minimum reduction in buffer width necessary to provide relief.

(b) Disturbance of existing buffer vegetation shall be minimized.

(c) Mitigation is required for all major buffer impacts and shall offset the buffer encroachment and any loss of buffer functions. Where lost functions cannot be replaced, mitigation shall provide other buffer functions that are beneficial. Buffer functions include, but are not limited to:

1. temperature control (shading);
2. bank stabilization;
3. trapping of sediments, if any;
4. removal of nutrients, heavy metals, pesticides and other pollutants;
5. aquatic habitat and food chain;
6. terrestrial habitat, food chain and migration corridor;
7. buffering of flood flows; and
8. maintenance of salinity through buffering of freshwater flows.

(d) Mitigation should be on-site when possible. Depending on site conditions, acceptable forms of mitigation may include, but are not limited to:

1. Restoration of the buffer to a naturally vegetated state to the extent practicable, or to current existing conditions. Information on natural vegetation in Coastal Georgia is available from the University of Georgia Marine Extension Service at http://marex.uga.edu/ecoscapes/ or http://www.caes.uga.edu/extension/bryan/anr/documents/nativeplantlist.pdf;
2. Bioengineering of channels to reduce bank erosion and improve habitat;
3. Creation or restoration of wetlands;
4. Stormwater management systems to better maintain the pre-development flow regime (with consideration given to downstream effects) that exceeds the requirements of applicable ordinances at the time of application;
5. Reduction in pollution sources, such as on-site water quality treatment or improving the level of treatment of septic systems;
6. Other forms of mitigation that protect or improve water quality and/or aquatic wildlife habitat;
7. An increase in buffer width elsewhere on the property;
8. Mitigation as required under a Clean Water Act Section 404 or Nationwide permit issued by the U.S. Army Corps of Engineers; or

(e) Forms of mitigation that are not acceptable include:

1. Activities that are already required by the Georgia Erosion and Sedimentation Act, such as the minimal use of best management practices;
2. Activities that are already required by other federal, state and local laws, except as described in 391-3-7-.11 (7)(d) above. U.S. Army Corps of Engineers mitigation is acceptable.

(f) The Division will not place a condition on a variance that requires a landowner to deed property or the development rights of property to the state or to any other entity. The landowner may voluntarily preserve property or the development rights of
property as a mitigation option with the agreement of the Division.

(g) If a variance issued by the Director is acceptable to the issuing authority, the variance shall be included as a condition of permitting and therefore becomes a part of the permit for the proposed land disturbing activity project. If a buffer variance is not acceptable to the issuing authority, the issuing authority may issue a land disturbing permit without allowing encroachment into the buffer.

(8) A buffer variance will expire five years after the effective date, unless a request for an extension is submitted prior to the expiration date, with justifiable cause demonstrated.

The applicant may request a buffer variance time extension only if the approved buffer impacts will not be completed prior to the buffer variance expiration date. The buffer variance time extension, if granted, can be for a period of up to five years. If the applicant can demonstrate that a time extension for a period of greater than five years is reasonable, the Director may grant a buffer variance time extension for a reasonable period of greater than five years.

Time extension requests will be reviewed by the Division. The Division will either provide written comments to the applicant or propose to issue a buffer variance time extension within 60 days of receipt of a time extension request. If there are any significant changes to the original buffer variance application, the Division shall issue a public notice in accordance with 391-3-7-.11 (6).

(9) Variance By Rule

(a) Notwithstanding any other provision of these Rules, the following activities have minimal impact on the water quality or aquatic habitat of the adjacent coastal marshland and therefore are deemed to have an approved buffer variance.

1. Activities where the area within the buffer is not more than 500 square feet.

2. Activities that have a "Minor Buffer Impact" as defined in 391-3-7-.01 (r), provided that the total area of buffer impacts is less than 5,000 square feet. A proposed development site may not be subdivided into smaller projects or phases to circumvent the 5,000 square feet limitation.

(b) Bank and shoreline stabilization structures are not eligible for coverage under the variance by rule.

(c) Notification shall be made at least 14 days prior to the commencement of land-disturbing activities to provide the Division an opportunity to review the activity to ensure it meets the applicable criteria. Unless notified by the Division to the contrary, an applicant who submits a notification in accordance with 391-3-7-.11 (9) is authorized to encroach into the buffer 14 days after the notification form is received by the Division. A buffer variance by rule expires if the buffer impacts are not completed within two years after the notification form is received by the Division. The Director may deny coverage under this variance by rule and require submittal of an application for an individual variance based on the review of the documentation submitted or other information. Persons failing to notify the Director of such activities shall be deemed to be operating without a variance.

(d) Notification for a variance by rule is to be submitted by return receipt certified mail
(or similar service that provides confirmation of receipt) to both the Division and to the Local Issuing Authority in jurisdictions authorized to issue Land Disturbance Permits.

(e) An individual variance will be required for any activity that does not qualify for a variance by rule.

(f) Any notification for a variance by rule shall include the following:
   1. Description of the activity, with details of the buffer disturbance, including area and length of the buffer to be impacted and estimated length of time for the disturbance.
   2. Photographs of the area that will be affected by the proposed activity.
   3. Notice of a land-disturbing activity to be covered by a variance by rule must be on the most current forms provided by the Division.

(g) Any variance by rule shall be subject to the following requirements:
   1. The following information shall be maintained onsite until final stabilization of the site is complete:
      i. Site plan that shows the locations of all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside of the buffer. The exact area and length of the buffer to be impacted shall be accurately and clearly indicated.
      ii. Documentation that adequate erosion control measures are incorporated into the project plans and specifications.
   2. Disturbance of existing buffer vegetation shall be minimized.
   3. Final stabilization of the site must include a re-vegetation plan as described in the most recent publication of the Division's guidance book, "Streambank and Shoreline Stabilization." It is recommended that vegetation be native riparian vegetation.
   4. Temporary vegetative measures must be implemented within 14 calendar days following the completion of any soil disturbance and the site shall be stabilized at the end of every day until project completion.
   5. Proper and full implementation of the erosion control measures in 391-3-7-.11 (9)(g) 1.ii.
   6. Post construction stormwater management practices should be considered. Best management practices can be found in the latest edition of the Georgia Stormwater Management Manual or the Coastal Supplement to the Georgia Stormwater Management Manual.
   7. All other applicable federal, state, and local laws, rules and ordinances, including erosion and sedimentation control must be fully complied with prior to commencement of project construction.
8. For a variance by rule under 391-3-7-.11 (9)(a) 1., cumulative impacts shall not exceed 500 square feet within a 5 year period.

9. Any activity that does not meet the requirements of 391-3-7-.11 (9)(g) is in violation of the variance by rule.
Insert Yellow Sheet
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**Field Guide for Determining the Presence of State Waters That Require a Buffer**

The Guidance does not change or modify any requirements in the Erosion and Sedimentation Act of 1975 (O.C.G.A. 12-7 or DNR Rules on Buffer Variance Procedures and Criteria 391-3-7-.4S, as amended).

This field guide supersedes any previous manuals, memos, or guidance issued by the Georgia Environmental Protection Division on the identification of State Waters that require a buffer. It does not supersede the requirements of any Rule or Law.

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The publication of this document was supported by the Georgia Department of Resources, Environmental Protection Division and was financed through a grant from the US Environmental Protection Agency under the provisions of Section 319(h) of the Federal Clean Water Act of 1987, as amended.

April 2017

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**DEFINITIONS**

a. “Base Flow” means the discharge that enters a stream channel mainly from groundwater, but also from lakes during periods when no precipitation occurs.

b. “Buffer” means the area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates, when properly vegetated, the protection of water quality and aquatic habitat (O.C.G.A. 12-7-3(2)).

c. “Ephemeral Stream” means a stream that typically has no well-defined channel, and which flows only in direct response to precipitation with runoff (O.C.G.A. 12-7-6(5)).

d. “Intermittent Stream” means a stream that flows in a well-defined channel during wet seasons of the year but not for the entire year.

e. “Land Disturbing Activity” means any activity which may result in soil erosion and the movement of sediments into State Waters or onto lands within the State, including but not limited to grubbing, grading, excavating, transporting, and filling of land, but not including those practices to the extent described in O.C.G.A. 12-7-17 (O.C.G.A. 12-7- 3(9)).

f. “Normal Stream Flow” for non-trout waters only, means any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfall or snow melts (Rule 391-3-7- 03(8)).

g. “Perennial Stream” means a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.

h. “State Waters” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(8) (O.C.G.A. 12-7-3(16)).

i. “Stream Bank” means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation (Rule 391-3-7-.3(18)(b)(ii)).

j. “Wrested Vegetation” means movement of water that removes soil, debris and vegetation, creating a clear demarcation between water flow and vegetative growth.
PERENNIAL STREAM CHARACTERISTICS

North Georgia Perennial

Coastal Perennial

All perennial streams flow throughout the year in a normal climatic year. Site inspections should result in visually discernible stream flows as evidence of base flow contribution between rain events, even in low flow conditions. After confirming perennial flow regimes, the presence of one or more of the following characteristics indicates that the drainage feature is a perennial stream:

1. Base flow that maintains stream flow throughout the year under normal circumstances.
2. Well-developed stream banks and channels include riffles/pools.
3. A channel that is almost always sinuous (snaking, snake-like, etc.) The degree of sinuosity is specific to physiographic regions. For example, in geographic regions that have mountainous terrain, or in the coastal plain where many streams have been channelized, the channels are less sinuous.
4. Presence of iron oxidizing bacteria in the streambed.
5. Evidence of soil and debris movement (scouring) in the stream channel.
6. Algae and wetland or hydrophyte vegetation are usually associated with the stream channel. However, perennial streams with deep incised or “down-cut” channels will usually have wetland vegetation present along the banks or flood-prone zone. Examples include sedges, rushes, mosses, ferns, and the epiran grasses, sedges and other woody species.
7. Stream bank soils with hydric conditions, including dominant black/grey (gleying) and/or redoximorphic features evident in the exposed stream bank profiles at or above the low flow conditions. In the coastal plain, the soils may be sandy with veins of black.
8. Exposure of rock or gravel or sand in a continuous or nearly continuous low lying channel.

INTERMITTENT STREAM CHARACTERISTICS

North Georgia Intermittent

Coastal Intermittent

After confirming whether base flows are seasonally present, one or more of the following characteristics indicates that the drainage feature is an intermittent stream:

1. Well-developed stream bank and defined channel. Riffles/pools channel morphology is evident.
2. Presence of iron oxidizing bacteria in the streambed.
3. Evidence of soil and debris movement (scouring) in the stream channel.
4. Algae and wetland or hydrophyte vegetation are usually associated with the stream channel or flow area. Intermittent streams with deep incised or “down-cut” channel will usually have wetland vegetation present along the banks or flood-prone zone. Examples include sedges, rushes, mosses, ferns, and the epiran grasses, sedges and other woody species.
5. Exposure of rock or gravel or sand in a continuous or nearly continuous low lying channel.
6. Stream bank soils with hydric conditions, including dominant black/grey (gleying) and/or redoximorphic features evident in the exposed stream bank profiles at or above the low flow conditions. In the coastal plain, the soils may be sandy with veins of black.
7. Exposure of rock or gravel or sand in a continuous or nearly continuous low lying channel.

EPHEMERAL STREAM CHARACTERISTICS

North Georgia Ephemeral

Coastal Ephemeral

The most reliable method for differentiating between intermittent and ephemeral stream types during dry conditions requires investigation of the stream bank (i.e., from the stream bed to the top of the bank).

Intermittent stream banks typically are dominated by soils with hydric indicators, such as visually confirmed oxidized horizons in the stream bank, matrix of gray or black soils, reducing conditions present and confirmed by a redox meter, or the stream banks otherwise include indicators of hydric soils as determined by the most current list of Regional Indicators of Soil Saturation as produced by the National Technical Committee for Hydrologic Soils.

Ephemeral streams usually have poor channel development and lack groundwater induced base flows that normally result in hydric soils dominating the banks of intermittent and perennial streams.

The prerequisite for a drainage feature to be classified as ephemeral is there must be no evidence of base flows in the stream bank (see methods discussed in intermittent stream characteristics). After meeting the prerequisite above, the presence of one or more of the following characteristics indicates that the drainage feature is an ephemeral stream:

1. Poorly developed stream banks.
2. Absence of riffles/pools.
3. A flow area that is almost always straight and either “flattens” out at the bottom of the slope or grades into intermittent or perennial streams.
4. Absence of iron oxidizing bacteria in the streambed.
5. Absence of root mass in the flow area. Usually sparse or no algae and/or wetland (hydrophytic) vegetation present.
6. Fibrous roots and/or rooted upland plants in the streambed.

Side slope soils with characteristics typical of the surrounding landscape.

Soil texture usually more loamy than the upland soils landscape and usually has a clay subsoil.
Insert Yellow Sheet
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Two Meter Elevation Map for Coastal Counties with Marshlands

PLEASE NOTE THE FOLLOWING:

• Buffer requirements are included in the General NPDES Permit for Storm Water Discharges Associated with Construction Activities.

• Agricultural activities, such as the cultivation and harvesting products of the field or orchard, planting of pasture, construction of a pond for agricultural purposes, dairy operations, and livestock and poultry operations, are exempt from the buffer requirements (O.C.G.A. 12-7-17(5)). However, the construction of agricultural buildings may be subject to the buffer requirements included in the NPDES General Permits for Stormwater Discharges Associated with Construction Activities.

• Contact the DNR, Coastal Resources Division, for guidance involving any land disturbing activity within the marshland itself.

• State waters may also be classified as Waters of the U.S. and may require a U.S. Army Corps of Engineers Section 404 permit.

CONTACT INFORMATION

Coastal Resources Division
Georgia Department of Natural Resources
One Conservation Way
Brunswick, GA 31520
Phone: 912-264-7218
http://coastalgadnr.org/msp/jd

US Army Corps of Engineers
Savannah District
Regulatory Division
100 W. Ogletorpe Avenue
Savannah, GA 31401-3640
Phone: 912-652-5347 or 1-800-448-2402
http://www.sas.usace.army.mil/Regulatory

Georgia Environmental Protection Division
Watershed Protection Branch
2 Martin Luther King Jr. Drive
Suite 1462 East, Atlanta, Georgia 30334
Phone: 404-463-1511.
www.epd.georgia.gov

ADDITIONAL RESOURCES:

Coastal Marshlands Protection Act

Rules for Erosion and Sedimentation Control
http://rules.sos.ga.gov/gac/391-3-7

Georgia Erosion and Sedimentation Act

The following documents can be found at http://epd.georgia.gov/erosion-and-sedimentation:

“Streambank and Shoreline Stabilization Guidance”

Local Issuing Authorities List

“Minor Land Disturbing Guidance”

http://epd.georgia.gov/erosion-and-sedimentation-forms

Coastal Marshland Buffer Variance Application

Coastal Marshland Variance by Rule Notification Form

Field Guide for Identifying and Permitting Coastal Marshlands That Require a Buffer
April 2017

This guidance addresses the identification and permitting of coastal marshlands (including impoundments) that require a buffer. The State mandated buffer requirements apply to all coastal marshlands as defined in Code Section 12-5-282 (Coastal Marshland Protection Act).

This field guide supersedes any previous manuals, memos, or guidance issued by the Georgia Environmental Protection Division on the identification of coastal marshlands that require a buffer. It does not supersede the requirements of any Rule or Law.

ENVIRONMENTAL PROTECTION DIVISION

The publication of this document was supported by the Georgia Department of Natural Resources, Environmental Protection Division and was financed in part through a grant from the U.S. Environmental Protection Agency under the provisions of Section 319(h) of the Federal Clean Water Act of 1987, as amended.

April 2017

This guidance is based on the Rules for Erosion and Sedimentation Control (Rules), 391-3-7, promulgated under the Georgia Erosion and Sedimentation Act (GESEA), O.C.G.A. 12-7.

The Act defines State waters as “any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.” Coastal marshlands meet this definition and therefore are State waters.

STEPS FOR DETERMINING THE PRESENCE OF MARSHLANDS AND BUFFER REQUIREMENTS ON A SITE

Please note that this guidance is primarily written to assist Local Issuing Authorities (LIAs) with their determinations of coastal marshlands and buffer requirements. However, it is also a tool for plan preparers and environmental consultants to use in the preparation of accurate Erosion, Sedimentation and Pollution Control Plans. Coastal marshlands are buffered if they meet the definition in O.C.G.A. 12-5-282 and are not otherwise exempted.

STEP 1

Review the topography of the Erosion, Sedimentation and Pollution Control Plan for features that may indicate the presence of coastal marshlands.

STEP 2

For any proposed land disturbance activity below the 2 meter elevation (see map for more information) the owner should contact the Georgia Department of Natural Resources (DNR), Coastal Resources Division (CRD) for a jurisdictional determination. If CRD takes jurisdiction, the owner will need to provide EPD and/or the LIA documentation of a CRD verified Jurisdictional Determination (JD) Line. CRD should be contacted by the owner or the owner’s agent to establish the location of the JD Line. Alternately, the owner or owner’s agent may do their own topographical survey or plant survey and present that information to CRD for verification of the JD line. If CRD does not take jurisdiction the owner will need to provide EPD and/or the LIA with written verification.
STEP 3  The LIA or EPD (if the activity is not regulated by an LIA) should then determine if the proposed activity meets one of the exemptions in the Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7-17). If the activity is not exempt, the project will require a buffer variance based on the JD line established by CRD. Coastal marshlands have a 25 foot buffer as measured horizontally from the coastal marshland-upland interface (JD Line), as determined in accordance with Part 4 of Article 4 of Chapter 5 of the Coastal Marshlands Protection Act (CMPA).

STEP 4  The determination should be documented in writing. Photo documentation and/or a survey plat are strongly recommended. It is the responsibility of the project owner to retain this documentation for permitting purposes.

STEP 5  If it is determined that a buffer variance is required, a buffer variance application or variance by rule notification (with supporting documentation) should be submitted to the Georgia Environmental Protection Division, Watershed Protection Branch, 2 Martin Luther King Jr. Drive, Suite 1462 East, Atlanta, GA 30334, 404-463-1511.

THE FOLLOWING ACTIVITIES DO NOT REQUIRE A BUFFER VARIANCE. THESE EXEMPTIONS ARE ONLY APPLICABLE TO THE COASTAL MARSHLANDS (O.C.G.A. 12-7-6(b)(17):

- Where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286 (Coastal Marshland Protection Act).
- Maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and piers.
- Where a drainage structure or a roadway drainage structure is constructed or maintained.
- On the landward side of any currently serviceable shoreline stabilization structure.
- Maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation.
- Crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer.
- Any land disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014 and prior to December 31, 2015.
- Any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to December 31, 2015 and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development.
- All other applicable federal, state and local laws, rules and ordinances, including erosion and sedimentation control must be fully complied with prior to commencement of project construction.

THE FOLLOWING INFORMATION MUST BE MAINTAINED ON-SITE UNTIL FINAL STABILIZATION OF THE SITE IS COMPLETE:

- Site Plan that shows the locations of all structures, impervious surfaces and the boundaries of the area of soil disturbance both inside and outside of the buffer. The exact area and length of the buffer to be impacted shall be accurately and clearly indicated.
- Documentation that adequate erosion control measures are incorporated into the project plans and specifications.

ANY ACTIVITY THAT DOES NOT MEET THE REQUIREMENTS OF 391-3-7-.11(9)(g) WILL BE CONSIDERED IN VIOLATION OF THE VARIANCE BY RULE

VARIANCE BY RULE NOTIFICATION REQUIREMENTS

Notification of Variance by Rule form must be submitted to the Department of Natural Resources, Environmental Protection Division for review at least 14 days prior to the commencement of land-disturbing activities. Unless notified by the EPD to the contrary, the applicant is authorized to encroach into the buffer 14 days after the notification form is received by the EPD. Notification must be submitted by return receipt mail (or similar service) to both EPD and the Local Issuing Authority (if applicable).

THE VARIANCE BY RULE IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

- Disturbance of existing buffer vegetation shall be minimized.
- Final stabilization must include a re-vegetation plan as described in the most recent publication of the Division’s ‘Streambank and Shoreline Stabilization’ guidance. Native riparian vegetation is recommended.
- Temporary vegetative measures must be implemented within 14 calendar days following the completion of any soil disturbance and the site shall be stabilized at the end of every day until project completion.
- Proper and full implementation of the erosion control measures in 391-3-7-.11(9)(ii) of the Rules.
- Post construction stormwater management practices should be considered. Best Management practices can be found in the latest edition of the Georgia Stormwater Management Manual or the Coastal Supplement to the Georgia Stormwater Management Manual.
- All other applicable federal, state and local laws, rules and ordinances, including erosion and sedimentation control must be fully complied with prior to commencement of project construction.

DEFINITIONS

a. “Buffer” means the area of land immediately adjacent to the banks of State Waters in its natural state of vegetation, which facilitates, when properly vegetated, the protection of water quality and aquatic habitat (O.C.G.A. 12-7-3(2)).

b. “Coastal Marshlands” shall have the same meaning as in Code Section 12-5-282.

c. “Land Disturbing Activity” means any activity which may result in soil erosion and the movement of sediments into State Waters or onto lands within the State, including but not limited to grubbing, dredging, grading, excavation, transporting, and filling of land, but not including those practices to the extent described in O.C.G.A. 12-7-17 (O.C.G.A. 12-7-3(9)).

d. “Maintenance” means actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design.

e. “Serviceable” means usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

f. “State Waters” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(8) or (O.C.G.A. 12-7-3(16)).
Insert Tab 4

Role of the Inspector
Back of Tab
ENFORCEMENT

Role of the Inspector

Level 1B Recertification
Effective August 2018

Purpose of the Inspector

- The inspector is the key person in determining if the approved plan has been implemented properly
- The inspector is the person who ensures the responsible party keeps the site in compliance
- The inspector should be effective at communicating the issues present on site
- The inspector should ensure that all sites are being evaluated fairly and consistently

Role of the Inspector

Duties that can be expected of an inspector

- Official Representative
- Fact Finder
- Provider of enforcement presence
- Enforcement case developer
- Technical educator
- Technical authority
Characteristics of an Exceptional Inspector

- Inquisitive
- Determined
- Professional appearance
- Integrity and impartiality
- Avoids conflicts of interest
- Maintains standards of conduct
- Consistently applies ordinance to all individuals

Certified Local Issuing Authorities

- Per O.C.G.A. 12-7-7, one of the responsibilities of a certified LIA is to conduct inspections of all Land Disturbing Projects within its jurisdiction
- Inspectors should be visiting sites at least once a week and after every rainfall to ensure the sites remain in compliance
- All inspectors should be familiar with their Local Ordinance & the State Law

The Site Inspection

- Do’s & Don’ts
- Sequence
- What should be on site?
- Documentation
Before an Inspection

- Review the approved ES&PC Plan
  - Check contours, critical areas, delineated state waters
- Have a copy of the Plan with you or on site at all times
- Bring any inspection files or forms that will be needed
- Secure any additional equipment you may need, such as cameras, hardhats, safety vests, etc...
- Review all phases of the approved plan to understand the scope of the construction activity

Equipment

- Field Inspection Equipment may include
  - Cameras
  - Logbook & Pen
  - Tablet
  - Tape measure
    - Crucial for checking proper installation and maintenance of BMPs
  - GPS
  - Sampling Equipment
  - Turbidity Meter
  - GSWCC Field Manual

1st Visit

- Present your credentials and provide contact info
- Walk the perimeter of the site
- Start from the lowest point of the site and work your way up
- Ensure that the initial sediment storage and perimeter control BMPs have been installed properly
- Document any observations along the way
  - Note date, time, and weather conditions
The ES&PC Plan

- During every site inspection
  - Ask to see the approved ES&PC Plan
  - Observe how the site has changed since the last inspection
  - Confirm the site conditions match the plan
  - Determine that all practices have been installed and are being maintained
  - If any deficiencies are found, appropriate action must be taken to obtain compliance

What to Inspect

- Construction exits
- Inspect discharge points & downstream areas for impact
- Walk the perimeter of the site
- Inspect active areas
- Inspect disturbed areas that are not currently being worked
- Inspect areas that have undergone final stabilization
- Take into account the entire site, phase of the Plan, and ensure that the project is reflective of the Plan

What Should Be On Site?

- Approved ES&PC Plan
  - These should be updated on site if there is ever a revision to the plan
  - At a minimum, one certified person shall be on site at all times when land disturbing activities are being conducted
  - The following slide lists all of the documents that must be kept on site or readily available at a designated alternative location until a NOT is submitted
What Should Be On Site?

- LDA Permit
- All NOIs submitted to the GA EPD
- Design Professional 7-day letter
- Daily, weekly, and monthly inspection reports
- Daily rainfall data
- Any buffer variances or permits
- Violation summaries and reports
- All sampling and monitoring information, results, and reports

Documentation

- A complete and factual record should be documented for the entire inspection
  - Current activities at the site
  - Any observations related to BMPs
  - Any observations related to sediment leaving the site
  - Any outcomes
- These records support potential enforcement action
- A way to communicate your findings to other
  - Provides a “site history” for another inspector

Structural BMPs

What to look for?
Cd - Check Dam

What to look for:
- Is the center of the check dam lower than the outer edges?
- Is the toe of the upstream dam at the same elevation as the top of the downstream dam?
- Does the channel flow exceed 2 cfs? If yes, then other BMPs are needed
- If Cdé-Hb, has a splash pad been installed?

Co - Construction Exit

What to look for:
- Is the exit the appropriate length and width?
- Has the correct size rock been used?
- Has the geotextile been placed under the rock?
- Is sediment tracked onto the roadway?

Di - Diversion

What to look for:
- Does the diversion have a ridge?
- Does the ridge have a minimum width of 4 feet?
- Does the diversion have an adequate outlet?
Dn – Down Drain Structure

What to look for:
- Is the structure properly staked?
- If the slope is steeper than 2:1, are the drains placed diagonally across the slope?
- Has outlet protection been installed?
- Is the pipe diameter appropriate for the drainage area?

Fr – Filter Ring

What to look for:
- Is the filter ring constructed with the proper stone size?
- Are other BMP control measures being used?
- Is it a minimum of 2 feet tall?
- Is the filter ring kept clear of trash & debris?

Rt – Retrofit

What to look for:
- Has the half-round been affixed to the structure?
- Has the correct size rock been used?
- Is the structure being cleaned out at 1/3 full?

- Improper installation
- Sediment overtopping
- Maintenance
- Not securely attached to structure
- Improper hole size & spacing
Sd1 – Sediment Barrier

What to look for:
- Has the appropriate type been installed?
- Is the silt fence trenched in?
- Is the barrier being cleaned out at ½ full?
- Has the barrier been installed in an area of concentrated flow?
- Is the barrier being maintained at 80% of its original height?

- Maintenance
- Not trenched in

Sd2 – Inlet Sediment Trap

What to look for:
- Is the trap self draining?
- Does the installed practice match the need?
- Is the trap being cleaned out at ½ the height?

- Maintenance
- Installation

Sd3 – Temporary Sediment Basin

What to look for:
- Has emergency spillway been installed?
- Has the basin been properly stabilized?
- Is there a clean out marker?
- Does the riser have the correct size holes and stone placed around?
- Is a trash rack in place?

- Proper construction
Sd4 – Temporary Sediment Trap

- What to look for:
  - Has the appropriate sediment trap been constructed? (A, B, or C)
  - Is the length:width ratio greater than 2:1?
  - Is the trap being maintained at 1/3 full?

Sk – Floating Surface Skimmer

- What to look for:
  - Is the skimmer stuck in the mud?
  - Has the device been damaged or clogged?
  - Is the skimmer properly attached to the outlet structure?
  - Is a portion of the skimmer visible at all times?

Tp – Topsoiling

- What to look for:
  - Has the stockpile been stabilized properly?
  - Is it contained by a sediment barrier?
  - Is a uniform application of 5” unsettled being used when applying topsoil?
Vegetative Practices

What to look for?

- Is a buffer delineated on the Plan?
- Is there a buffer encroachment?
- In sensitive areas, have 2 rows Sd1-S been installed?

Bf - Buffer Zone

- What to look for:
  - Is a buffer delineated on the Plan?
  - Is there a buffer encroachment?
  - In sensitive areas, have 2 rows Sd1-S been installed?

- Cleared entire buffer
- Not two rows Sd1-S

Ds1 - Mulching

- What to look for:
  - Has mulch been applied to all disturbed areas within 14 days?
  - Has it been applied to an appropriate depth?
  - Has it been anchored?
  - Is it older than 6 months?

- Not applied at proper depth
- Coverage not maintained
Ds2 – Temporary Seeding

- What to look for:
  - Has the right species been selected for the time of year?
  - Has an adequate stand emerged?
  - Will this species be in place for less than 6 months?

Ds3 – Permanent Seeding

- What to look for:
  - Has the right species been selected for the time of year?
  - Is 100% of soil surface uniformly covered with a 70% density or greater?
  - Is a 6” top growth being maintained?

Du – Dust Control

- What to look for:
  - Is there evidence of dust on site?
  - What control method is being used?
  - If using the spray method, has traffic flow been prohibited?
Fl-Co – Flocculants & Coagulants

- What to look for:
  - Have only anionic forms been used?
  - Has it been applied to surface waters of the state?
  - Has it been applied in the appropriate storm water ditches or storage basins?

Ss – Slope Stabilization

- What to look for:
  - Have the blankets been rolled & anchored properly?
  - Does the Plan specify RECP or HECP?
  - Are there any failures, washouts, or dislocations?
  - Has HECP been applied per manufacturer’s directions?

Tac - Tackifiers

- What to look for:
  - What type of tackifier is being used?
  - Are only anionic forms being used?
  - Are tackified areas checked after rain events?
  - Have soil infiltration rates been reduced?
Violations Interactions

First & Second Violation
- A written warning is issued to the permittee
- The permittee shall have five (5) days to correct the violation
- If the violation is not corrected within five (5) days, an immediate stop work shall be issued

Third Violation
- An immediate stop work order shall be issued

Handling Violations
- The inspection records written by an inspector are the basis for enforcement and civil penalties
- Remember
  - Write a report for each inspection conducted at the site
  - Take a substantial amount of pictures
  - Always write the report at the site so that you don’t forget anything
- For consultants, this is your client’s best defense against a violation
Interactions at the Site

- As an inspector you will be dealing with a wide range of people.
- To be effective, you must follow the law and be fair and consistent when enforcing it.
- You must conduct yourself in a professional manner.

Dealing with Difficult People

- An inspector will often have to handle heated situations.
- Often times you will not have time to prepare a response and you must resolve the situation immediately.
- The following are a list of steps that can be used to resolve a heated situation.

Key Steps

- Maintain a friendly and professional attitude
  - Don’t argue with the person
  - Show that you have interest in their problem
  - State that you would like to help them solve it
  - Don’t let their anger get to you
  - Don’t take what they say personally
Key Steps
- Acknowledge that a difficult situation exists
  - Show that you take the complaint seriously
  - Choose your words carefully
  - Use a tone that demonstrates understanding
  - Respond to what the person is saying
  - If you owe an apology, apologize only for the specific incident

Key Steps
- Calm the individual by questioning and verifying
  - Demonstrate that you are willing to work with them
  - Don’t assume anything, ask specific questions
  - Respond to show that you understand the problem
  - Be sure that you and the person are on the same page

Key Steps
- Involve the person in solving the problem
  - Ask the person to help you solve the problem
  - Request suggestions and offer your assistance to correct the situation
  - Explain the law and regulations and the reasoning behind them
  - Continue to ask questions to keep their focus on the problem
Key Steps

- Handle the problem
  - Be positive
  - Focus on the most feasible solution
  - Decide on a follow-up action to ensure the problem has been resolved

References

- Manual for Erosion and Sediment Control in Georgia
  - 2016 Edition – GSWCC
- NPDES Permits GAR100001,100002,100003
  - Office of Enforcement and Compliance Assurance – Environmental Protection Agency
- Florida Erosion and Sediment Control Inspector’s Manual
  - Florida Department of Environmental Protection

Summary

- Inspectors must be professional, fair and consistent
- Inspectors must be technical authorities
- Proper inspection procedures must be observed
- Properly applied enforcement action promotes broader compliance
- Knowing how to deal with people can go a long way
Insert Tab 5

Stormwater Management
Back of Tab
Stormwater Management

**Purpose**

- Stormwater is ....
  - Water that does not soak into the ground
  - Runoff that can carry pollutants

**History**

**Impact**

**Pollutants**

**Blue Book**

**Green Infrastructure**
Stormwater Management

Why manage stormwater?
- To mimic natural hydrology
- To reduce physical, chemical and biological degradation of streams.
- To meet local, state and federal requirements.
- To allow for future growth & development

Why is stormwater management so important?
- From "River of Fire" to Clean Water Act
- Cuyahoga River 1949–1969

Stormwater is a leading cause of water quality impairment
- Growth in Georgia
  - 2000–2010 GA gained 1.5 million new residents (2010 Census Data)
  - 2010–2018: estimated 2.3 million new residents
- Georgia State Water Plan
  - In all water planning regions, assessments identified water bodies that currently have poor water quality, often due to the pollutants carried by stormwater.
  - Actions are needed to protect or restore the water quality in these streams, rivers, lakes, and estuaries.

Highlights of Regional Water Planning 2009–2011
What happens with increased impervious surfaces?
- Increased volume of runoff
- Increased peak discharge
- Increased velocities
- Shorter time to peak flow
- More frequent bank-full events
- Increased flooding
- Lower stream baseflow
- Less ground water recharge

Atlanta, Georgia
Courtesy: NCSU

Tree canopy and topsoil removal
- Compacted soils
- Impervious surfaces prevent infiltration
- Concentrated runoff
- Flash flooding
Impacts to the Environment

- Stream channel enlargement (down-cutting & widening - entrenchment)
- Reduced base flow in streams
- Loss of riparian vegetation (filtration, treatment, flood abatement)
- Floodplain degradation
- Degradation of habitat
- Degradation of water quality
- Decline in wildlife diversity & abundance

Reformulated Impervious Cover Model


Urban Growth & Impervious Surfaces

0 - 5% Natural
0 - 15% Rural
5 - 65% Suburban
50 - 95% Urban
Stormwater Management

- Channel protection is very important due to impervious surfaces and uncontrolled runoff

![Image showing a stream and wetlands]

Pollutants

- Major Pollutant Categories
  - Nutrients
  - Pathogens
  - Sediment
  - Toxic Contaminants
  - Debris
  - Thermal Stress

These major pollutants can be found in all major land use areas.

Pollutants
Pollutants

- Nutrients
  - N & P have "escalated dramatically" in past 50 years
  - 50% of U.S. streams have medium to high N & P
  - 78% of assessed coastal waters exhibit eutrophication
  - Nitrate violations in drinking water have increased
  - USGS reported elevated N & P in shallow ground water
  - Algal blooms increasing (associated toxins)
  - N & P pollution expected to increase

The Pollutants in Polluted Runoff

- Sediment
  - Toxic Contaminants
  - Debris
  - Thermal Stress
  - Nutrients
  - Pathogens

Sediment is eroded soil or sand which smothers aquatic habitat, carries pollutants, and reduces water clarity.

Sources: road sand, construction sites, agricultural fields, disturbed areas

GA Stormwater Manual 2016

Guidance

Coastal Stormwater Supplement
Georgia Stormwater Management Manual

March 16, 2011 EPA Memorandum
Nancy Stoner, Acting Assistant Administrator

Photo courtesy of Weeks Bay Watershed Project
Coastal Supplement  
- Adaptations for coastal constraints  
- Additional content to promote natural resource protection  
- Includes stormwater runoff volume reduction (Green Infrastructure)  
- Provides better protection of water quality and aquatic and terrestrial resources

Georgia Stormwater Manual (Blue Book)  
- New Recommended WQ Performance Standards  
  - Given that an 80% TSS removal rate for the 1.2 inch rainfall event is the standard for addressing water quality, 100% TSS removal through volume reduction of the 1.0 inch rainfall event will address the same requirement. In another method of describing total TSS removal, 80% of 1.2 inches (0.96) approximately equates to 100% of 1.0 inches.

New Recommended WQ Performance Standards  
- Runoff Reduction (RRv) – i.e. Green Infrastructure  
  - Runoff reduction practices should be sized and designed to retain the first 1.0 inch of rainfall on the site to the maximum extent practicable.  
- Water Quality (WQv) – i.e. Stormwater Management Pond  
  - Stormwater management systems should be designed to retain or treat the runoff from 85% of the storms that occur in an average year (1.2 inches), and reduce average annual post-development total suspended solids loadings by 80%.
GA Stormwater Manuals

- Runoff Reduction (RRv) Method
  - Reduces volume of runoff AND removes pollutants
  - Promotes ‘Green Infrastructure’ Techniques
  - Promotes infiltration rather than detention
  - Every land surface can act as stormwater control
  - Reduces amount of detention volume required
  - Limitations: highly compacted clay soils & contaminated sites

Green Infrastructure

- Many different terms
  - Low Impact Development, Green Infrastructure, & Runoff Reduction

- The U.S. EPA uses the term to mean an approach to managing stormwater
  - Utilizing natural systems or engineered systems that mimic natural landscapes to capture, cleanse and reduce stormwater runoff through plant, soil and microbial processes
  - Infiltration, evapotranspiration & reuse
  - Manages wet weather flow by managing rain water on the site where it falls

Green Infrastructure

Gray vs. Green

- Slow, Infiltrate, and Clean Stormwater
Traditional approach
- Convey stormwater quickly from site to waterbody or detention ponds
- Manage peak flows for flood control, drainage and large scale downstream erosion.

Green Infrastructure Approach
- Encourage integration of green infrastructure in the design of the project
- View stormwater as a resource
- Slow down the flow, allow to infiltrate
- Reduces pollutant loads to waterbodies
- Obtain multiple community benefits

Traditional vs. Green Infrastructure

Traditional
- Impermeable Surface
- Curb Cut

Green Infrastructure
- Permeable Paving
- Bioretention
- Domed Landscape
Green Infrastructure

- Triple Bottom Line
  - Economic benefits
  - Social benefits
  - Environmental benefits
- Leads to Sustainable Development

Examples of RR/Green Infrastructure

- Soil Restoration
- Site Reforestation
- Green Roof
- Permeable Pavements
- Undisturbed Pervious Areas (greenspace)
- Vegetated Filter Strips
- Downspout Disconnection
- Rain Gardens
- Stormwater Planters
- Dry wells
- Rainwater Harvesting
- Bioretention
- Infiltration Practices
- Dry Swales
- Grass Channels

Bioretention

Source: Breedlove Land Planning
Green Roof

Source: City of Atlanta

Retrofit Examples: Landscape Islands

Source: City of Atlanta GI for Small Commercial Development

Green Infrastructure Can Compete for Space

- Creativity with site layout
  - Upfront coordination between Civil, Landscape Architect, and Architect
- Dual purpose practices:
  - permeable pavement → parking lots
  - bioretention → landscape islands
  - green roof → typical roof
- Able to meet tree planting and runoff reduction requirements with one practice

Source: Kimley-Horn & Associates
Infiltration Practices

- Soils analysis should be conducted prior to design
  - Infiltration rates, high water table, bedrock, contaminated soils
- Piedmont soils (silt and clay) and compaction
  - Loosening compacted soils on redevelopment sites
  - Prevent compaction during construction
  - Innovative designs (upturned underdrain) to encourage surface drainage and promote infiltration in clay soils
- Erosion control
  - Phasing installation to prevent sedimentation issues
  - Installation of appropriate BMPs
  - Routing runoff around green infrastructure until final stabilization

Construction Practices

- Installation should occur after the contributing drainage areas to the infiltration practice area have been stabilized.
- If this is not feasible, stormwater flow should be diverted around the infiltration practice area.
- During excavation, heavy machinery shall not drive over exposed underlying soils.
- Excavate in dry conditions as much as practicable.
- Excavate final 9” to 12” with teeth of bucket (do not smear).

- Loosen subgrade soils that have been compacted or smeared by raking, diskng or tilling to a minimum depth of 6”.
- Subsoils should be scarified (not compacted) prior to placement of clean, washed drainage stone.
- To prevent compaction within the limits of the basins, only hand laborers, light equipment with turf ties, or wide-track loaders should be used.
- Soil surfaces should be scarified to aerate and reduce soil compaction.
Erosion Control and Phasing

- After installation, no BMPs (Sd2s – Sediment Inlet Traps) were installed in front of curb cuts.

Erosion Control and Phasing

- Sediment removed and bioretention cell restored

Erosion Control and Phasing

- Small area of disturbed soil and concentrated flow can lead to major clogging
Erosion Control and Phasing

- Green Infrastructure should be installed once all surrounding areas are stabilized

Summary

- Development activities impact the volume and quality of stormwater runoff.
- Stormwater management plays an important role in the overall health of our surface waters.
- When properly designed, installed, and maintained, stormwater management practices, including green infrastructure, can mitigate the negative impacts of development.
- Uncontrolled sedimentation can impact stormwater management practices both during and after construction.

Questions?

GSWCC
Urban Program
4310 Lexington Road
Athens, GA 30605
(706) 552-4474
Insert Tab 6

Resource Information
Back of Tab
Important Links for E&S in Georgia

These documents can be found at http://gaswcc.georgia.gov/

Under “Documents List”

O.C.G.A. 12-7-1 (GESA)

Nov2018.pdf

NPDES Permit Fact Sheet

https://gaswcc.georgia.gov/sites/gaswcc.georgia.gov/files/imported/SWCC/Files/Factsheet-
NPDES-Construction-General-Permits-May-2018.pdf

NPDES Permit for Stand Alone Construction Projects (GAR100001)

https://gaswcc.georgia.gov/sites/gaswcc.georgia.gov/files/imported/SWCC/Files/GAR100001-
Stand-Alone-May-2018-Final.pdf

NPDES Permit for Infrastructure Construction Projects (GAR100002)

http://gaswcc.georgia.gov/sites/gaswcc.georgia.gov/files/imported/SWCC/Files/GAR100002-
Infrastructure-May-2018-Final.pdf

NPDES Permit for Common Development Construction Projects (GAR100003)

http://gaswcc.georgia.gov/sites/gaswcc.georgia.gov/files/imported/SWCC/Files/GAR100003-
2016 Manual for Erosion & Sediment Control in Georgia


2016 Field Manual for Erosion & Sediment Control in Georgia


Model Ordinance 2016


2019 ES&PC Plan Review Checklists


Sample Inspection & Record Keeping Forms


Equivalent Best Management Practice List


Impaired Streams Map Viewer

http://www.gaswcc.org/maps/
Commonly Used Acronyms

BMP: Best Management Practices
CPESC: Certified Professional in Erosion & Sediment Control
CWA: Clean Water Act
DNR: Department of Natural Resources
EMC: Electric Membership Corporation
EPA: Environmental Protection Agency
EPD: Environmental Protection Division
ES&PC: Erosion, Sedimentation & Pollution Control
FEMA: Federal Emergency Management Agency
FERC: Federal Energy Regulatory Commission
GACD: Georgia Association of Conservation Districts
GDOT: Georgia Department of Transportation
GES: Georgia Erosion & Sediment Control Act
GEOS: Georgia EPD Online System
GFC: Georgia Forestry Commission
GSWCC: Georgia Soil & Water Conservation Commission
LDA: Land Disturbing Activity
LIA: Local Issuing Authority
MLRA: Major Land Resource Area
MOA: Memorandum of Agreement
NOI: Notice of Intent
NOT: Notice of Termination
NOV: Notice of Violation
NPDES: National Pollutant Discharge Elimination System
NRCS: Natural Resource Conservation Service
NTU: Nephelometric Turbidity Unit
O.C.G.A.: Official Code of Georgia Annotated
RO: Responsible Official
PSC: Public Service Commission
SWCD: Soil & Water Conservation District
TMDL: Total Maximum Daily Load
USACE: United States Army Corps of Engineers
USDA: United States Department of Agriculture
Glossary

**Accelerated Erosion** – alteration of the land surface that is intensified by human activities

**Agricultural Lime** – a soil amendment consisting principally of calcium carbonate (CaCO₃)

**Base Flow** – the discharge that enters the stream channel through the soil

**Best Management Practices** – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion & Sediment Control in Georgia” (Manual) published by the State Soil & Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia

**Buffer** – an area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat

**Certified Personnel** – a person who has successfully completed the appropriate certification course approved by GSWCC

**Channel Stabilization** – improving, constructing or stabilizing an open channel for water conveyance

**Check Dam** – a temporary grade control structure, or dam constructed across a swale, drainage ditch, or area of concentrated flow

**Climate** – the statistics of weather. It is measured, usually over a 30-year period, by assessing the patterns of variation in temperature, humidity, atmospheric pressure or precipitation

**Coagulant** – neutralizes the repulsive electrical charge surrounding a particle allowing it to stick together with other particles to form a clump or floc

**Coastal Dune Stabilization** – the planting of vegetation on dunes that are denuded, artificially constructed, or re-nourished

**Common Development** – a contiguous area where multiple, separate, and distinct construction activities will be taking place at different times on different schedules under one plan of development on or after August 1, 2000

**Conservation** – the protection, improvement and use of natural resources according to principles that will assure their highest economic or social benefit
Construction Activity – the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities

Construction Exit – a stone stabilized pad located at any point where traffic will be leaving a construction site to a public right-of-way, street, alley, sidewalk or parking area

Construction Road Stabilization – a travel-way constructed as part of a construction plan including access roads, subdivision roads, parking areas, and other on-site vehicle transportation routes

Cut-and-Fill – the process of earth moving by excavating part of an area and using the excavated material for adjacent embankments or fill areas

Design Professional – a professional licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion & Sediment Control with a current certification by EnviroCert International Inc.

Direct Runoff – the water entering stream channels promptly after rainfalls or snow melts

Disturbed Area Stabilization (with mulching) – the application of plant residue or other suitable material, produced on site if possible, to the soil surface

Disturbed Area Stabilization (with temporary vegetation) – the establishment of temporary vegetative cover with fast growing species for seasonal protection on disturbed or denuded areas

Disturbed Area Stabilization (with permanent vegetation) – the planting of perennial vegetation such as trees, shrubs, vines, grasses, or legumes on exposed areas for final permanent stabilization

Disturbed Area Stabilization (with sodding) – a permanent vegetative cover using sod on highly erodible or critically eroded lands

Diversion – a ridge of compacted soil, constructed above, across, or below a slope

Drainage Structure – a device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes

Dust Control – the control of surface and air movement of dust on construction, roads, and demolition sites
Ephemeral Stream – a stream that flows only in direct response to precipitation

Erosion – the process by which the land surface is worn away by the action of water, wind, ice and gravity

ES&PC Plan – an Erosion, Sediment & Pollution Control Plan for the control of soil erosion and sediment resulting from a land-disturbing activity

Filling – the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation

Filter Ring – a temporary stone barrier constructed at storm drain inlets and pond outlets

Final Stabilization – all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region)

Floating Surface Skimmer – a buoyant device that releases/drains water from the surface of sediment ponds, traps, or basins at a controlled rate of flow

Flocculant – facilitates the agglomeration or aggregation of coagulated particles to form larger flocules that slowly drop out of suspension

Gabion – a large, multi-celled, welded wire or rectangular wire mesh box used to stabilize highly erosive slopes

Grade Stabilization Structure – a structure used to stabilize the grade in a natural or artificial channel

Grade – the slope of a road, channel, or natural ground

Gradient – the number of horizontal units per vertical units

GEOS – Georgia EPD Online System; the mandatory electronic submittal system for permit applications

Geologic Erosion – the natural erosion caused by geologic processes acting over long geologic periods
**Geotextile** – a term used to describe woven or non-woven fabric materials used to reinforce or separate soil and other materials

**Hydric Soils** – soils that were developed in conditions where soil oxygen is limited by the presence of saturated soil for long periods during the growing season

**Hydrophytic Vegetation** – a plant that grows partially or fully submerged in water

**Infrastructure Construction** – construction activities that are not part of a common development that include the construction, installation, and maintenance of roadway and railway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults, manholes, and similar or related structures for the conveyance of natural gas, liquid petroleum products, electricity, telecommunications, water, storm water, or sewage

**Inlet Sediment Trap** – a temporary protective device formed at or around an inlet to a storm drain to trap sediment

**Intermittent Stream** – a stream, or portion of a stream, that flows only in direct response to precipitation

**Interstate Commerce** – as had, presently has, or potential to have interstate commerce

**Land-Disturbing Activity** – any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto state lands, including, but not limited to clearing, dredging, grading, excavating, transporting, and filling of land

**Level Spreader** – a storm flow outlet device constructed at zero grade across the slope

**Local Issuing Authority** – the governing authority of any county or municipality which is certified pursuant to subsection (a) of Code Section 12-7-8

**Marshlands** – any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses

**Mass Grading** – the movement of earth by mechanical means to alter the gross topographic features (elevations, slopes, etc.) in order to prepare a site for final grading and the construction of facilities (buildings, roads, parking, etc.)

**Manual** – the Manual for Erosion & Sediment Control in Georgia is the published guidance of the GSWCC governing the design and practices to be utilized in the protection of the state’s natural resources from erosion and sedimentation
Navigable Waters – waters subject to the ebb and flow of the tide and has a connection to the transportation of interstate commerce

Nephelometric Turbidity Unit – a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.

Normal Business Hours – Monday thru Friday, 8:00 AM to 5:00 PM, excluding any non-working Saturday, non-working Sunday and non-working Federal holiday.

Normal Stream Flow – any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year

Outfall – the location where storm water, in a discernible, confined and discrete conveyance, leaves a facility or construction site or, if there is a receiving water on site, becomes a point source discharging into that receiving water

Perennial Stream – a stream with base flow that maintains stream flow throughout the year under normal circumstances

Permanent Downdrain – a permanent structure used to safely convey surface runoff from the top of a slope to the bottom of the slope

pH – a numerical measure of the acidity or hydrogen ion activity

Preparer – someone assigned by a Responsible Official to create and prepare applications for their facility

Primary Permittee – the owner or operator or both of a tract of land for a construction project subject to the permit

Primary Trout Waters – any stream supporting a self-sustaining population of Rainbow, Brown, or Brook Trout

Receiving Water(s) – all perennial and intermittent waters of the State into which the runoff of storm water from a construction activity will actually discharge, either directly or indirectly

Responsible Official - a duly authorized representative for a facility who can certify and submit applications in GEOS.

Retaining Wall – a wall constructed of one or more of the following: concrete masonry, reinforced concrete, cribbing, treated timbers, steel pilings, gabions, stone drywall, rock riprap, etc....
Retrofit – a device or structure placed in front of a permanent storm water detention pond outlet or roadway drainage structure to serve as a temporary filter.

Rill Erosion – an erosion process in which numerous small channels, only several inches deep, occur mainly on recently disturbed and exposed soils.

Riprap – broken rocks, cobbles, or boulders placed.

Roadway Drainage Structure – a device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Rock Filter Dam – a temporary stone filter dam installed across a drainage way or in conjunction with a temporary sediment trap.

Secondary Permittee – an owner, individual builder, utility company, or utility contractor that conducts a construction activity within a common development with an existing primary permittee.

Secondary Trout Waters – streams with no evidence of natural trout reproduction but capable of supporting trout throughout the year.

Sediment – solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by, wind, water, ice, or gravity as a product of erosion.

Sediment Barrier – a temporary structure made of a porous material typically supported by steel or wood posts.

Sedimentation – the process by which eroded material is transported and deposited by water, wind, ice and gravity.

Seep Berm – a linear control device constructed as a diversion perpendicular to the direction of runoff to enhance dissipation and infiltration of the runoff, while creating multiple sedimentation chambers with the employment of intermediate dikes.

Sheetflow – runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

Sheet Erosion – the removal of a fairly uniform layer of soil from the land surface by runoff water.
**Slope Stabilization** – a protective covering used to prevent erosion and establish temporary or permanent vegetation on steep slopes, shorelines, or channels

**Soil** – the unconsolidated mineral and organic material on the immediate surface of the Earth that serves as natural medium for the growth of land plants

**Splash Erosion** – the spattering of small soil particles caused by the impact of raindrops on wet soils

**Stand Alone Construction** – construction activities that are not part of a common development where the primary permittee chooses not to use secondary permittees

**State Waters** – includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation

**Storm Drain Outlet Protection** – a paved and/or riprap channel section placed below storm drain outlets

**Storm Water** – storm water runoff, snow melt runoff, and surface runoff and drainage

**Stream Diversion Channel** – a temporary channel constructed to convey flow around a construction site while a permanent structure is being constructed in the stream channel

**Streambank Stabilization** – the use of readily available native plant materials to maintain and enhance streambanks

**Sub-contractor** – an entity employed or retained by the permittee to conduct any type of construction activity (as defined in this permit) at a stand alone construction site

**Surface Roughening** – providing a rough soil surface with horizontal depressions created by operating a tillage or other suitable implement on the contour

**Tackifier** – a tie-down for soil, compost, seed, straw, hay or mulch

**Temporary Downdrain** – a temporary structure used to convey concentrated storm water runoff down the face of cut or fill slopes

**Temporary Sediment Basin** – a basin created by the construction of a barrier or dam across a concentrated flow area, or by excavating a basin, or by a combination of both
**Temporary Sediment Trap** – a small temporary pond that drains a disturbed area so that sediment can settle out

**Temporary Stream Crossing** – a temporary structure installed across a flowing stream or watercourse for use by construction equipment

**Tertiary Permittee** – the owner or operator of remaining lot(s) within a common development conducting a construction activity where the primary permittee and all secondary permittees have submitted a Notice of Termination or where a primary permittee no longer exists

**Topography** – the arrangement of the natural or artificial physical features of an area

**Topsoiling** – the stripping off of the more fertile top soil, storing it, and then spreading it over the disturbed area after completion of construction activities

**Tree Protection** – protection for desirable trees from injury during construction activity

**Turbidity Curtain** – a floating or staked barrier installed within the water column

**Turf Reinforcement Matting** – a permanent geo-synthetic matting that is used to stabilize the soil while permanent vegetation is taking root

**Vegetated Waterway** – a natural or constructed channel that is shaped and graded to the required dimensions and established in suitable vegetation

**Wetland** – those areas inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions

**Wrested Vegetation** – the point where vegetation has been wrested away by normal stream flow or wave action
Commission Members
Commission Board appointed by the Governor on April 15, 2015

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<tr>
<td>Harold Fallin</td>
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<td>Chairman</td>
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<td>Thomaston, Georgia</td>
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Staff
Mitch Attaway – Executive Director: mitch.attaway@gaswcc.ga.gov
Robert Amos – Conservation Manager: robert.amos@gaswcc.ga.gov
Jonathan Rutland – Resource Specialist: jonathan.rutland@gaswcc.ga.gov
Kari Kleist – Administrative Assistant: kari.kleist@gaswcc.ga.gov

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Ben Hyer – 319 Water Quality Projects: ben.hyer@gaswcc.ga.gov

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Andy Pope – Personnel Representative: andy.pope@gaswcc.ga.gov

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Ernell Babb – IT Project Specialist: ernie.babb@gaswcc.ga.gov
Georgia Soil and Water Conservation Districts
www.gacd.us

District
1  Alapaha
2  Altamaha
3  Blue Ridge Mountain
4  Brier Creek
5  Broad River
6  Catoosa County
7  Central Georgia
8  Clayton County
9  Coastal Georgia
10 Cobb County
11 Columbia County
12 Coosa River
13 DeKalb County
14 Flint River
15 Fulton County
16 Gwinnett County
17 Hall County
18 Henry County
19 Lamar County
20 Limestone Valley
21 Lincoln County
22 Lower Chattahoochee River
23 McDuffie County
24 Middle South Georgia
25 Ocmulgee River
26 Oconee River
27 Ogeechee River
28 Okefenokee River
29 Piedmont
30 Pine Mountain
31 Rockdale County
32 Roosevelt
33 Satilla River
34 Stephens County
35 Telfair
36 Upper Chattahoochee River
37 Upper Ocmulgee River
38 Walton County
39 Warren County
40 West Georgia
Natural Resources Conservation Service
www.nrcs.usda.gov

Area 1 Griffin
201 W Solomon St
Griffin, GA 30223

Area 2 Athens
355 E Hancock Ave
Athens, GA 30601

Area 3 Americus
295 Morris Dr
Americus, GA 31719

Area 4 Baxley
239 NE Park Ave
Baxley, GA 31513

State Office
355 E Hancock Ave
Athens, GA 30601
Savannah District
Regulatory Division
U.S. Army Corps of Engineers
ATTN: CESAS-RD
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3604

Piedmont Branch
U.S Army Corps of Engineers
1590 Adamson Parkway
The Plaza, Suite 200
Morrow, GA 30260-1777

Coastal Branch
U.S. Army Corps of Engineers
ATTN: CESAS-RD-C
100 West Oglethorpe Avenue
Savannah, Georgia 31401-3604
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<td>Tunnell Hill</td>
<td>Yes</td>
<td>Limestone Valley</td>
</tr>
<tr>
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<td>Varnell</td>
<td>Yes</td>
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</tr>
<tr>
<td>Whitfield</td>
<td>Whitfield County</td>
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