



***NPDES General Permits
For Storm Water Discharges
Associated with Construction
Activity***



DRAFT Update March 2023



NPDES General Permits

Expire July 31, 2023

- **No. GAR100001 – Stand Alone Construction**
- **No. GAR100002 – Infrastructure Construction**
- **No. GAR100003 – Common Development Construction**

***Current and Draft NPDES General Permits are available
on the GAEPD website:***

<https://epd.georgia.gov/watershed-protection-branch-public-announcements>



NPDES General Permits

Reading and understanding the Permits are essential to maintaining compliance.

General Permit
No. GAR100002

State of Georgia
Department of Natural Resources
Environmental Protection Division

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 storm water 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 storm water 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 September 24 2013.

This permit and the authorization to discharge shall expire at midnight, July 31, 2018.

Signed this 23rd day of September 2013.

 
Director
Environmental Protection Division

Expiration Date – July 31, 2023



- ***If the permittee failed to submit a NOI Re-Issuance Notification by deadline (December 31, 2023):***
 - Failure to comply with this requirement shall constitute a violation of the Georgia Water Control Act for each day until an **“initial”** NOI – *Version 2023* is submitted.
 - In addition, the permittee must **prepare and submit a new ES&PC Plan** in accordance with Part IV of the **new** permits and **pay all applicable fees** for a **new** project in accordance with Part II.D of the permits.



Summary of Changes throughout GAR100001, GAR100002, GAR100003

- **Part I – Coverage under the Permits - Definitions:**

Design Professional— modified to include and that has completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with O.C.G.A. 12-7-9

Division— modified to include or EPD

Drainage Structure—means a device composed of virtually nonerodable 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.



Summary of Changes throughout GAR100001, GAR100002, GAR100003

- **Part I – Coverage under the Permits - Definitions:**

Roadway Drainage Structure— a device, such as a bridge, culvert, or ditch, composed of a virtually nonerodable 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 way consisting of one or more defined lanes, with or without shoulder areas and carrying water to a release point on the other side.



Summary of Changes

- **Part III – Special Conditions, Management Practices, Permit Violations and Other Limitations:**

Part III.C.2.e, the terms “flocculants and coagulants” have been removed and replaced with “tackifiers” for procedural accuracy.

Part III.C.2.k, the language “Conduct soil test representative of conditions at the time of planting to identify and to implement site-specific fertilizer needs and/or” has been added for clarity. Combined from and removed from item p.

Part III.D.6, the term “contaminated surfaces” has been removed and replaced with “impacted areas”.

Part III.D.6, the term “post-storm events” was revised to “post-rain events”.



Summary of Changes

- **Part IV – Erosion, Sedimentation and Pollution**

Control Plan:

Part IV.A.4.a, the language “as a PDF on CD-ROM or other storage device” has been removed.

Part IV.D.4.a(3), the language has been modified to provide clarification of Certified Personnel site inspection requirements for qualified post-rain events, which will serve as a 7-day inspection and reset the requirement from date of completion. The language “Certified personnel shall also conduct inspections 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). Post-rain inspections will reset the 7-day inspection frequency requirement” has been added to the Permit.



Summary of Changes

- **Part IV – Erosion, Sedimentation and Pollution**

Control Plan:

Part IV.D.6.a(1), the language referencing to the USGS topographic map has been replaced with “Initial, Intermediate, and Final Plan.”

Part IV.D.6.d(3)(a) and Part IV.D.6.d(3)(b), the language “as defined in this permit” has been removed to reflect the changes made in Part I.B.

Part IV.D.6.d(3)(c), the term “storm events” was revised to “rain events”.

Part IV.E.3, the language “to the appropriate EPD District Office or delivery receipt email to the appropriate EPD District Office resource mailbox” has been added to reflect the updates to EPD District Office reporting methods.



Summary of Changes

- **Part V – Standard Permit Conditions:**

Part V.A.2, the reference to “Part II.C” has been removed and replaced with “Appendix A”.

- **Part VI – Termination of Coverage:**

Part VI.C, the language has been modified to require that a NOT shall be submitted to EPD no more than 14 days after the site has completed construction related activities, achieved final stabilization and temporary BMPs have been removed.

- **Appendix A** has been updated to reflect District Offices current addresses and e-mail addresses.



Summary of Changes GAR100001

- **Part I – Coverage under the Permits - Definitions:**

Part I.B, the definition of “Normal Business Hours” has been removed from the Permit.

- **Part IV – Erosion, Sedimentation and Pollution Control Plan:**

Part IV.A.5, the language “and certify” and “prior to commencing with construction activities as required by Part III.D.2 of this Permit” has been added to clarify that inspection reports for BMP perimeter controls are required prior to commencing with construction activities.

Part IV.D.3, the term “no greater” has been removed and replaced with “less”.



Summary of Changes GAR100001

- **Part VI – Termination of Coverage:**

Part VI.B.5, the language has been modified to require that a written justification for why a sampling report was not conducted be provided to EPD within electronic NOT submittal.



Summary of Changes GAR100002

- **Part I – Coverage under the Permits - Definitions:**

Part I.B, the definition of “Infrastructure Construction” or “Infrastructure Construction Project” has been modified to “not include the construction of solar farms.”

Part I.B, the definition of “Normal Business Hours” has been removed to maintain consistency in the Permit.

- **Part I – Coverage under the Permits - Eligibility:**

Part I.C.1.g, condition “(2) no tree clearing” for exemption was revised to “(2) no clearing of trees with greater than a 6-inch Diameter at Breast Height (DBH).”

Part I.C.1.h has been added to the Permit to address coverage exemptions for buried fiber optic utility line projects. **(ADD)**



Summary of Changes GAR100002

- **Part IV – Erosion, Sedimentation and Pollution Control Plan:**

Part IV.A.4.a, the language “which begin after the effective date of this permit” has been added to maintain consistency across permits.

Part IV.A.5, the language “and certify” has been added to the Permit.

Part VI.B.5, the language has been modified to require a written justification for why a sampling report was not conducted be submitted to EPD.



Summary of Changes GAR100003

- **Part I – Coverage under the Permits - Definitions:**

Part I.B, the definition of “Blanket NOI” has been removed from the Permit.

Part I.B, the definition of “Landfill” and “Landfill Cell(s)” have been removed from the Permit.

Part I.B, the definition of “Final Stabilization” has been modified to remove “and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal” from the Permit.



Summary of Changes GAR100003

- **Part I – Coverage under the Permits - Definitions:**

Part I.B, the definition of “Permittee” has been revised to “any entity that has submitted a Notice of Intent or completed a Secondary Certification Statement and obtained permit coverage.”

Part I.B, the definition of “Tertiary Permittee” has been revised to remove “and all secondary permittees” and “(excluding utility companies and/or utility contractors working under a Blanket NOI)”.



Summary of Changes GAR100003

- **Part I.D – Coverage under the Permits - Authorization:**

Part I.D.1, Part I.D.2 and Part I.D.3, language pertaining to the Secondary Permittee's NOI submission has been removed from the Permit.

Part I.D.1, added the language "Any person desiring coverage under this permit as a secondary permittee must adhere to Part IV.B.1 in order for stormwater discharges from construction sites to be authorized" for procedural clarity.

Part I.D.3, removed the language "A secondary permittee is not required to submit a new NOI when a new primary permittee is named."



Summary of Changes GAR100003

- **Part II.A – Notice of Intent Requirements – Deadline for Notification:**

Part II.A.2, language has been inserted to describe the process through which Secondary Permittees with or without 2018 Permit coverage may obtain 2023 Permit coverage for a construction site where the Primary Permittee has obtained a 2023 re-issuance NOI for an existing construction site.

Part II.A.4, language pertaining to the Secondary Permittee's NOI submission has been removed from the Permit.



Summary of Changes GAR100003

- **Part II.B – Notice of Intent Requirements– Notice of Intent Comments:**

Part II.B.2, language pertaining to the Secondary Permittee's NOI submission has been removed and replaced with language regarding the completion of a Secondary Certification Statement, to be incorporated into the Primary Permittee's Erosion, Sedimentation and Pollution Control Plan.



Summary of Changes GAR100003

- **Part IV.A – Erosion, Sedimentation and Pollution Control Plan– Deadlines for Plan Preparation and Compliance:**

Part IV.A.5, add the language “and certify” and “prior to commencing with construction activities as required by Part III.D.2 of this Permit” to clarify that inspection reports for BMP perimeter controls are required prior to commencing with construction activities.



Summary of Changes GAR100003

- **Part IV.B – Erosion, Sedimentation and Pollution Control Plan– Signature and Plan Review:**

Part IV.B.1, added the language “In addition, the secondary permittee shall sign the 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 and until final stabilization is reached for their portion of the site in accordance with the definition in Part I.B”.



Summary of Changes GAR100003

- **Part IV.D – Erosion, Sedimentation and Pollution Control Plan– Contents of Plan:**

Part IV.D.3, the term “no greater” has been removed and replaced with “less”.

Part IV.D.4.a(2), added the language “and provided to the Secondary Permittee, if applicable” pertaining to rainfall data availability.

Part IV.D.4.b(1), revised the language, “These inspections must be conducted until a “Notice of Termination” to, “These inspections must be conducted until a Final Stabilization Certification on the Plan is submitted.””



Summary of Changes GAR100003

- **Part IV.D – Erosion, Sedimentation and Pollution Control Plan– Contents of Plan:**

Part IV.D.4.b(3) and Part IV.D.4.c(3), Added language, “Certified personnel shall also conduct inspections 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). Post-rain inspections will reset the 7-day inspection frequency requirement”. The language has been modified to provide clarification of Certified Personnel site inspection requirements for qualified post-rain events, which will serve as a 7-day inspection and reset the requirement from date of completion.



Summary of Changes GAR100003

- **Part IV.D – Erosion, Sedimentation and Pollution Control Plan– Contents of Plan:**

Part IV.D.4.b(3), Part IV.D.4.b(4) and Part IV.D.4.b(6), the language “Notice of Termination is submitted” has been revised to “Final Stabilization Certification on the Plan is signed”.



Summary of Changes GAR100003

- **Part IV.F – Erosion, Sedimentation and Pollution Control Plan– Retention of Records:**

Part IV.F.2, revised the language “Notice of Termination is submitted” to, “Final Stabilization Certification is signed”.

Part IV.F.2.a, the Secondary Permittee’s retention of records requirements have been revised to “A copy of the 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.”



Summary of Changes GAR100003

- **Part VI.A – Termination of Coverage– Notice of Termination Eligibility:**

Part VI.A.1 and Part VI.A.2(i), language pertaining to Secondary Permittee NOT submission has been removed from the Permit.

Part VI.A.5 concerning Secondary Permittee NOT submission under a Blanket NOI has been removed from the Permit.



Summary of Changes GAR100003

- **Part VI.B – Termination of Coverage– Notice of Termination Contents:**

Part VI.B.4, language pertaining to Secondary Permittee NOT submission has been removed from the Permit.

Part VI.B.5, revised the language to, “When the NOT is submitted by a primary permittee, the NOT will not be accepted until Final Stabilization is attained for secondary permittees.”

VI.B.6, removed from the Permit, “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”.



Summary of Changes GAR100003

- **Part VI.B – Termination of Coverage– Notice of Termination Contents:**

Part VI.B.7, the language has been modified to require that a written justification for why a sampling report was not conducted, be submitted to EPD.

Part VI.B.9, language has been added to address the Final Stabilization Certification contents for Secondary Permittees.



Public Comment Period

The Division proposes to issue this general permit, with coverage applied to specific municipalities, subject to the special conditions outlined above. These determinations are tentative.

The draft permit and other information are available electronically upon request or on the Division's website at <https://epd.georgia.gov/>. In addition, the documents are available for review on Tuesdays between 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Water Protection Branch file room, at 2 Martin Luther King Jr. Drive SW, West Tower, Balcony, Suite 418, Atlanta, Georgia 30334. To set an appointment, email gorarequest.water@dnr.ga.gov with your name, email, and phone number and an associate will reach out to you. Copies may also be requested by contacting the Watershed Protection Branch at (404) 463-1511.

<https://epd.georgia.gov/watershed-protection-branch-public-announcements>



Contact Information

**Georgia Environmental Protection Division
Nonpoint Source Program
Martin Luther King Jr. Drive
Suite 1462 East
Atlanta, Georgia 30334**

Persons wishing to comment upon or object to the proposed permits are invited to submit same in writing to the Division address above, or via e-mail at EPDcomments@dnr.ga.gov by Friday, April 28, 2023.

GAEPD Contact – *Brian Kent, CPESC*

Environmental Engineer, NonPoint Source Program/ Erosion and Sedimentation Control Unit

Telephone: (470) 604-9419

Brian.Kent@dnr.ga.gov



Total Maximum Daily Loads (TMDL) Implementation Plans

If no site-specific conditions or requirements have been included in the TMDL Implementation Plan for the applicable impaired stream segments:

“NPDES construction activities are considered a significant source of pollution and compliance with the Permits should lead to sediment loading for construction sites at or below applicable targets.”



Terms of Permits

Erosion, Sedimentation and Pollution Control Plan

The ES&PC Plan is Critical



The Plan must be prepared in accordance with Part IV of the Permit and the Plan must be implemented and the Plan must provide for compliance with the Permit.



Terms of Permits

- As per the **Georgia Erosion and Sedimentation Act** and local *Erosion and Sedimentation Control Ordinances*:

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.



Terms of Permits

- *Buffer Determinations for Tidal Creeks and Saltwater Marshes* – Judson H. Turner, EPD Director, April 2014 Memorandum - available on the GAEPD website, epd.georgia.gov.
- *Methodology for Identification of Intermittent and Perennial Streams and Their Origins*, Version 4.11, North Carolina Division of Water Quality (*Effective September 2010*)



Terms of Permits

- If groundwater base flows are present, the stream is perennial or intermittent and will require a buffer.
- If the feature is dry, then the stream may be intermittent or ephemeral. If there is no flowing water within 48 hours of a rain event, the drainage feature is most probably ephemeral.
- Look for well defined channel and point of “**wrested**” vegetation – vegetation wrested from the channel for “**normal stream flow**” or “**wave action.**”



Terms of Permits

- **Buffers on State Waters** are measured from the point where ***“vegetation has been wrested by normal stream flow or wave action.”***
- **Wrested Vegetation**: movement of water that removes soil, debris and vegetation, creating a clear demarcation between water flow and vegetative growth.



Terms of Permits

Stream Buffer Requirements:

- **Non-trout (warm water)** streams: 25-ft buffer on perennial and intermittent streams.
- **Trout (cold water)** streams: 50-ft buffer on perennial, intermittent and ephemeral streams.
- The 25-ft or 50-ft buffer requirements can be applicable to ponds, lakes, and reservoirs.



Termination of Coverage

- **FINAL STABILIZATION** – means “...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 perennials appropriate for the regions**).”

