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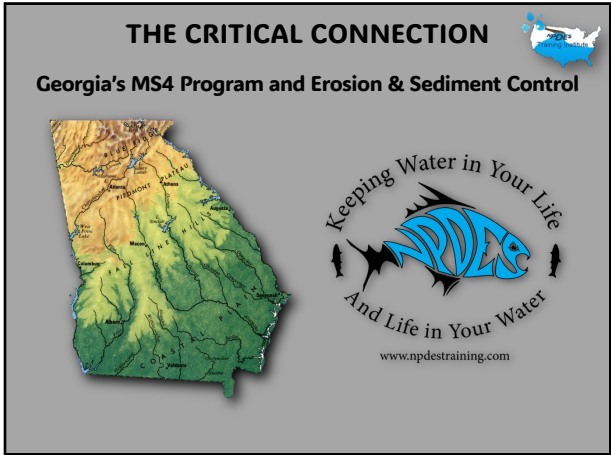
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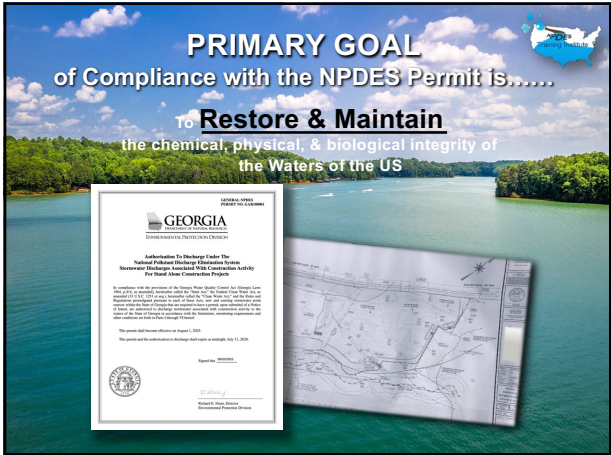
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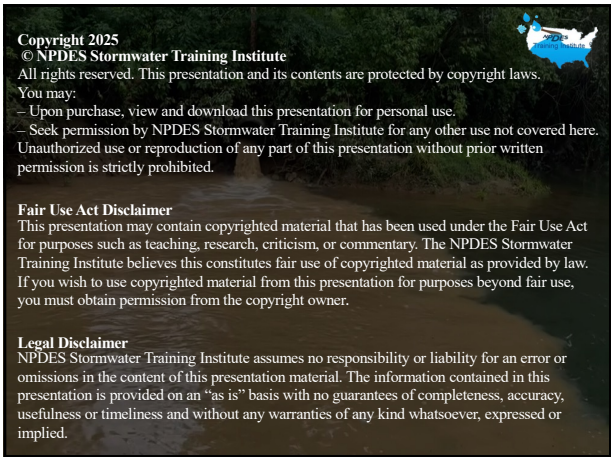
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**GEORGIA is UNIQUE!**  
*"Being the Only One of it's Kind, Unlike Anything Else"*

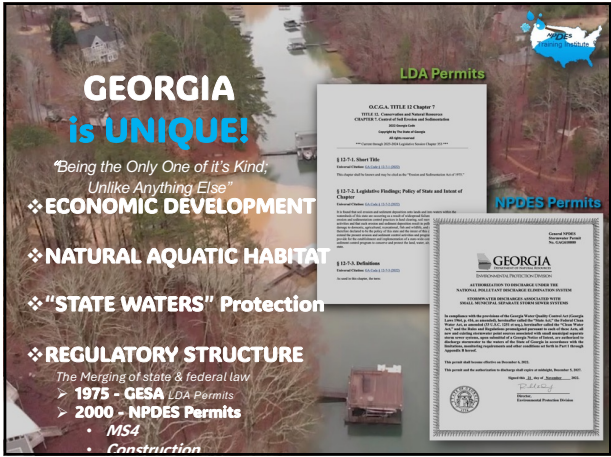
- ❖ **ECONOMIC DEVELOPMENT**
- ❖ **NATURAL AQUATIC HABITAT**
- ❖ **"STATE WATERS" Protection**
- ❖ **REGULATORY STRUCTURE**  
*The Merging of state & federal law*
  - 1975 - GESA LDA Permits
  - 2000 - NPDES Permits
    - MS4
    - Construction

**LDA Permits**



**NPDES Permits**





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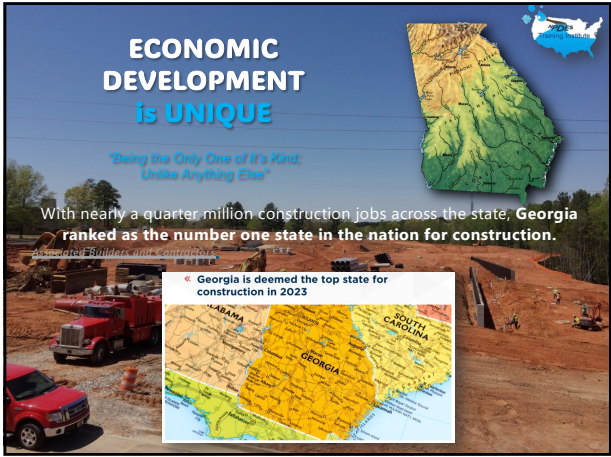
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**ECONOMIC DEVELOPMENT is UNIQUE**  
*"Being the Only One of it's Kind, Unlike Anything Else"*

With nearly a quarter million construction jobs across the state, **Georgia ranked as the number one state in the nation for construction.**

« Georgia is deemed the top state for construction in 2023 »



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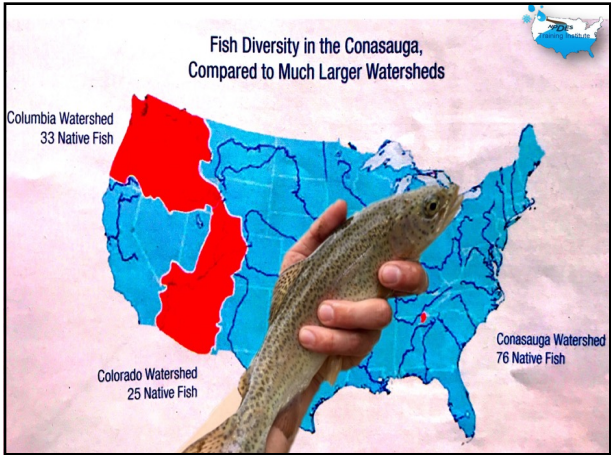
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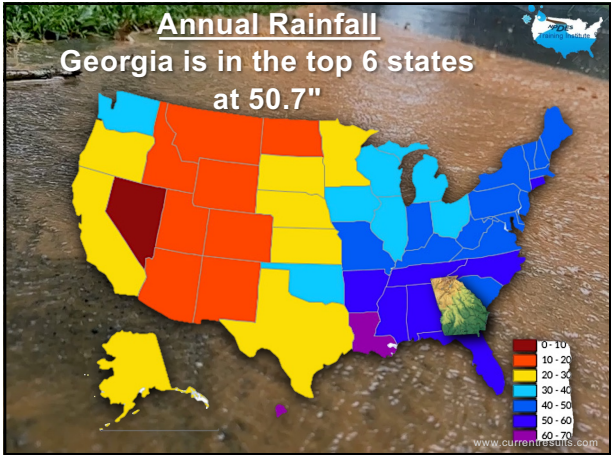
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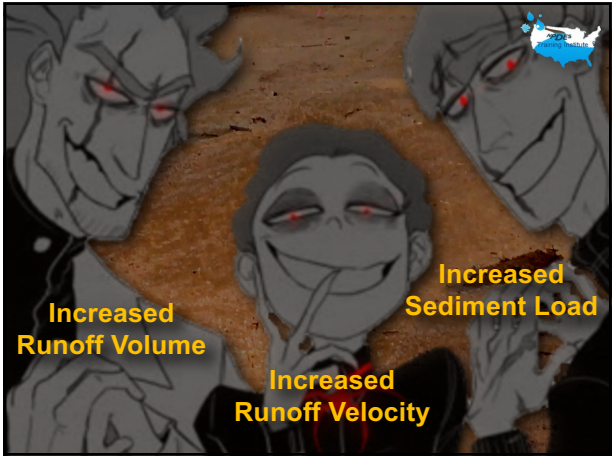
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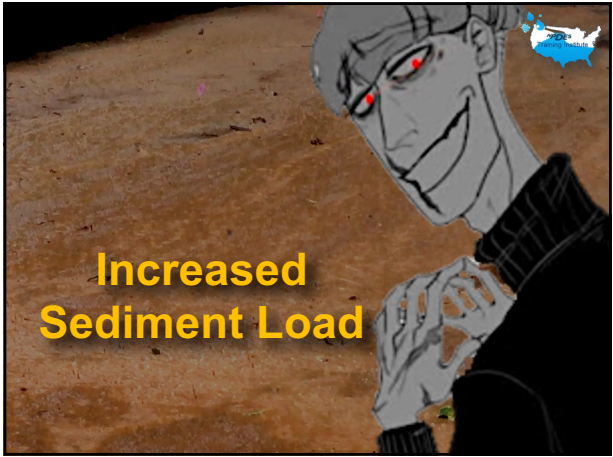
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# STATE WATER RULES are UNIQUE

"Being the Only One of It's Kind,  
Unlike Anything Else"

## BUFFERS

Georgia State  
water buffer  
zone  
**DO NOT DISTURB**  
25 FOOT BUFFER ZONE  
NWS/ANR/STW  
OGS& 15-7-4

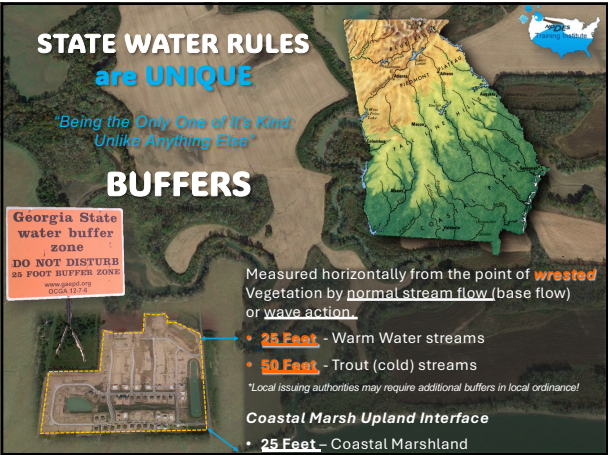
Measured horizontally from the point of **wrested**  
Vegetation by normal stream flow (base flow)  
or wave action.

- **25 Feet** - Warm Water streams
- **50 Feet** - Trout (cold) streams

*\*Local issuing authorities may require additional buffers in local ordinance!*

**Coastal Marsh Upland Interface**

- **25 Feet** - Coastal Marshland



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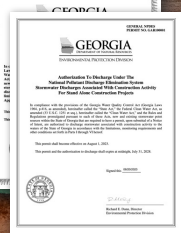
# REGULATORY STRUCTURE is UNIQUE

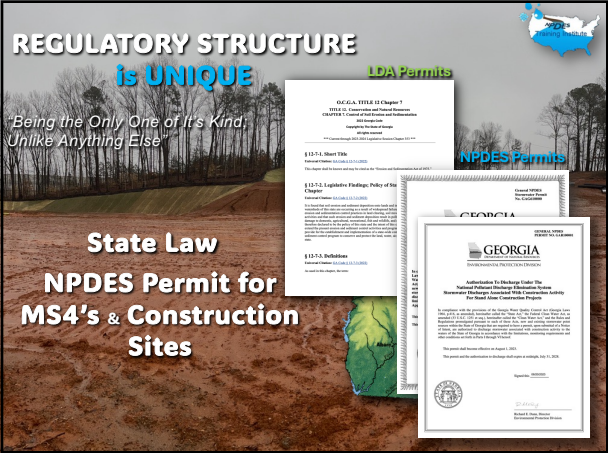
"Being the Only One of It's Kind,  
Unlike Anything Else"

## State Law NPDES Permit for MS4's & Construction Sites

### LDA Permits

### NPDES Permits





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# O.C.G.A. TITLE 12 Chapter 7

## TITLE 12. Conservation and Natural Resources

### CHAPTER 7. Control of Soil Erosion and Sedimentation

2003 Georgia Code  
Copyright by The State of Georgia  
All rights reserved  
\*\*\* Current through 2021-2024 Legislative Session Chapter 203 \*\*\*

#### § 12-7-1. Short Title

Universal Citation: O.C.G.A. § 12-7-1 (2022)

This chapter shall be known and may be cited as the "Erosion and Sedimentation Act of 1975."

#### § 12-7-2. Legislative Findings; Policy of State and Intent of Chapter

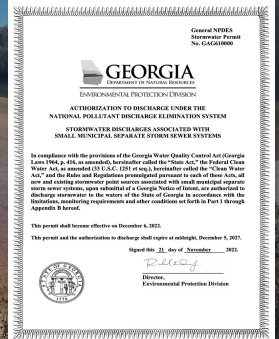
Universal Citation: O.C.G.A. § 12-7-2 (2022)

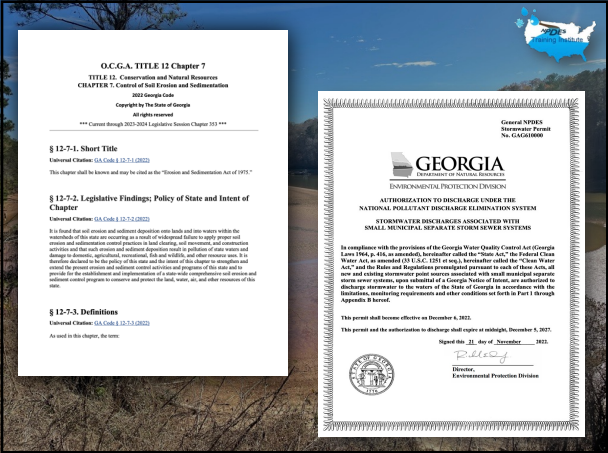
It is found that soil erosion and sedimentation enters lands and into waters within the jurisdiction of the state and causes an amount of widespread damage to public property and private and governmental interests in land clearing, soil conservation, and construction activities and that soil erosion and sedimentation result in pollution of state waters and damage to streams, agricultural, commercial, fish and wildlife, and other resource uses. It is therefore deemed to be in the public interest and the intent of this chapter to regulate and control the process of erosion and sedimentation and to provide for the establishment and implementation of state-wide comprehensive and enforceable erosion control programs to conserve and protect the land, water, air, and other resources of the state.

#### § 12-7-3. Definitions

Universal Citation: O.C.G.A. § 12-7-3 (2022)

As used in this chapter, the term:





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1975

Georgia Erosion & Sedimentation Act

EPD Certifies Local Governments (if they desire) to become Localized State Law Enforcement Agencies

~322

Model Ordinance  
LDA Permits

BMP Standards &  
Specs for BMPs

Stream Buffer  
Determinations

Manages Local  
Enforcement  
Authority

Certified Personnel

16

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Revised June 2016

Model Soil Erosion, Sedimentation  
and Sediment Control Ordinance

322 LIAs

DEPT. OF NATURAL  
RESOURCES

GEORGIA

MODEL  
ORDINANCE

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2016

FIELD MANUAL  
FOR EROSION  
& SEDIMENT  
CONTROL IN  
GEORGIA

Vegetative & Structural BMPs for  
Land Disturbing Activities

2016 Edition

Keeping Water in Your Life  
& Life in Your Water

MANUAL FOR EROSION AND SEDIMENT CONTROL  
IN GEORGIA

Georgia Soil and Water Conservation Commission

4310 Lake Lanier Drive  
706-552-4477

GEORGIA  
UNIFORM CODING SYSTEM  
FOR SOIL EROSION AND SEDIMENTATION CONTROL PRACTICES  
GEORGIA SOIL AND WATER CONSERVATION COMMISSION

| STRUCTURAL PRACTICES | STRUCTURAL PRACTICES |
|----------------------|----------------------|
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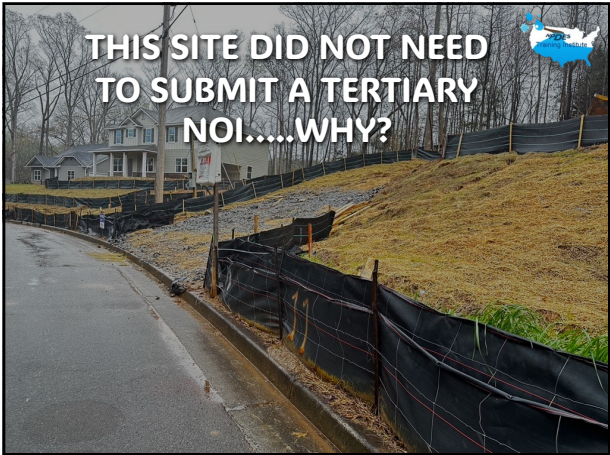
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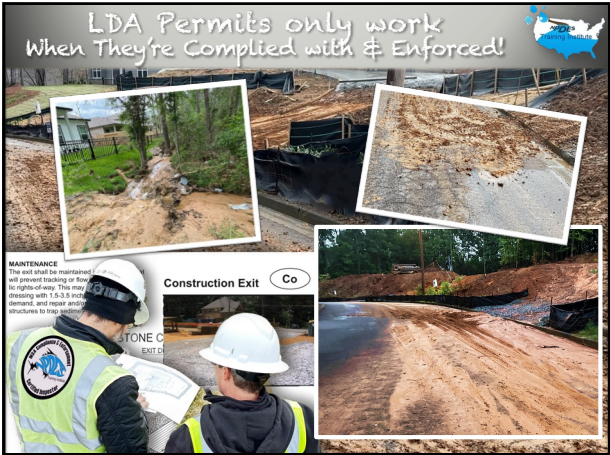
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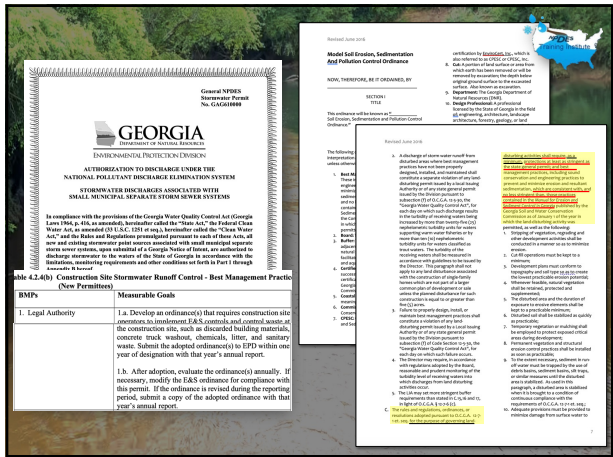
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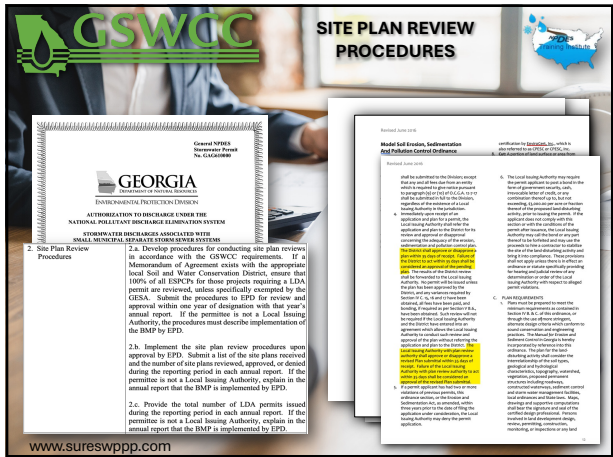
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### The BMP DEFENSE

Georgia Department of Natural Resources  
BMP Defense  
August 12, 2009  
Page 2 of 2

August 12, 2009

**MEMORANDUM**

**TO:** Erosion and Sedimentation Control Local Issuing Authorities  
Other interested Parties

**FROM:** Carol A. Cough, Director  
Environmental Protection Division

**RE:** BMP Defense for Storm Water Discharges from Construction Activity

The purpose of this memo is to establish EPD's position on the continued discharge of highly turbid water from sites where Best Management Practices (BMPs) are in place and the site is in compliance with the approved Erosion Sedimentation and Pollution Control Plan.

The purpose of the General Permit is to minimize impacts to waters of the state from storm water discharges associated with construction activity. Under each of the three National Pollutant Discharge Elimination System (NPDES) General Permits for Construction Activity, Part IV D.3 states that it is a violation of the Permit to discharge water that does not meet turbidity limitations. However, Part IV D.1 states that "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 IV D.3 and Part IV D.4."

While properly designing, installing and maintaining BMPs does provide a defense against actions alleging violation of the turbidity standard in NPDES, MS4, or the Erosion Sedimentation and Pollution Control Plan, many details of proper design are described in pages 14 through 26 for the Storm Water Permit, pages 14 through 27 of the Infrastructure Permit, and pages 17 through 22 of the Construction Permit. For the purposes of this memorandum, key elements include:

• Utilizing best management practices which are consistent with and no less stringent than those practices contained in the "Manual of Erosion and Sediment Control in Georgia" published by the State Soil and Water Conservation Commission as of January 1 of the year in which the last discharging activity was permitted.

• BMPs with a hydraulic component are designed for a 25-year, 24-hour storm event, and sediment basins are based on 67 cubic yards of storage per acre drained.

• Including additional BMPs for discharges into impaired streams, per Part III.C.

• Keeping Plans current, per Part IV.C.

• The Plan shall include a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures, per Part IV D.5.

• Maintaining of instrumentation, turbidity in receiving waters or outfalls in accordance with Part IV D.6.

Proper installation is verified by the initial inspection requirement described in Part IV A.5, including correcting deficiencies as required in the same paragraph.

To utilize the BMP Defense, proper maintenance must be implemented, including the following:

- Removal of sediment as described in Part IV D.4 (1) through (3).
- Inspections in accordance with Part IV D.4 (1) through (3).
- Plan revisions and implementation in accordance with Part IV D.4 (4).
- Implementing timely maintenance in accordance with Part IV D.5.
- Monitoring in accordance with Part IV D.6.
- Defining and implementing corrective action as described in Part IV D.6 (4) (c).
- Maintaining and/or submit records per Part IV D.4 (5), Part IV E.1, and Part IV F.

Therefore, a Permittee who has designed, installed and maintained all BMPs in accordance with an approved Erosion Sedimentation and Pollution Control Plan that continues to discharge storm water which exceeds the turbidity requirements of the Permit and the E&S Act is NOT in violation of Part IV D.3 of the Permit or of the E&S Act. Therefore, the Permittee shall comply with the requirements of Part IV regarding maintenance, also proper and sufficient to address the failure to meet the standard.

The continued efforts by local issuing authorities to implement and enforce their erosion and sedimentation control ordinances and land disturbing permits in a manner consistent with the NPDES General Permit for Construction Activity are recognized and appreciated. Please contact your closest EPD District Office or the Watershed Protection Branch's Nonpoint Source Program if you have questions concerning this memorandum.

### COMPLAINT RESPONSE

Model Ordinance Requirement  
A Local Issuing Authority must follow a Complaint Investigation Process

- Investigation of the complaint by the Local Issuing Authority within 5 business days
- Mechanism for referral of unresolved complaints to the EPD
- Monthly log of complaints and inquiries including actions taken

5. Complaint Response

5.a. Develop E&S complaint receipt, investigation, response, and tracking procedures. Submit the procedures to EPD for review and approval within one year of designation with that year's annual report. If the permittee is not a Local Issuing Authority, the procedures must describe implementation of the BMP by EPD.

5.b. Implement the E&S complaint response procedures. Provide information on complaints received and investigated during the reporting period (e.g., complaint date, type of complaint, investigation date, status) in each annual report. If the permittee is a Local Issuing Authority, explain in the annual report how the BMP is implemented by EPD.

### Certification

Georgia Department of Natural Resources  
BMP Defense  
August 12, 2009  
Page 2 of 2

August 12, 2009

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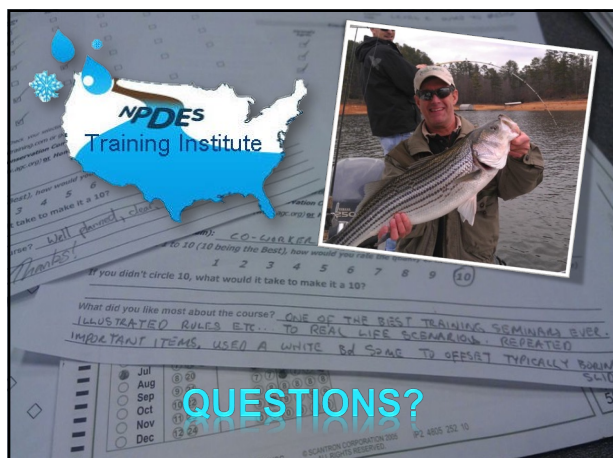
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