

Georgia's Construction Stormwater General Permits: Important Update for July 27, 2023

The Georgia Environmental Protection Division (EPD) reissued its three construction stormwater general permits, Permit Nos. GAR100001, GAR100002 and GAR100003, on June 20, 2023 (the "2023 Permits"), with an effective date of August 1, 2023. In July, a petition was filed with EPD appealing issuance of the 2023 Permits. As provided in state law at O.C.G.A. § 12-2-2(c)(2)(B), because that petition was filed, the 2023 Permits are stayed until the case is resolved. This means that, right now, the 2023 Permits are not in effect.

The 2018 versions of the construction stormwater Permit Nos. GAR100001, GAR100002 and GAR100003 each specifically provide that they continue "in force and effect until a new general permit is issued, final and effective." Consistent with that language and with state law at O.C.G.A. § 50-13-18(b) and Ga. Comp. R. and Regs. Rule 391-3-6-.16(13), **until the case about the 2023 Permits is resolved, the 2018 permits will remain in force.**

Until further notice:

- Permittees who have submitted an NOI under the 2018 Construction Stormwater General Permits do not need to file a renewal of their NOI after August 1, 2023.
- New permittees who wish to file an NOI after August 1, 2023 may do so under the 2018 permits, which will remain active in GEOS.
- When the case about the 2023 Permits is resolved, EPD will provide additional updates for all entities with active NOIs.

For more information see:

<https://epd.georgia.gov/press-releases/2023-07-27/construction-stormwater-permit-update>

<https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/storm-water-forms/npdes-construction>