

**Summary of the  
Meeting of the Erosion and Sediment Control Overview Council  
Thursday, November 19, 2015  
10:00 a.m.  
Georgia State Capitol Building  
206 Washington Street SW, Atlanta, GA 30334  
State Capitol Room #341**

On November 19, 2015, pursuant to O.C.G.A. Section 12-7-7.1, the Erosion and Sediment Control Overview Council (Overview Council) met to review, consider, and approve the 2016 Edition of the Manual for Erosion and Sediment Control in Georgia prior to publication by the Georgia Soil and Water Conservation Commission (GSWCC).

The following members of the Overview Council were in attendance:

- Terry England, Chairman of the Overview Council, State Representative for the 116<sup>th</sup> House District
- Tom McCall, State Representative for the 33<sup>rd</sup> House District
- Ronny Just, Georgia Power
- Robert Brant Lane, Hodges, Harbin, Newberry and Tribble, Inc.
- Bert Brantley, State Road and Tollway Authority
- John B. Harrison, Jr., Baldwin Paving Co., Inc.
- Marc A. Mastronardi, Georgia Department of Transportation
- Mary Walker, Georgia Environmental Protection Division

Chairman England called the meeting to order and asked Representative McCall to open the meeting with an invocation.

Shana Jones, Manager of the Planning and Environmental Unit at the Carl Vinson Institute of Government at the University of Georgia, provided an overview of the development of the 2016 Edition of the Manual for Erosion and Sediment Control (Manual). Mrs. Jones explained that the Institute of Government's role was to assist with reconciling and consolidating the Fifth and Sixth Editions of the Manual for Erosion and Sediment Control in Georgia in order to result in one Manual. Mrs. Jones explained that a draft 2016 Manual was released for public comment on September 21, 2015, and that the Institute of Government facilitated a public meeting to receive comments on the draft Manual on October 1, 2015. Based on the public comment received, a revised Manual was released on October 30, 2015 as well as posted on GSWCC's website. A list of comments with notation of the action taken in response to each comment was also posted on the website.

Brent Dykes, Executive Director of the GSWCC, then provided a brief presentation (slides attached) about the draft 2016 Manual, the revision process, and the major changes that resulted. Mr. Dykes reiterated the importance of providing for public comment and provided the timeline of the opportunities for public engagement that occurred. Mr. Dykes emphasized the following points:

- One of the major changes in the 2016 Edition is the absence of performance-based testing for erosion and sediment control practices. The decision to remove the performance-based

standards was based on the need to move forward with a single Manual for the entire state and the inability to agree on performance standards right now.

- An Equivalent BMP List with requirements and process to join the list was included in the 2016 Manual. The new list will be available on January 1, 2016.
- The 2016 Manual clarified the use of Types A, B, and C silt fences in Non-sensitive and Sensitive Areas.
- Updated guidance for Erosion, Sedimentation and Pollution Control Plans was included.
- Major changes resulting from public comment included:
  - o Revised acknowledgments;
  - o Clarification that mulch berms and compost socks are types of sediment barriers;
  - o Clarification that Design Professionals shall practice in a manner that complies with applicable Georgia law;
  - o Clarification that only approved ASTM standards will be accepted for repeatable bench testing; working test methods will not be accepted for consideration on the Equivalent BMP List;
  - o Revisions where necessary to clarify whether language was advisory or not (should/shall);
  - o Clarification that a 12" mulch sock has not been approved; must be 18" for compost filter socks, staked 2ft on center;
  - o Additional clarity that "GSWCC has the discretion to approve the application, deny the application, request a resubmittal, or request additional information, with consultation from EPD and GDOT," and
  - o Additional clarity that requests for removal from list should focus on complaints independent of ordinary installation and maintenance of BMP.

The 2016 Manual was reviewed and two amendments were addressed at the November 3<sup>rd</sup>, 2015, GSWCC State Board Meeting.

After the presentation ended, Chairman England asked for comments from the Overview Council. He also noted that anyone wishing to make public comment should sign up to do so.

Chairman England then made the following recommendations for amendments to the proposed 2016 Manual:

- On page 6-80 of the 2016 Manual, clarification is needed related to Anchorage for Check Dams. Instead of "2 x 2 stakes," the paragraph on Anchorage should read "Standard 2 x 2 stakes " to acknowledge that no 2 x 2 is perfect.
- On page 6-138 of the 2016 Manual, clarification is needed related to Type C Silt Fence. Instead of "Type C fence is 36-inches wide with wire reinforcement," the text should read "Type C fence is 36-inches wide with wire reinforcement or equivalent" to acknowledge that materials other than wire may be used, if equivalent.
- In Appendix A-2-2, *Joining the Equivalent BMP List: Application and Removal Process*, the text should be changed under Section 2B. Specifically, instead of "Only approved ASTM standards will be accepted for repeatable bench testing," the text should read "Only

approved ASTM standards or Overview Council-approved standards will be accepted for repeatable bench testing.”

Representative Tom McCall then asked Mr. Dykes whether EPA’s “waters of United States” rule might require exclusive use of Type C sediment barriers. Mr. Dykes said that, given recent litigation surrounding the proposed rule, he did not know when or if the rule would ultimately affect the types of sediment barriers used, although it could certainly impact the Manual if the rule is upheld in court.

Chairman England then asked for public comment.

Robert Page noted that one of his questions had not been responded to during the public comment process. Specifically, he stated that he knew that a compost filter sock, compost sock, and a mulch berm had been approved – but he did not know whether a mulch sock had been approved. Mr. Dykes responded that a mulch sock had not been approved for use in the Manual, but that its use could be proposed under the procedure outlined in Appendix A-2-2, *Joining the Equivalent BMP List: Application and Removal Process*.

There was no further public comment.

Chairman England asked the Overview Council to approve the 2016 Manual with the amendments he proposed. There were numerous seconds. Chairman England called for a vote. The Overview Council unanimously approved the 2016 Manual with the proposed amendments.

The meeting adjourned at 10:30.