

GEORGIA EROSION & SEDIMENTATION CONTROL
EDUCATION AND TRAINING CERTIFICATION PROGRAM

ENFORCEMENT STRATEGY

Environmental Protection Division

The purpose of this Strategy is to clarify a consistent Enforcement Strategy for state and local erosion and sediment control inspectors. Specifically, this strategy will provide guidance regarding the circumstances where enforcement action should be taken for individuals who are conducting a regulated land disturbing activity (LDA) and who cannot provide proof that they are in compliance with the Act's education and training certification (E&TC) requirements.

As part of House Bill 285, new E&TC requirements were included in the 2003 amendments to the Georgia Erosion & Sedimentation Act (Act). These new E&TC requirements in the Act state that "After December 31, 2006, all persons involved in land development design review, permitting, construction, monitoring or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the Stakeholder Advisory Board created pursuant to Code Section 12-7-20."

In November 2006, the Georgia Environmental Protection Division (EPD), the Stakeholder Advisory Board, and the Georgia Soil and Water Conservation Commission (GSWCC) co-published a Fact Sheet that explains how the term "all persons involved" is to be interpreted by the regulated community as well as by state and local government personnel. The Fact Sheet is being amended in order to clarify the training requirements for those land disturbing activities and/or individuals who are exempt from the Act, but in certain instances are not exempt from the same training requirements in the NPDES General Permits for Construction Activity.

The Act assigns the administration of these new Education and Training Certification (E&TC) requirements to the GSWCC. The GSWCC, as well as a variety of private organizations, provides training. In addition, administration includes test grading, notification of passing the test, and issuance of a certification card that acknowledges a passing score on the test. The GSWCC started experiencing a significant increase in tests submitted for grading in October 2006, which continues at present. As a result, the turnaround for notifying applicants via the website is running at six weeks. The GSWCC is attempting to reduce the current turnaround time and minimize the turnaround time in the future – anticipating the lag time will be 30 days by March 2007.

When EPD's District Offices staff conducts inspections of LDA sites, they currently do not take enforcement action solely for the lack of training certification. If the Erosion, Sedimentation and Pollution Control Plan is deficient or Best Management Practice deficiencies/violations are observed, and lack of certification is also noted, then enforcement for the absence of certification is factored into the enforcement action undertaken at the LDA site. Additionally, only the contractor that lacks the appropriate certification is required to stop work. In accordance with Code Section 12-7-12(c), the violator should be given two warnings before the issuance of a stop work order. In an effort to have a consistent enforcement strategy throughout the state, EPD strongly recommends that the Local Issuing Authorities adopt the above strategy. This will reduce confusion as Contractors and others move from project to project in multiple locations in the state.

For further enforcement inquiries, contact EPD's Watershed Protection Branch at (404) 675-6240 or the appropriate EPD District Office.