

# Georgia Department of Natural Resources

Environmental Protection Division, Watershed Protection Branch

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Linda MacGregor, P.E., Branch Chief

404/675-6232

Reply To:  
NonPoint Source Program  
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September 15, 2010

## MEMORANDUM

TO: Local Issuing Authorities and Other Interested Parties

FROM: Linda MacGregor, P.E., Branch Chief   
EPD Watershed Protection Branch

SUBJECT: Georgia Erosion and Sedimentation Act Exemptions

The intent of this memorandum is to clarify the following exemptions of the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-17) and the requirements of the NPDES General Permits for Storm Water Discharges Associated with Construction Activity for land-disturbing activities not regulated by a certified Local Issuing Authority.

Land-disturbing activities **exempt** from the Act and **not regulated** by a certified Local Issuing Authority include, *but are not limited to*:

- Construction and/or maintenance projects undertaken and/or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority (O.C.G.A. § 12-7-17(9)); and
- Road construction and/or road maintenance projects (including sidewalks, bike routes and multi-use paths and trails) undertaken by any county or municipality (O.C.G.A. § 12-7-17(9)).

However, coverage under *NPDES General Permits for Storm Water Discharges Associated with Construction Activity* is required for these projects if land-disturbing activities are equal to or greater than one (1) acre. For projects where there is no certified Local Issuing Authority regulating that project, a single copy of the Erosion, Sedimentation and Pollution Control Plan (Plan) must be submitted to the EPD Watershed Protection Branch:

EPD Watershed Protection Branch  
ATTN: Jan Sammons  
4220 International Pkwy, Suite 101  
Atlanta, GA 30354

The EPD Watershed Protection Branch will review these Plans for deficiencies using the applicable Erosion, Sedimentation Pollution Control Plan Checklist (including the identification of State Waters and State-mandated buffers).

A second copy of these Plans must be submitted to the appropriate EPD District Office. Copies of the Plans must be submitted prior to or concurrent with the Notice of Intent submittal. ***The EPD is responsible for conducting complaint investigations and initiating any enforcement actions for all projects exempt from the Act and not regulated by a certified Local Issuing Authority.***

In addition, when submitting an initial Notice of Intent for land-disturbing activities not regulated by a certified Local Issuing Authority, the Primary Permittee must pay a fee of **\$80 per acre disturbed** (to the nearest 1/10<sup>th</sup> acre) to the EPD. The NPDES General Permit forms are located on the EPD website, [www.gaepd.org](http://www.gaepd.org).

If additional information is required, please contact Frank Carubba or Catherine Samay with the EPD Watershed Protection Branch at (404) 675-6240.

LM:fmc

cc: Brent L. Dykes, Georgia Soil and Water Conservation Commission  
Lauren Zdunczyk, Georgia Soil and Water Conservation Commission  
Keith Gilmer, Georgia Soil and Water Conservation Commission, Region 1  
Robert Amos, Georgia Soil and Water Conservation Commission, Region 2  
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