Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
4220 International Parkway, Suite 101, Atlanta, Georgia 30354
Phone (404) 675-6232; Fax (404) 675-6247
Judson H. Turner, Director

Date: July 26, 2013

To: All Interested Persons

Re: No Action Assurance Regarding Storm Water Discharges Associated with New Construction Activity that Do Not Obtain Coverage under General Permit Nos. GAR100001 for Stand Alone Construction Projects, GAR100002 for Infrastructure Construction Projects or GAR100003 for Common Developments Prior to the July 31, 2013, Expiration Date of These Permits

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Greetings:

Today, the Georgia Environmental Protection Division ("EPD") is providing a no action assurance ("No Action Assurance") for storm water discharges to waters of the State associated with new construction activities that do not obtain coverage under General Permit Nos. GAR100001 for Stand Alone Construction Projects, GAR100002 for Infrastructure Construction Projects or GAR100003 for Common Developments (collectively referred to herein as the "2008 General Permits") prior to the July 31, 2013, expiration date of these permits. This No Action Assurance is provided for the reasons discussed herein, is based upon submission of a properly completed Initial Notice of Intent ("NOI")[1] on or after August 1, 2013, and is conditioned upon compliance with all requirements and conditions of the 2008 General Permit that would have been applicable to the storm water discharges for the particular type of construction activities (referred to hereinafter as the "applicable 2008 General Permit"). Specifically, this No Action Assurance provides that EPD will exercise its enforcement discretion and will not pursue enforcement for storm water discharges to waters of the State associated with new construction activities for which Notices of Intent are submitted on or after August 1, 2013, so long as same are in compliance with all requirements and conditions of the applicable 2008 General Permit.

On August 1, 2008, the Director of EPD issued the 2008 General Permits under the National Pollutant Discharge Elimination System ("NPDES") for Storm Water Discharges Associated with Construction Activity: General Permit Nos. GAR100001 for Stand Alone Construction Projects, GAR100002 for Infrastructure Construction Projects and GAR100003 for Common Developments.[2] Under the Georgia Water Quality Control Rules and the terms of those 2008 General Permits, they expire at midnight on July 31, 2013, except for those storm water

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[1] Copies of blank Notice of Intent forms may be found at http://www.gaepd.org/Documents/epdforms_wpb.html#storm.

[2] Copies of the 2008 General Permits may be found at http://gaepd.org/Files_PDF/techguide/wpb/ - FINAL_StormWater_NPDES_Permit_StandAlone_GAR100001_Y2008.pdf, FINAL_StormWater_NPDES_Permit_Infrastructure_GAR100002_Y2008.pdf and FINAL_StormWater_NPDES_Permit_CommonDevelopment_GAR100003_Y2008.pdf.

discharges associated with construction activities that obtain coverage under the 2008 General Permits prior to their expiration; for those covered discharges, the 2008 General Permits are extended until new general permits are issued, final and effective. New general permits to replace the 2008 General Permits will be public noticed on or around Tuesday, July 30, 2013. EPD will consider all relevant comments received during the thirty (30) day public comment period and will issue new general permits as expeditiously as possible after the close of the comment period.

This No Action Assurance is necessary because new general permits to replace the 2008 General Permits will not be final and effective prior to the expiration of the 2008 General Permits. Thus, there will be no general permits under which new construction activities that would result in storm water discharges to waters of the State could apply for coverage. Without this No Action Assurance, such construction activities would have to cease or, absent some other means of coverage, they would be in noncompliance. EPD believes it would not be in the public interest for such construction activities to cease.

For these reasons, EPD is providing this No Action Assurance for storm water discharges to waters of the State associated with new construction activities identified in Notices of Intent filed on or after August 1, 2013. For each NOI filed on or after August 1st, EPD's No Action Assurance:

- Applies only to the project construction site identified in the properly completed NOI;
- Is conditioned upon compliance at the project construction site with all requirements and conditions of the applicable 2008 General Permit;
- Remains in effect, unless rescinded by EPD, until the construction project identified in the NOI is complete or after a new NOI has been timely filed with EPD and coverage under a new general permit obtained, whichever is shorter; and
- May be rescinded or modified by EPD.

If you have any questions regarding this matter, please contact Frank M. Carubba, EPD Watershed Protection Branch, at (404) 675-1634 or frank.carubba@dnr.state.ga.us.

Sincerely,

James A. Capp

James A. Capp
Chief
Watershed Protection Branch