

Georgia Department of Natural Resources

Reply To:
NonPoint Source Program
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Environmental Protection Division, Water Protection Branch
4220 International Parkway, Suite 101, Atlanta, Georgia 30354
Alan W. Hallum, Branch Chief
404/675-6232

December 15, 2003

MEMORANDUM

TO: Erosion and Sedimentation Control Local Issuing Authorities
Other Interested Parties

FROM: Alan W. Hallum, Chief
Water Protection Branch

RE: 2003 Revisions to Erosion and Sediment Control in Georgia

Attached is a copy of this year's House Bill 285, which amended both the Georgia Erosion and Sedimentation Act of 1975 and the Georgia Water Quality Control Act. The amendments to these two State laws took effect July 1, 2003. Also attached is a copy of the Erosion and Sedimentation Control and Water Quality Control Rules Amendments, effective November 25, 2003. These documents are provided for your information and use.

The amendment to the Water Quality Control Rules provides for a National Pollutant Discharge Elimination System (NPDES) permit fee for land disturbing activities conducted under the NPDES construction stormwater general permits. Please note that pursuant to Section 4 of House Bill 285, these fees are to be used only for the implementation of local erosion and sediment control programs.

The Water Quality Control Act provides authority for a new permit fee system to help offset the costs of NPDES General Permit implementation. Disturbed acreage fees are assessed at a rate of \$80.00/acre, with half of this amount (\$40.00/acre) to be paid directly to the Local Issuing Authority (LIA). A builder/developer will write two separate checks (one to Georgia Environmental Protection Division (EPD) and one to the LIA) based upon \$40.00/per disturbed acre. These fees are in addition to any existing local fees that are currently collected for land disturbing activities by the LIA. Please note that projects, which are not regulated by the LIA, will not submit an NPDES permit fee to the LIA.

For those sites that are under construction with acreage that has not undergone final stabilization (in accordance with this definition in Part I. D. of the permits) prior to the August 13, 2003 issuance of the NPDES general permits **and** projects that started between August 13, 2003 and December 31, 2003, the fees are due January 31, 2004.

Projects starting on or after January 1, 2004 will submit their fee when the Notice of Intent (NOI) is submitted for coverage under the applicable NPDES general construction permit. The NPDES fee submittal form is located at www.dnr.state.ga.us/dnr/enviro under "EPD Forms", "Water Protection Branch", "Storm Water".

The State Soil and Water Conservation Commission (SSWCC) has revised the model erosion and sedimentation control ordinance to reflect the 2003 amendments to the Georgia Erosion and Sedimentation Act. As a LIA, you are required to adopt a revised ordinance by July 1, 2004. LIAs were recently made aware of these revisions to the model ordinance through a memorandum from the SSWCC. Please be advised that if EPD has not received the required revisions to your soil erosion and sedimentation control ordinance by July 1, 2004, EPD will initiate the process of decertifying you as a Local Issuing Authority as described in the November 25, 2003 Rule Amendments.

Please note that when the Local Issuing Authority enacts the above ordinance, all subsequent local land disturbing activity permits must mirror the NPDES general permit requirements. This will resolve much of the confusion, which has occurred in the past due to projects having to comply with similar, but in some ways very different, sets of permit requirements.

EPD appreciates all of the work done by the Local Issuing Authorities to control erosion at construction sites. The water quality in Georgia's rivers, streams and lakes is dependent upon LIAs and EPD administering and enforcing our erosion control programs in an effective and efficient manner. We look forward to our continued partnership in this effort.

If you should have questions about these statutes or rules, please contact Ms. Jan Sammons in the Water Protection Branch, NonPoint Source Program, at 404-675-6240.

AWH/jss

Attachments

cc: EPD District Managers
William D. Bennett