GEORGIA EROSION & SEDIMENTATION CONTROL EDUCATION AND TRAINING CERTIFICATION PROGRAM FACT SHEET

Georgia Environmental Protection Division, Stakeholder Advisory Board and Georgia Soil and Water Conservation Commission

As part of House Bill 285, new education and training certification requirements were included in the 2003 amendments to the Georgia Erosion and Sedimentation Act (Act). House Bill 463 amended the Act during the 2007 session of the General Assembly. The education and training certification (E&TC) requirements (Code Section 12-7-19(a)(1)) in the Act state that "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 his or her level of involvement with the process, as developed by the Commission in accordance with this code section and in consultation with the Division and the Stakeholder Advisory Board created pursuant to Code section 12-7-20."

The Act (Code Section 12-7-19(a)(2)) also states that for each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary or tertiary permittee, as defined in the State General Permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities *on behalf of the permittee* and meets the applicable education or training certification requirements (Fundamentals Seminar (Level IA)). This Code Section became effective on May 14, 2007.

The Environmental Protection Division (EPD) recommends, but does not require, that at least two people from each permittee working at a project or site have completed the ***Fundamentals Seminar (Level IA).*** In the event that a "certified person" is out due to illness, on vacation or called away on an emergency, then another "certified person" is available on-site to ensure that erosion and sedimentation control issues are under control, regardless of what situation arises. If the "certified person" leaves the site and he/she is the only individual on-site that has completed the Fundamentals Seminar (Level IA), then all land disturbing activities undertaken by that permittee should stop until the "certified person" returns. A "certified person" is an individual who has successfully completed the Fundamentals Seminar (Level IA).

The Act (Code Section 12-7-19(a)(4)) also states that "If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of this code section, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall have until December 31, 2007, to meet those educational requirements specified in paragraph (4) of subsection (b) of Code Section 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph."

The last subsection reference of this passage pertains to the ***Subcontractor Awareness Seminar (Level I)***. A "certified subcontractor" is an individual who has successfully completed the Subcontractor Awareness Seminar (Level I). If a "certified subcontractor" is not on-site, the subcontractor should stop all land-disturbing activities on the permitted site. Therefore, the Georgia Environmental Protection Division recommends, but does not require, that each subcontractor have at least two "certified subcontractors" assigned to each permitted site. In the event that one of the "certified subcontractors" is called away from the site, then the other "certified subcontractor" would be available to be on-site during any land-disturbing activities.

The following is a list of positions/occupations who, if conducting land-disturbing activities and not otherwise exempt (Attachment - Exemptions Table) will need the required E&TC. The list is not a complete listing of all job titles, but rather is a sample of those that are more common. There may be other titles not included that could benefit from attendance at these E&TC courses. It is useful to consider your specific job responsibilities, and if those responsibilities include involvement with land-disturbing activities, then your attendance at one or more of these E&TC courses is necessary unless somebody else with your work crew/company/entity has already satisfied this requirement for every project or site. While some land-disturbing activities are exempt from the Act and its training requirements, many individuals will have to comply with these training requirements due to conditions in the State General Permits.

SUBCONTRACTOR AWARENESS SEMINAR (LEVEL I)

- Grading personnel, as well as grading and earthmoving equipment operators
- Irrigation system personnel (residence, commercial and industrial sites)
- Landscape personnel
- Utility personnel (excludes entities regulated by the PSC or FERC, and other entities listed in O.C.G.A. 12-7-17(10) located within a common development)
- Wastewater personnel installing on-site systems (includes septic tank excavation and drain fields)
- Well drilling personnel (includes directional boring equipment operators)
- Plumbers and electricians (will require certification if conducting a land-disturbing activity within a permitted project site).
- Best Management Practices (BMP) installation and maintenance personnel
- Water quality sampling personnel
- Other personnel involved in land-disturbing activities acting as a subcontractor

If you are working in a subcontractor capacity and possess a Level IA certification you will not be required to take the Subcontractor Awareness Seminar (Level I).

If you are working in a subcontractor capacity and have attended a Fundamentals Seminar (Level IA) but do not possess a Level IA certification, you will not be required to attend the Subcontractor Awareness Seminar (Level I). However, you must submit a Subcontractor Awareness Seminar (Level I) application with a Fundamentals Seminar (Level IA) proof of attendance form to receive a "certified subcontractor" card.

FUNDAMENTALS SEMINAR (LEVEL IA)

- Builders, contractors, developers or site superintendents in responsible charge of erosion and sedimentation control activities *on behalf of a primary, secondary or tertiary permitee*
- E&SC inspectors ("certified personnel") contracted by a permittee to ensure compliance with the State General Permit

It is important to note that a "certified subcontractor" (Level I) is not qualified to perform the duties of a "certified person" (Level 1A). Please note that a "certified inspector" (Level IB), "certified design professional" (Level II) or a "certified plan reviewer" (Level II) is qualified to perform the duties of a "certified person" (Level IA).

ADVANCED FUNDAMENTALS SEMINAR (LEVEL IB)

- Regulatory enforcement inspectors (i.e., Local Issuing Authority and EPD staff)
- Non-regulatory personnel inspectors (i.e., contracted by a Local Issuing Authority to do regulatory work)

A "certified inspector" is an individual who has successfully completed the Advanced Fundamentals Seminar (Level IB). It is important to note that a "certified design professional" (Level II) or a "certified plan reviewer (Level II) is not qualified to perform the duties of a "certified inspector" (Level 1B).

INTRODUCTION TO DESIGN SEMINAR (LEVEL II)

- Design professionals preparing ES&PC plans
- Plan reviewers (including EPD, GSWCC, NRCS and Local Issuing Authorities with "plan review authority")

In cases where an individual is required to possess a "certified inspector" (Level IB) card and a "certified design professional" (Level II) or "certified plan reviewer" (Level II) card, the individual must attend and obtain:

- A passing exam score for the Advanced Fundamentals Seminar (Level IB) and the Introduction to Design Seminar (Level II), *or*

- A passing exam score for the Introduction to Design Seminar (Level II) and passing exam score for the Advanced Fundamental Seminar (Level IB) "Exam Only Session."

While some land-disturbing activities are exempt from the Act, many entities or persons will have to comply with the E&TC requirements delineated in the State General Permits (Attachment – Exemptions Table). Please note that the determination of whether an activity is exempt is made by the Local Issuing Authority, or by EPD in areas where there is no Local Issuing Authority. Minor land-disturbing activities are not defined in the State General Permits; therefore, this exemption is not applicable to land-disturbing activities occurring within a project subject to the provisions of the State General Permits.

In summary, it is important to consider "what are my job responsibilities," and if these responsibilities include involvement with land-disturbing activities, then your attendance at one or more of these E&TC courses may be necessary. Georgia's E&TC program does not recognize reciprocity with any other state erosion and sedimentation education certification.

The Education and Training Certification Program is administered and implemented by the E&SC Education and Certification Program of the Georgia Soil and Water Conservation Commission, telephone (706) 542-1840. For additional information, access the GSWCC website: www.gaswcc.org, *Programs, Education & Certification*. For enforcement inquiries, please contact the EPD Watershed Protection Branch at (404) 675-6240.

EDUCATION AND TRAINING CERTIFICATION PROGRAM
FACT SHEET - EXEMPTIONS

EXEMPTIONS O.C.G.A § 12-7-17 EROSION AND SEDIMENTATION ACT	APPLICABLE EDUCATION AND TRAINING CERTIFICATION REQUIREMENTS
Surface mining, as the same is defined in Code Section 12-4-72.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any surface mining project which disturb one or more acres of land subject to the provisions of the state general permit (e.g., office buildings) must complete the appropriate certification course pursuant to Code Section 12-7-19. Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.
Granite quarrying and land clearing for such quarrying.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any quarry project which disturb one or more acres of land subject to the provisions of the state general permit (e.g., office buildings) must complete the appropriate certification course pursuant to Code Section 12-7-19. Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.
Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities that may result in minor soil erosion.	Not Applicable Note: Minor land-disturbing activities are not defined in the state general permit; therefore, this exemption is not applicable to land-disturbing activities occurring within a project subject to the provisions of the state general permit.
Single-family residences, when such construction disturbs less than one acre and is not part of a common development with a planned disturbance equal to or greater than one acre; provided, however, that construction of any such residence shall conform to the minimum requirements in Code Section 12-7-6.	Not Applicable
Agricultural operations as defined in Code Section 1-3-3 to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds, dairy operations, livestock and poultry management practices; and the construction of farm buildings.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any agricultural project which disturb one or more acres of land subject to the provisions of the state general permit (e.g., poultry houses, barns) must complete the appropriate certification course pursuant to Code Section 12-7-19. Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.
Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices result in land-disturbing activities otherwise prohibited in the buffer, as established in Code Section 12-7-6, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property for a period of three years after the completion of such forestry practices.	Not Applicable

Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any NRCS project which disturb one or more acres of land subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19. Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.
Any project involving less than one acre of disturbed area; provided that this exemption shall not apply to any land-disturbing activity within a common development with a planned disturbance equal to or greater than one acre or within 200 feet of the banks of any perennial state waters; provided, however, any such land-disturbing activity within 200 feet of the banks of any perennial state waters shall conform to the minimum requirements in Code Section 12-7-6, and further, a land-disturbing activity permit will be required by the Local Issuing Authority.	All persons involved in the preparation of an ES&PC plan (Level II), permittees (Level IA), subcontractors (Awareness - Level I) and E&SC inspectors (Level IA) for any such land-disturbing activity within 200 feet of the banks of any perennial state waters in jurisdictions where there is a certified Local Issuing Authority must complete the appropriate certification course pursuant to Code Section 12-7-19. Code Section 12-7-19(a)(3) specifies that persons or entities involved in projects not requiring a state general permit but otherwise requiring "certified personnel" on site may contract with "certified persons."
Construction or maintenance projects undertaken or financed in whole or part by the Department of Transportation, the Georgia Highway Authority, the State Road and Tollway Authority, or any county or municipality; provided, however, that any construction or maintenance projects which disturb one or more contiguous acres of land shall be subject to the provisions of the state general permit; in addition, the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority shall conform to the minimum requirements in Code Section 12-7-6 if a secondary permitee for a project located within a common development.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any project subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19. The Local Issuing Authority shall enforce compliance with the minimum requirements set forth in Code Section 12-7-6 where the permittee is a secondary permittee for a project located within a common development.
Any land-disturbing activities conducted by any public utility under the regulatory jurisdiction of the Public Service Commission or the Federal Energy Regulatory Commission, any cable system as defined in Code Section 36-18-1, or any agency of the United States engaged in the generation, transmission, or distribution of power; except where any public utility under the regulatory jurisdiction of the Public Service Commission or the Federal Energy Regulatory Commission, any cable system as defined in Code Section 36-18-1, or any agency of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project within a common development shall conform to the minimum requirements of Code Section 12-7-6.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any project subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19; except, for E&SC inspectors where the utility companies and utility contractors are secondary or tertiary permittees performing only service line installations or conducting repairs on existing line installations. The Local Issuing Authority shall enforce compliance with the minimum requirements set forth in Code Section 12-7-6 where the permittee is secondary permittee for a project located within a common development.
Public water system reservoirs.	All persons involved in the preparation of an ES&PC plan (Level II) and E&SC inspectors (Level IA) for any public water system reservoir project which disturb one or more acres of land subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19. Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.