

# CHAPTER 1

## THE EROSION AND SEDIMENTATION ACT OF 1975

On April 24, 1975, the Honorable George Busbee, Governor of the State of Georgia, signed into law Act 599, the Erosion and Sedimentation Act of 1975 (O.C.G.A. 12-7-1 et. seq.) This landmark legislation is the result of over five years of exhausting work, debate and legislative compromise.

With the passage of the Act, Georgia joined the few far-sighted states adopting legislation specifically designed to protect soil and water resources. But, of all the various state laws, Georgia's shows the greatest concern for *local* implementation and *local* enforcement. There now exists in Georgia a mechanism whereby local decision makers can do something about the abuses of soil and water resources which have troubled them so long.

The Erosion and Sedimentation Act of 1975 states: "It is found that soil erosion and sediment deposition onto lands and into waters within the watersheds of this State are occurring as a result of widespread failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement and construction activities, and that such erosion and sediment deposition result in pollution of State waters and damage to domestic, agricultural, recreational, fish and wildlife, and other resource uses. It is, therefore, declared to be the policy of this State and the intent of this Act to strengthen and extend the present erosion and sediment control program to conserve and protect land, water, air and other resources of this State.

Numerous studies have been made which indicate the vast amounts of sediment eroding from our lands. It has been estimated, for example, that approximately 4 billion tons of sediment are eroded in the United States each year (13).

Sediment in Georgia comes from many sources including farm land, roadside construction sites and even city streets. Studies show sediment yields from agricultural areas can average about seven tons per acre per year (17). Lands undergoing development for roadways and urban and suburban development are experiencing losses at a much higher rate. A research project at Cartersville, Georgia, indicated that total area erosion from roadbanks without proper vegetative cover can exceed over 350 tons per acre per year (9).



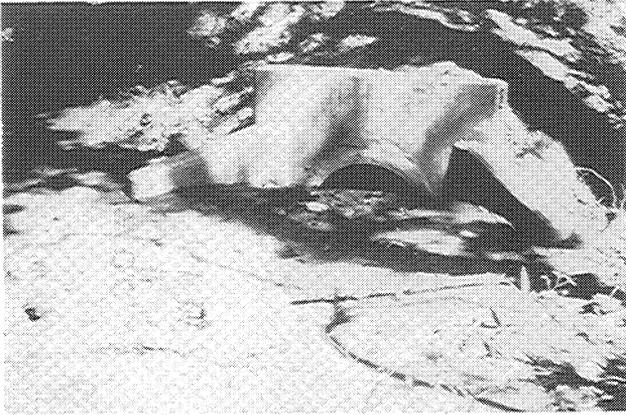
Figure 1-1. – Erosion on this construction site was the result of poor planning.



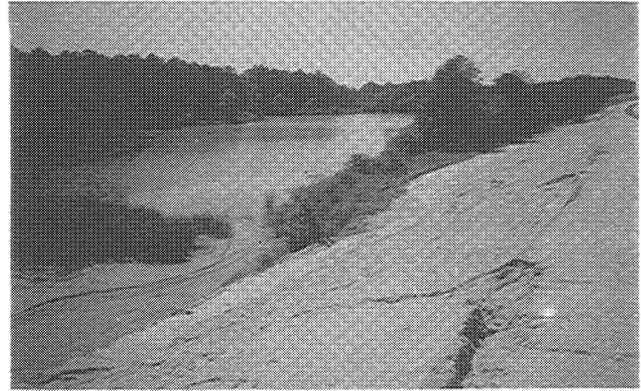
Figure 1-2. – Advanced gully erosion on an abandoned construction site.

Historically, farm land has been the greatest source of sediment. The trend was reversed around the midpoint of the century with much idle land or land in row crops planted to perennial grasses or trees. Records from various waterworks in Georgia tell the effects of this movement. Water analysis at the Atlanta waterworks, for instance, showed that the average turbidity of water taken from the Chattahoochee River dropped from 400 parts per million in the 1930's to less than 40 ppm in the 1950's. It is now reported to be about 25 ppm (17). Similar data was recorded in Newnan, Columbus, Macon and other cities.

Erosion damage is costly to repair, often requiring regrading or replacement of eroded soil and replacement of damaged pavements and structures. Sediment damages are not only unnecessary but extremely costly. A report shows that on five harbor projects in Michigan, a total of over one million cubic yards of man-induced sediment was removed at a cost of \$2.50-\$4.00 per cubic yard. Yet the establishment of control measures to hold this soil in place would have cost only 10-15 cents per cubic yard (29)!



**Figure 1-3. – Sediment from upstream erosion has severely reduced the capacity of this culvert**



**Figure 1-5. – If unchecked, sediment would gradually fill this lake.**

Georgia's soil and water conservation districts have been charged with performing a vital role in the implementation of Act 599. Since their formation beginning in 1937, the districts have worked toward treating each acre of land in accordance with its capabilities. This has been done on two-thirds of Georgia's 37 million acres with most of the work on agricultural lands. The Erosion And Sedimentation Act, however, will deal primarily with land-disturbing activities in urban and urbanizing areas. It should be remembered that the same methodology and expertise is required in planning for the conservation of soil and water on any lands.

It is believed that Act 599 will effectively reduce the major source of water pollution in Georgia. And because two-thirds of the population is located in urban areas covering less than seven percent of the land, this reduction in erosion damage to natural resources will occur in locations most critical to the general health and well-being of the people.



**Figure 1-4. – Removing sediment from this tennis court was a costly and time consuming operation.**

## PROVISIONS UNDER ACT 599

Act 599 requires that governing authorities of Georgia's 159 counties and 537 incorporated municipalities adopt comprehensive ordinances governing land-disturbing activities within their boundaries. The ordinances must contain technical principles as provided in the law and procedures for issuance of permits.

There are minimum standards included in the law. Local ordinances may, however, be more stringent than the minimum requirements of the law. Municipalities may specify in their ordinances that the responsibilities of permit issuance, inspection, and enforcement be delegated to the local Planning and Zoning Commission.

Municipalities and counties failing to have in effect a comprehensive erosion and sediment control program will be subject to rules and regulations developed by the Environmental Protection Division of the Georgia Department of Natural Resources. This division of state government would then issue permits, perform inspections and become the enforcer for all land-disturbing activities within their boundaries until such time as the local authorities adopt an ordinance.

### LAND-DISTURBING ACTIVITY:

"Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to:

1. clearing
2. dredging
3. grading
4. excavating
5. transporting
6. filling"

The law could have a significant impact on any area's natural resource base because it requires detailed planning *before* land-disturbing activities are undertaken. The law requires that erosion and sediment control plans for each non-exempt activity be prepared and submitted with application to the local unit of government for a permit. The plans will then be forwarded to the appropriate Soil and Water Conservation District. This agreement, in effect, would bypass District approval if the local unit demonstrates that it possesses the capability and expertise to conduct erosion and sediment control plan review.

After a thorough analysis of the plans, they will be returned to the issuing authority with the District's recommendations upon which the issuing authority will issue or deny permits. Should a permit be denied because of a discrepancy in the plans, such discrepancies *must* be made apparent to the applicant. The law requires that a permit be issued or denied within a period not to exceed 45 days after the plan and applications are submitted. If a permit is denied there are appeal procedures provided for in the Act.

The law deals basically with processes. That is, permit processing, plan processing, etc. However, technical guidelines are included as minimum requirements which may be strengthened by local units of government. The technical requirements, if skillfully utilized in planning for land-disturbing activities, will result in orderly development but with the ultimate result of conserving and protecting soil resources.

There are several exclusions or exemptions written into the Act. Home gardens and individual home landscaping require no permit nor does the construction of single-family residences for individuals owners. Surface mining and granite quarrying are covered by other laws and are exempt, as are all agricultural and forestry practices. Projects carried out under the technical supervision of the USDA Natural Resources Conservation Service are exempt.

Public utilities regulated by the Public Service Commission are exempt but required to meet State minimum erosion and sedimentation control standards. Also exempted are land-disturbing projects financed in any way by the Department of Transportation or the Georgia Highway and Tollway Authority, as well as any road construction or maintenance project undertaken by any county or municipality, provided they meet State minimum requirements.

Key exemptions to the permit provisions of the Act are found in the requirements that any land change to 1.1 acres or less will require a permit if they are within 200 feet of state waters.

At this point it should be repeated that Act 599 provides *minimum* requirements to be adopted by local units of government. Said units are permitted to strengthen ordinances by elimination of certain exclusions.

#### LAND DISTURBING ACTIVITY DOES NOT INCLUDE:

1. Surface mining
2. Granite quarrying
3. Minor land-disturbing activities
4. a. Construction of single-family residences under contract to the owner  
b. Construction of single-family residences not part of a larger project; provided the activity meets State minimum requirements.
5. Agricultural and forestry practices
6. Any project under the technical supervision of the Natural Resources Conservation Service
7. Projects involving 1.1 acres or less (if not within 200 feet of state waters)
8. Construction or maintenance by the Department of Transportation, Georgia Highway Authority, Georgia Tollway Authority; road construction or maintenance project undertaken by counties or municipalities; provided the activity meets State minimum requirements.
9. Projects undertaken by EMCs or municipal electrical systems, or any public utility under the Public Service Commission, provided the activity meets State minimum requirements.



## THE MANUAL

This manual has been assembled to provide guidance in the implementation of Act 599. It was written for four specific audiences.

1. The **land disturbers**: landowners, developers and their consultants, architects, engineers, land surveyors, planners, etc.
2. The **enforcers**: officials and employees of local units of government charged with responsibility of administering and enforcing the law on a local level and the Environmental Protection Division when it is the issuing authority.
3. The **plan reviewers**: the Soil and Water Conservation Districts and local issuing authorities.
4. The **plan preparers**.



**CHAPTER 2**  
Sediment and Erosion Control  
Processes, Principles and  
Practices