

Senate Bill 571

By: Senators Cheeks of the 23rd, Brush of the 24th and Hall of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best
2 management practices for control of soil erosion and sedimentation and minimum
3 requirements for rules, regulations, ordinances, or resolutions, so as to change certain
4 provisions relating to 25 foot buffers along state waters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management
9 practices for control of soil erosion and sedimentation and minimum requirements for rules,
10 regulations, ordinances, or resolutions, is amended by striking paragraph (15) of subsection
11 (b) and inserting in lieu thereof the following:

12 ~~“(15)(A) Except as provided in paragraph (16) of this subsection, there~~ There is
13 established a 25 foot buffer along the banks of all state waters, as measured horizontally
14 from the point where vegetation has been wrested by normal stream flow or wave
15 action, ~~except where:~~

16 (i) As provided by paragraph (16) of this subsection;

17 (ii) Where the local issuing authority or, where there is no local issuing authority, the
18 director determines to allow a variance that is at least as protective of natural
19 resources and the environment, ~~where:~~

20 (iii) Where otherwise allowed by the director pursuant to Code Section 12-2-8, ~~or~~
21 ~~where:~~

22 (iv) Where a drainage structure or a roadway drainage structure must be constructed,
23 provided that adequate erosion control measures are incorporated in the project plans
24 and specifications and are implemented; or

1 (v) Along channels and drainageways that have water in them only during and
 2 immediately after rainfall events and intermittent streams that do not have water in
 3 them year round;

4 provided, however, that buffers of at least 25 feet established pursuant to Part 6 of
 5 Article 5 of Chapter 5 of this title shall remain in force unless a variance is granted by
 6 the director as provided in this paragraph.

7 ~~(B) The following requirements shall apply to any such buffer:~~

8 ~~(A) No land-disturbing activities shall be conducted within a any such buffer; and a~~
 9 ~~buffer shall remain in its natural, undisturbed; state of vegetation until all~~
 10 ~~land-disturbing activities on the construction site are completed. Once the final~~
 11 ~~stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation~~
 12 ~~as long as a protective vegetative cover remains to protect water quality and aquatic~~
 13 ~~habitat and a natural canopy is left in sufficient quantity to keep shade on the stream~~
 14 ~~bed; provided, however, that any person constructing a single-family residence, when~~
 15 ~~such residence is constructed by or under contract with the owner for his or her own~~
 16 ~~occupancy, may thin or trim vegetation in a buffer at any time as long as protective~~
 17 ~~vegetative cover remains to protect water quality and aquatic habitat and a natural~~
 18 ~~canopy is left in sufficient quantity to keep shade on the stream bed;.~~

19 ~~(B)(C) On or before December 31, 2000, the board shall adopt rules which contain~~
 20 ~~specific criteria for the grant or denial by the director of requests for variances. After~~
 21 ~~such date, no variance shall be granted by the director which is not consistent with the~~
 22 ~~criteria contained in such rules; provided, however, that, should the board fail to adopt~~
 23 ~~rules which contain specific criteria for the grant or denial of requests for variances by~~
 24 ~~the director on or before December 31, 2000, the authority of the director to issue such~~
 25 ~~variances shall be suspended until the board adopts such rules; and.~~

26 ~~(C)(D) The buffer shall not apply to the following land-disturbing activities, provided~~
 27 ~~that they occur at an angle, as measured from the point of crossing, within 25 degrees~~
 28 ~~of perpendicular to the stream; cause a width of disturbance of not more than 50 feet~~
 29 ~~within the buffer; and adequate erosion control measures are incorporated into the~~
 30 ~~project plans and specifications and are implemented:~~

- 31 (i) Stream crossings for water lines; or
 32 (ii) Stream crossings for sewer lines; and"

33 SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.