

Senate Bill 516

By: Senators Pearson of the 51st, Balfour of the 9th, Seabaugh of the 28th, Wiles of the 37th and Rogers of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and
2 natural resources, so as to provide that local governments shall not be denied state funding
3 or water withdrawal permits because of failure to adopt stricter than minimum standards for
4 certain stream or reservoir buffers; to change certain provisions relating to minimum
5 standards and procedures for protection of river corridors, streams, and reservoirs; to change
6 certain provisions relating to model ordinances for effective storm-water management in the
7 Metropolitan North Georgia Water Planning District and for a district-wide watershed
8 management plan, annual review, public meetings, certification by director, and local
9 compliance; to change certain provisions relating to best management practices regarding
10 land-disturbing activities; to repeal conflicting laws; and for other purposes.

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

14 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
15 resources, is amended by striking subsection (d) of Code Section 12-2-8, relating to
16 minimum standards and procedures for protection of river corridors, streams, and reservoirs,
17 and inserting in lieu thereof the following:

18 "(d) The minimum standards and procedures for watershed protection referred to in
19 subsection (b) of this Code section shall specifically include, but shall not be limited to,
20 buffer areas along streams and reservoirs the same as those required by Code Section
21 12-7-6, land development densities, and land use activities. ~~The department may adopt~~
22 ~~differing minimum standards and procedures of watershed protection based on the size of~~
23 ~~the watershed, the size or flow volume of the stream or reservoir, and whether or not the~~
24 ~~actual use of the municipal water supply is existing or proposed.~~ No local government
25 shall be denied any state grants or loans for any purpose or any water withdrawal permit
26 under Chapter 5 of this title because of the local government's failure to adopt rules,

1 regulations, or ordinances which contain buffers that exceed those required under Code
 2 Section 12-7-6."

3 SECTION 2.

4 Said title is further amended by striking paragraph (4) of subsection (e) of Code Section
 5 12-5-582, relating to model ordinances for effective storm-water management in the
 6 Metropolitan North Georgia Water Planning District and for a district-wide watershed
 7 management plan, annual review, public meetings, certification by director, and local
 8 compliance, and inserting in lieu thereof the following:

9 "(4) Any local government that fails to adopt substantially the applicable model
 10 storm-water ordinance developed by the district under subsection (a) of this Code section,
 11 or something at least as effective as said model ordinance, and any local government that
 12 fails to adopt and implement the applicable plans developed by the district under this
 13 Code section shall be ineligible for state grants or loans for storm-water related projects
 14 determined by the director to be inconsistent with the terms of such model ordinance or
 15 such plans; provided, however, that no local government shall be denied any state grants
 16 or loans for any purpose or any water withdrawal permit under Chapter 5 of this title
 17 because of the local government's failure to adopt rules, regulations, or ordinances which
 18 contain stream buffers that exceed those required by Code Section 12-7-6. The
 19 determination of the director may be appealed by the local government to the board,
 20 whose decision by majority vote shall be final."

21 SECTION 3.

22 Said title is further amended in Code Section 12-7-6, relating to best management practices
 23 regarding land-disturbing activities, by striking subsection (c) and inserting in lieu thereof
 24 the following:

25 "(c) Nothing contained in this chapter shall prevent any local issuing authority from
 26 adopting rules and regulations, ordinances, or resolutions which contain stream buffer
 27 requirements that exceed the minimum requirements in subsection (b) of this Code section;
 28 provided, however, that no local issuing authority shall be denied state grants or loans for
 29 any purpose or any water withdrawal permit under Chapter 5 of this title because of such
 30 local issuing authority's failure to adopt rules, regulations, or ordinances which contain
 31 stream buffers that exceed those required by subsection (b) of this Code section."

32 SECTION 4.

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