

House Bill 463

By: Representatives McCall of the 30th, Powell of the 29th, Burns of the 157th, Roberts of the 154th, Lunsford of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to
2 control of soil erosion and sedimentation, so as to change certain provisions relating to
3 exemptions from said chapter; to change certain provisions relating to education and training
4 requirements relative to said chapter, required programs, instructor qualifications, and
5 expiration of certification; to provide an effective date; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil
10 erosion and sedimentation, is amended by revising paragraph (3) of Code Section 12-7-17,
11 relating to exemptions from said chapter, as follows:

12 "(3) Such minor land-disturbing activities as shall be prescribed by rule or regulation of
13 the board not later than July 1, 2007, which shall include home gardens and individual
14 home landscaping, repairs, maintenance work, fences, and other related activities which
15 result in minor soil erosion;"

16 **SECTION 2.**

17 Said chapter is further amended by revising Code Section 12-7-19, relating to education and
18 training requirements relative to said chapter, required programs, instructor qualifications,
19 and expiration of certification, as follows:

20 "12-7-19.

21 (a) ~~After December 31, 2006, all persons involved in land development design, review,~~
22 ~~permitting, construction, monitoring, or inspection or any land-disturbing activity~~ (1) On
23 and after the effective date of this subsection, for each site on which land-disturbing
24 activity occurs, each operator for such site and each person involved in permitting,
25 monitoring, or inspecting land-disturbing activity for the local issuing authority or the

1 division, whichever has jurisdiction, shall meet the education and training certification
 2 requirements, dependent on ~~their~~ his or her level of involvement with the process, as
 3 developed by the commission in consultation with the division and the Stakeholder
 4 Advisory Board created pursuant to Code Section 12-7-20.

5 (2) The provisions of paragraph (1) of this subsection shall not apply to any person who
 6 is an operator as defined in subparagraph (B) of paragraph (10.1) of Code Section 12-7-3
 7 if such person is a subcontractor and the prime contractor who has operational control of
 8 land-disturbing activities for the site meets the applicable operator training and
 9 certification requirements developed by the commission.

10 (b) No less than the following training programs shall be established:

11 (1) A fundamentals seminar (Level 1) will be established which provides sufficient
 12 training to all participants as to the applicable laws, requirements, processes, and latest
 13 means and methods recognized by ~~the~~ this state to effectively control erosion and
 14 sedimentation;

15 (2) An advanced fundamentals seminar (Level 1) will be established which provides
 16 additional details of installation and maintenance of best management practices for both
 17 regulatory and nonregulatory inspectors and others;

18 (3) An introduction to design seminar (Level 2) will be established which provides
 19 required training to design and review a successful erosion, sedimentation, and pollution
 20 control plan;

21 (4) An awareness seminar (Level 1) will be established which provides information
 22 regarding the erosion and sediment control practices and processes in the state and which
 23 will include an overview of the systems, laws, and roles of the participants; and

24 (5) A trainer and instructor seminar will be established for both Level 1 and Level 2
 25 trainers and instructors which will provide the minimum training as to applicable laws
 26 and best management practices and design of erosion, sedimentation, and pollution
 27 control plans in ~~the~~ this state.

28 (c) Trainer and instructor qualifications will be established with the following minimum
 29 requirements:

30 (1) Level 1 trainers and instructors shall meet at least the following minimum
 31 requirements and any other requirements as set by the commission:

32 (A) Education: four-year college degree or five years' experience in the field of erosion
 33 and sediment control;

34 (B) Experience: five-years' experience in the field of erosion and sediment control.

35 Where years of experience is used in lieu of the education requirement of subparagraph
 36 (A) of this paragraph, a total of ten years' field experience is required;

37 (C) Approval by the commission and the Stakeholder Advisory Board; and

1 (D) Successful completion of the Level 1 trainer and instructor seminar found in
2 paragraph (5) of subsection (b) of this Code section; and

3 (2) Level 2 trainers and instructors shall meet at least the minimum requirements of a
4 Level 1 trainer or instructor, any other requirements as set by the commission, and
5 successful completion of the Level 2 trainer and instructor seminar created under
6 paragraph (5) of subsection (b) of this Code section.

7 (d) In addition to the requirements of subsection (c) of this Code section, the commission
8 shall establish and any person desirous of holding certification must obtain a passing grade
9 as established by the Stakeholder Advisory Board on a final exam covering the material
10 taught in each mandatory seminar. Final exams may, at the discretion of the commission,
11 serve in lieu of attendance at the seminar. Any person shall be authorized to administer the
12 final examination for any seminar for which he or she was the instructor.

13 (e)(1) A certification provided by achieving the requirements established by the
14 commission shall expire no later than three years after its issuance.

15 (2) A certified individual shall be required to attend and participate in at least four hours
16 of approved continuing education courses, as established by the commission, every three
17 years.

18 (3) A certification may be extended or renewed by meeting requirements established by
19 the commission.

20 (4) Revocation procedures may be established by the commission in consultation with
21 the division and the Stakeholder Advisory Board."

22 SECTION 3.

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
24 without such approval.

25 SECTION 4.

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