

The House Committee on Natural Resources & Environment offers the following substitute to HB 463:

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 certification of locality as local issuing authority, periodic review, procedure for revoking
4 certification, and enforcement actions; to change certain provisions relating to exemptions
5 from said chapter; to change certain provisions relating to education and training
6 requirements relative to said chapter, required programs, instructor qualifications, and
7 expiration of certification; to provide an effective date; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil
12 erosion and sedimentation, is amended by revising Code Section 12-7-8, relating to
13 certification of locality as local issuing authority, periodic review, procedure for revoking
14 certification, and enforcement actions, as follows:

15 "12-7-8.

16 (a)(1) If a county or municipality has enacted ordinances which meet or exceed the
17 standards, requirements, and provisions of this chapter and the state general permit,
18 except that the standards, requirements, and provisions of the ordinances for monitoring,
19 reporting, inspections, design standards, turbidity standards, and education and training
20 shall not exceed the state general permit requirements, and which are enforceable by such
21 county or municipality, and if a county or municipality documents that it employs
22 qualified personnel to implement enacted ordinances, the director may certify such
23 county or municipality as a local issuing authority for the purposes of this chapter.

24 (2) A local issuing authority shall regulate both primary and secondary permittees as
25 such terms are defined in the state general permit. Primary permittees shall be
26 responsible for installation and maintenance of best management practices where the

1 primary permittee is conducting land-disturbing activities. Secondary permittees shall
2 be responsible for installation and maintenance of best management practices where the
3 secondary permittee is conducting land-disturbing activities. A local issuing authority
4 must review, revise, or amend its ordinances within 12 months of any amendment to this
5 chapter.

6 (3) Any land-disturbing activities by a local issuing authority shall be subject to the same
7 requirements of the ordinances such local issuing authority adopted pursuant to this
8 chapter as are applied to private persons, and the division shall enforce such requirements
9 upon the local issuing authority.

10 (b) The districts or the commission or both shall ~~periodically~~ review monthly the actions
11 of counties and municipalities which have been certified as local issuing authorities
12 pursuant to subsection (a) of this Code section. The districts or the commission or both
13 may provide technical assistance to any county or municipality for the purpose of
14 improving the effectiveness of the county's or municipality's erosion and sedimentation
15 control program. The districts or the commission shall notify the division and request
16 investigation by the division if any deficient or ineffective local program is found.

17 (c) The board, on or before December 31, 2003, shall promulgate rules and regulations
18 setting forth the requirements and standards for certification and the procedures for
19 decertification of a local issuing authority. The division may periodically review the
20 actions of counties and municipalities which have been certified as local issuing authorities
21 pursuant to subsection (a) of this Code section. Such review may include, but shall not be
22 limited to, review of the administration and enforcement of and compliance with a
23 governing authority's ordinances and review of conformance with an agreement, if any,
24 between the district and the governing authority. If such review indicates that the
25 governing authority of any county or municipality certified pursuant to subsection (a) of
26 this Code section has not administered ~~or~~, enforced, or complied with its ordinances or has
27 not conducted the program in accordance with any agreement entered into pursuant to
28 subsection (e) of Code Section 12-7-7, the division shall notify the governing authority of
29 the county or municipality in writing. The governing authority of any county or
30 municipality so notified shall have 30 days within which to take the necessary corrective
31 action to retain certification as a local issuing authority. If the county or municipality does
32 not take necessary corrective action within 30 days after notification by the division, the
33 division ~~may~~ shall revoke the certification of the county or municipality as a local issuing
34 authority.

35 (d) The director may determine that the public interest requires initiation of an
36 enforcement action by the division. Where such a determination is made and the local
37 issuing authority has failed to secure compliance, the director may implement the board's

1 rules and seek compliance under provisions of Code Sections 12-7-12 through 12-7-15.
 2 For purposes of this subsection, enforcement actions taken by the division pursuant to Code
 3 Sections 12-7-12 through 12-7-15 shall not require prior revocation of certification of the
 4 county or municipality as a local issuing authority."

5 SECTION 2.

6 Said chapter is further amended by revising paragraph (3) of Code Section 12-7-17, relating
 7 to exemptions from said chapter, as follows:

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

12 SECTION 3.

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

16 "12-7-19.

17 (a) ~~After December 31, 2006, all persons involved in land development design, review,~~
 18 ~~permitting, construction, monitoring, or inspection or any land-disturbing activity~~ (1) On
 19 and after the effective date of this subsection, for each site on which land-disturbing
 20 activity occurs, each operator for such site and each person involved in reviewing,
 21 permitting, monitoring, or inspecting land-disturbing activity for the soil and water
 22 conservation district, local issuing authority, or the division, whichever has jurisdiction,
 23 shall meet the education and training certification requirements, dependent on ~~their~~ his
 24 or her level of involvement with the process, as developed by the commission in
 25 consultation with the division and the Stakeholder Advisory Board created pursuant to
 26 Code Section 12-7-20.

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

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

33 (1) A fundamentals seminar (Level 1) will be established which provides sufficient
 34 training to all participants as to the applicable laws, requirements, processes, and latest

1 means and methods recognized by ~~the~~ this state to effectively control erosion and
2 sedimentation;

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

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

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

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

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

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

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

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

23 Where years of experience is used in lieu of the education requirement of subparagraph

24 (A) of this paragraph, a total of ten years' field experience is required;

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

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

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

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

- 1 (e)(1) A certification provided by achieving the requirements established by the
2 commission shall expire no later than three years after its issuance.
- 3 (2) A certified individual shall be required to attend and participate in at least four hours
4 of approved continuing education courses, as established by the commission, every three
5 years.
- 6 (3) A certification may be extended or renewed by meeting requirements established by
7 the commission.
- 8 (4) Revocation procedures may be established by the commission in consultation with
9 the division and the Stakeholder Advisory Board."

10 **SECTION 4.**

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

13 **SECTION 5.**

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