

House Bill 760

By: Representative Bearden of the 68<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil erosion and sedimentation, so as to authorize certain water and sewer authorities and storm-water utilities to be certified as local issuing authorities; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"(10) 'Local issuing authority' means:

(A) The governing authority of any county;

(B) The governing authority of any or municipality which is certified pursuant to subsection (a) of Code Section 12-7-8;

(C) Any local water or sewer authority created by general, local, or special Act of the General Assembly that has entered into an intergovernmental agreement with any county or municipality, pursuant to which the local water or sewer authority has primary responsibility for storm-water management and soil erosion and sedimentation control regulation, inspection, and enforcement. Such water or sewer authority must have written authorization from each local government in its jurisdiction prior to applying to the division for certification as a local issuing authority. Such written authorization shall not be revoked without the concurrence of the water or sewer authority. However, if the division revokes the certification of the water or sewer authority as set forth in subsection (c) of Code Section 12-7-8, each local government in the water or sewer authority's jurisdiction may apply to the division for certification as a local issuing authority; or

1 (D) Any storm-water utility that has entered into an intergovernmental agreement with  
2 any county or municipality, pursuant to which the storm-water utility has primary  
3 responsibility for storm-water management and soil erosion and sedimentation control  
4 regulation, inspection, and enforcement. Such storm-water utility must have written  
5 authorization from each local government in its jurisdiction prior to applying to the  
6 division for certification as a local issuing authority. Such written authorization shall  
7 not be revoked without the concurrence of the storm-water utility. However, if the  
8 division revokes the certification of the storm-water utility as set forth in subsection (c)  
9 of Code Section 12-7-8, each local government in the storm-water utility's jurisdiction  
10 may apply to the division for certification as a local issuing authority.

11 Such county, municipality, local water or sewer authority, or storm-water utility shall  
12 only be certified as a local issuing authority upon satisfaction of the requirements set  
13 forth in subsection (a) of Code Section 12-7-8. For the purposes of this chapter, any  
14 reference to a 'county' or 'municipality,' when referring to such as a local issuing  
15 authority, shall also mean and include local water or sewer authorities and storm-water  
16 utilities which are or may be certified as a local issuing authority under this paragraph."

## 17 **SECTION 2.**

18 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section  
19 12-7-8, relating to certification of locality as local issuing authority, as follows:

20 "(a)(1) If a ~~county or municipality~~ any governmental entity identified in paragraph (10)  
21 of Code Section 12-7-3 has enacted ordinances which meet or exceed the standards,  
22 requirements, and provisions of this chapter and the state general permit, except that the  
23 standards, requirements, and provisions of the ordinances for monitoring, reporting,  
24 inspections, design standards, turbidity standards, and education and training shall not  
25 exceed the state general permit requirements, and which are enforceable by such ~~county~~  
26 ~~or municipality~~ governmental entity, and if a ~~county or municipality~~ such governmental  
27 entity documents that it employs qualified personnel to implement enacted ordinances,  
28 the director may certify such ~~county or municipality~~ governmental entity as a local  
29 issuing authority for the purposes of this chapter."

## 30 **SECTION 3.**

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

## 33 **SECTION 4.**

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