

Senate Bill 155

By: Senators Pearson of the 51st, Tolleson of the 20th, Williams of the 19th, Rogers of the 21st, Chance of the 16th and others

AS PASSED SENATE

**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 revising subparagraph (b)(15)(A) as
11 follows:

12 "(15)(A) There is established a 25 foot buffer along the banks of all state waters, as
13 measured horizontally from the point where vegetation has been wrested by normal
14 stream flow or wave action, except:

- 15 (i) As provided by paragraph (16) of this subsection;
- 16 (ii) Where the director determines to allow a variance that is at least as protective of
17 natural resources and the environment;
- 18 (iii) Where otherwise allowed by the director pursuant to Code Section 12-2-8; ~~or~~
- 19 (iv) Where a drainage structure or a roadway drainage structure must be constructed,
20 provided that adequate erosion control measures are incorporated in the project plans
21 and specifications and are implemented; or
- 22 (v) Along any ephemeral stream. As used in this division, the term 'ephemeral stream'
23 means a stream:
- 24 (I) That under normal circumstances has water flowing only during and for a short
25 duration after precipitation events;
- 26 (II) That has the channel located above the ground-water table year round;

