

Senate Bill 228

By: Senators Tolleson of the 20th, Grant of the 25th and Bulloch of the 11th

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 provide for buffers along certain
5 tidally influenced state waters; to exempt certain man-made impoundments; to provide for
6 rules and regulations; to provide for applicability; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management
11 practices for control of soil erosion and sedimentation and minimum requirements for rules,
12 regulations, ordinances, or resolutions, is amended by revising the introductory language of
13 subparagraph (b)(15)(A) and division (b)(15)(A)(i) as follows:

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

17 (i) As provided by ~~paragraph~~ paragraphs (16) through (19) of this subsection;"

18 **SECTION 2.**

19 Said Code section is further amended in subsection (b) by deleting "and" at the end of
20 paragraph (15), by replacing the period at the end of paragraph (16) with "; and", and by
21 adding new paragraphs to read as follows:

22 "(17)(A) There is established a 25 foot buffer along the upland boundary of all tidally
23 influenced state waters, as measured horizontally from the landward boundary of
24 coastal marshlands as defined in Code Section 12-5-282, except:

- 25 (i) Where the director determines to allow a variance that is at least as protective of
 26 natural resources and the environment;
- 27 (ii) Where an alteration within the buffer area has been authorized by a permit issued
 28 pursuant to Code Section 12-5-286;
- 29 (iii) Where otherwise allowed by the director pursuant to Code Section 12-2-8; or
 30 (iv) Where a drainage structure or a roadway drainage structure must be constructed,
 31 provided that adequate erosion control measures are incorporated in the project plans
 32 and specifications and are implemented.
- 33 (B) No land-disturbing activities shall be conducted within any such buffer; and a
 34 buffer shall remain in its natural, undisturbed state of vegetation until all
 35 land-disturbing activities on the construction site are completed, except as otherwise
 36 provided by this paragraph. Once the final stabilization of the site is achieved, a buffer
 37 may be thinned or trimmed of vegetation as long as a protective vegetative cover
 38 remains to protect water quality and aquatic habitat; provided, however, that any person
 39 constructing a single-family residence, when such residence is constructed by or under
 40 contract with the owner for his or her own occupancy, may thin or trim vegetation in
 41 a buffer at any time as long as protective vegetative cover remains to protect water
 42 quality and aquatic habitat.
- 43 (C) The buffer established under this paragraph shall not apply to any lands within the
 44 jurisdiction of Part 2 of Article 4 of Chapter 5 of this title, the 'Shore Protection Act.'
- 45 (D) The board shall have the authority to adopt rules and regulations that contain
 46 criteria for grant or denial by the director of requests for variances pursuant to this
 47 paragraph;
- 48 (18) The buffers established in this subsection shall not be required for any man-made
 49 stormwater detention basin, water amenity feature, or other impoundment that is not fed
 50 by a surface stream of state waters; and
- 51 (19) Nothing in this chapter shall prevent the board from adopting rules, regulations, or
 52 resolutions that require buffer area measures that exceed the minimum requirements in
 53 this subsection for any project permitted pursuant to Part 4 of Article 4 of Chapter 5 of
 54 this title, the 'Coastal Marshlands Protection Act of 1970.'

55 **SECTION 3.**

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