

House Bill 131

By: Representatives Epps of the 140th, Roberts of the 154th, Lucas of the 139th, and Baker of the 78th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and
2 natural resources, so as to exempt state agencies from certain civil penalties regarding control
3 of water pollution; to exempt certain state agencies from stream buffer requirements; to
4 exempt certain agencies from land-disturbing activities buffer requirements; to repeal the
5 requirements regarding the preparation of an erosion and sediment control plan; to provide
6 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
11 resources, is amended by adding a new subsection to Code Section 12-5-52, relating to civil
12 penalties for violating conditions of permits, as follows:

13 "(c) The provisions of subsections (a) and (b) of this Code section shall not apply to and
14 shall not be enforced against state departments, agencies, or authorities, including persons
15 fulfilling the requirements of a contract with state departments, agencies, or authorities."

16 style="text-align:center">**SECTION 2.**

17 Said title is further amended by revising subparagraph (b)(15)(D) of Code Section 12-7-6,
18 relating to best management practices for land-disturbing activities, as follows:

19 "(D) The buffer shall not apply to the following land-disturbing activities, provided that
20 they occur at an angle, as measured from the point of crossing, within 25 degrees of
21 perpendicular to the stream; cause a width of disturbance of not more than 50 feet
22 within the buffer; and adequate erosion control measures are incorporated into the
23 project plans and specifications and are implemented:

- 24 (i) Stream crossings for water lines; ~~or~~
25 (ii) Stream crossings for sewer lines; ~~and~~ or

26 (iii) Construction or maintenance projects undertaken or financed, wholly or
 27 partially, by the Department of Transportation, the Georgia Highway Authority, or the
 28 State Road and Tollway Authority, where impact avoidance and minimization
 29 measures have been documented and approved pursuant to federal laws, rules, or
 30 regulations that are intended to protect the environment, including, but not limited to,
 31 the Endangered Species Act, the Clean Water Act, the Fish and Wildlife Coordination
 32 Act, and the National Environmental Policy Act; and"

33 **SECTION 3.**

34 Said title is further amended by revising subparagraph (b)(16)(C) of Code Section 12-7-6,
 35 relating to best management practices for land-disturbing activities, as follows:

36 "(C) The buffer shall not apply to the following land-disturbing activities, provided that
 37 they occur at an angle, as measured from the point of crossing, within 25 degrees of
 38 perpendicular to the stream; cause a width of disturbance of not more than 50 feet
 39 within the buffer; and adequate erosion control measures are incorporated into the
 40 project plans and specifications and are implemented:

41 (i) Stream crossings for water lines; ~~or~~

42 (ii) Stream crossings for sewer lines; ~~or~~

43 (iii) Construction or maintenance projects undertaken or financed, wholly or
 44 partially, by the Department of Transportation, the Georgia Highway Authority, or the
 45 State Road and Tollway Authority, where impact avoidance and minimization
 46 measures have been documented and approved pursuant to federal laws, rules, or
 47 regulations that are intended to protect the environment, including, but not limited to,
 48 the Endangered Species Act, the Clean Water Act, the Fish and Wildlife Coordination
 49 Act, and the National Environmental Policy Act."

50 **SECTION 4.**

51 Said title is further amended by repealing in its entirety Code Section 12-7-7.1, relating to
 52 the preparation and implementation of an erosion and sediment control plan.

53 **SECTION 5.**

54 This Act shall become effective on July 1, 2011.

55 **SECTION 6.**

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