

House Bill 422

By: Representatives Barr of the 103rd, Welch of the 110th, Pruett of the 149th, Wiedower of the 119th, Tanner of the 9th, and others

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 authorize in certain circumstances county
3 and municipal governing authorities to approve erosion and sediment control plans in lieu
4 of approval by soil and water conservation commission districts; to provide that counties and
5 municipalities can contract with qualified personnel to implement land disturbance activity
6 ordinances; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil
10 erosion and sedimentation, is amended by revising subsection (e) of Code Section 12-7-7,
11 relating to permit or notice of intent for land-disturbing activities, approval of application and
12 issuance of permit, denial of permit, and bond requirement, as follows:

13 ~~“(e) Except as provided in this subsection, no~~ No permit shall be issued pursuant to
14 subsection (b) of this Code section unless the erosion and sediment control plan has been
15 approved by:

16 (1) By the governing authority of any county or municipality that employs or contracts
17 with a licensed professional engineer, who maintains a level 2 certification pursuant to
18 Code Section 12-7-19, to review and approve erosion and sediment control plans; or

19 (2) When a county or municipality does not qualify pursuant to paragraph (1) of this
20 subsection or exercises its option not to review and approve erosion and sediment control
21 plans, by the appropriate district as is required provided by Code Section 12-7-10. When
22 the governing authority of a county or municipality lying within the boundaries of the
23 district demonstrates capabilities to review and approve an erosion and sediment control
24 plan and requests an agreement with the district to conduct such review and approval, the
25 district, with the concurrence of the commission, shall enter into an agreement which
26 allows the governing authority to conduct review and approval without referring the

27 ~~application and plan to the district, if such governing authority meets the conditions~~
 28 ~~specified by the district as set forth in the agreement. A district may not enter into an~~
 29 ~~agreement authorized in this Code section with the governing authority of any county or~~
 30 ~~municipality which is not certified pursuant to subsection (a) of Code Section 12-7-8."~~

31 **SECTION 2.**

32 Said chapter is further amended by revising paragraph (1) of subsection (a) and subsection
 33 (c) of Code Section 12-7-8, relating to certification of locality as local issuing authority,
 34 periodic review, procedure for revoking certification, and enforcement actions, as follows:

35 "(a)(1) If a county or municipality has enacted ordinances which meet or exceed the
 36 standards, requirements, and provisions of this chapter and the state general permit,
 37 except that the standards, requirements, and provisions of the ordinances for monitoring,
 38 reporting, inspections, design standards, turbidity standards, education and training, and
 39 project size thresholds with regard to education and training requirements shall not
 40 exceed the state general permit requirements, and which are enforceable by such county
 41 or municipality, and if a county or municipality documents that it employs or contracts
 42 with qualified personnel to implement enacted ordinances, the director may certify such
 43 county or municipality as a local issuing authority for the purposes of this chapter."

44 "(c) The board, on or before December 31, 2003, shall promulgate rules and regulations
 45 setting forth the requirements and standards for certification and the procedures for
 46 decertification of a local issuing authority. The division may periodically review the
 47 actions of counties and municipalities which have been certified as local issuing authorities
 48 pursuant to subsection (a) of this Code section. Such review may include, but shall not be
 49 limited to, review of the administration and enforcement of and compliance with a
 50 governing authority's ordinances and review of conformance with an agreement, if any,
 51 between the district and the governing authority. If such review indicates that the
 52 governing authority of any county or municipality certified pursuant to subsection (a) of
 53 this Code section has not administered, enforced, or complied with its ordinances or has
 54 not conducted the program in accordance with ~~any agreement entered into pursuant to~~
 55 ~~subsection (e) of Code Section 12-7-7~~, the division shall notify the governing authority of
 56 the county or municipality in writing. The governing authority of any county or
 57 municipality so notified shall have 90 days within which to take the necessary corrective
 58 action to retain certification as a local issuing authority. If the county or municipality does
 59 not take necessary corrective action within 90 days after notification by the division, the
 60 division shall revoke the certification of the county or municipality as a local issuing
 61 authority."

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SECTION 3.

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