

Senate Bill 445

By: Senators Kennedy of the 18th, Jones of the 25th and Lucas of the 26th

**AS PASSED SENATE**

**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 certain water and water and  
3 sewer authorities to be designated as local issuing authorities for land-disturbing activity  
4 permits; to revise a definition; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

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

7 **SECTION 1.**

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

11 "(10) 'Local issuing authority' means the governing authority of any county or  
12 municipality which is certified pursuant to subsection (a) of Code Section 12-7-8. Said  
13 term shall also include any water or water and sewer authority which has been authorized  
14 by local law to be responsible for storm-water management and, pursuant to an  
15 intergovernmental agreement with the governing authority of a county or municipality,  
16 operates a storm-water utility and maintains the storm-water management system and soil  
17 erosion and sedimentation control permitting, inspection, and enforcement of such county  
18 or municipality."

19 **SECTION 2.**

20 Said chapter is further amended by revising subsection (b) of Code Section 12-7-7, relating  
21 to permit or notice of intent required for land-disturbing activities, approval of application  
22 and issuance of permit, denial of permit, and bond requirement, as follows:

23 "(b) In those counties, ~~and municipalities,~~ and service areas for water or water and sewer  
24 authorities which are certified as local issuing authorities pursuant to subsection (a) of  
25 Code Section 12-7-8:

26 (1) The application for such permit shall be made to and the permit shall be issued by the  
 27 governing authority of the county wherein such land-disturbing activities are to occur, in  
 28 the event that such activities will occur outside the corporate limits of a municipality;

29 (2) In those instances where such activities will occur within the corporate limits of any  
 30 municipality, the application for such permit shall be made to and the permit shall be  
 31 issued by the governing authority of the municipality in which such land-disturbing  
 32 activities are to occur; ~~and~~

33 (3) In those instances where such activities will occur within the service area of a water  
 34 or water and sewer authority, the application of such permit shall be made to and the  
 35 permit shall be issued by such authority in which such land-disturbing activities are to  
 36 occur within the authority's service area; and

37 ~~(3)~~(4) The local issuing authority shall conduct inspections and enforce the permits it  
 38 issues."

### 39 SECTION 3.

40 Said chapter is further amended by adding a new paragraph (4) to subsection (a) of Code  
 41 Section 12-7-8, relating to certification of locality as local issuing authority, periodic review,  
 42 procedure for revoking certification, and enforcement actions, to read as follows:

43 "(4) If a local issuing authority certified by the director under paragraph (1) of this  
 44 subsection has within its jurisdiction an area served by a water or water and sewer  
 45 authority which has been authorized by local law to be responsible for storm-water  
 46 management and, pursuant to an intergovernmental agreement with the governing  
 47 authority of a county or municipality, operates a storm-water utility and maintains the  
 48 storm-water management system and soil erosion and sedimentation control permitting,  
 49 inspection, and enforcement of such county or municipality, such water or water and  
 50 sewer authority may, in the sole discretion of the director, be certified as the local issuing  
 51 authority for such county or municipality."

### 52 SECTION 4.

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