

The House Committee on Natural Resources and Environment offers the following substitute to SB 445:

**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 provide an effective date; to
5 repeal conflicting laws; and 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 authority or water and sewer authority which has been
14 authorized by local law to be responsible for storm-water management and to implement
15 and enforce all related ordinances and regulations and, pursuant to an intergovernmental
16 agreement with each governing authority of an applicable county or municipality,
17 operates a storm-water utility and maintains the storm-water management system and soil
18 erosion and sedimentation control permitting, inspection, and enforcement of such county
19 or municipality."

20 **SECTION 2.**

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

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

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

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

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

39 (3)(4) The local issuing authority shall conduct inspections and enforce the permits it
40 issues.

41 (c) In those counties, ~~and~~ municipalities, ~~and~~ service areas for water or water and sewer
42 authorities which are not certified pursuant to subsection (a) of Code Section 12-7-8, the
43 terms of the state general permit shall apply, those terms shall be enforced by the division,
44 and no individual land-disturbing activity permit under this Code section will be required;
45 provided, however, that notice of intent shall be submitted to the division prior to
46 commencement of any land-disturbing activities under the state general permit in any of
47 such uncertified counties, ~~or~~ municipalities, ~~and~~ service areas for water or water and sewer
48 authorities."

49 "(e) Except as provided in this subsection, no permit shall be issued pursuant to
50 subsection (b) of this Code section unless the erosion and sediment control plan has been
51 approved by the appropriate district as is required by Code Section 12-7-10. When the
52 ~~governing authority of a county or municipality jurisdiction or entity that is certified~~
53 pursuant to subsection (a) of Code Section 12-7-8 lying within the boundaries of the district
54 demonstrates capabilities to review and approve an erosion and sediment control plan and
55 requests an agreement with the district to conduct such review and approval, the district,
56 with the concurrence of the commission, shall enter into an agreement which allows the
57 ~~governing authority jurisdiction or entity that is certified pursuant to subsection (a) of Code~~
58 Section 12-7-8 to conduct review and approval without referring the application and plan
59 to the district, if such ~~governing authority jurisdiction or entity that is certified pursuant to~~
60 ~~subsection (a) of Code Section 12-7-8~~ meets the conditions specified by the district as set
61 forth in the agreement. A district may not enter into an agreement authorized in this Code

62 section with ~~the governing authority of any county or municipality which any jurisdiction~~
63 ~~or entity that is not certified pursuant to subsection (a) of Code Section 12-7-8."~~

64 **SECTION 3.**

65 Said chapter is further amended by adding a new paragraph to subsection (a) and revising
66 subsections (b) through (d) of Code Section 12-7-8, relating to certification of locality as
67 local issuing authority, periodic review, procedure for revoking certification, and
68 enforcement actions, as follows:

69 "(4) If a local issuing authority certified by the director under paragraph (1) of this
70 subsection has within its jurisdiction an area served by a water authority or water and
71 sewer authority which has been authorized by local law to be responsible for storm-water
72 management and to implement and enforce all relevant ordinances and regulations and,
73 pursuant to an intergovernmental agreement with the governing authority of a county or
74 municipality, operates a storm-water utility and maintains the storm-water management
75 system and soil erosion and sedimentation control permitting, inspection, and
76 enforcement within such county or municipality, such water authority or water and sewer
77 authority may, in the sole discretion of the director, be certified as the local issuing
78 authority for the county or municipality which it serves.

79 (i) In the event that a water authority or water and sewer authority serves more than
80 one county or municipality that is a local issuing authority certified by the director
81 under paragraph (1) of this subsection, such water authority or water and sewer
82 authority must have authority to implement and enforce all relevant ordinances and
83 regulations from and an intergovernmental agreement with every applicable county
84 or municipality before the director may certify such water authority or water and
85 sewer authority as a local issuing authority for any county or municipality which it
86 serves.

87 (ii) In the event that a water authority or water and sewer authority serves less than
88 an entire county or municipality that is a local issuing authority certified by the
89 director under paragraph (1) of this subsection, the intergovernmental agreement
90 described under this paragraph shall specify the jurisdictional boundaries within
91 which the water authority or water and sewer authority shall act as the local issuing
92 authority."

93 (b) The districts or the commission or both shall review semi-annually the actions of
94 counties and municipalities jurisdictions and entities which have been certified as local
95 issuing authorities pursuant to subsection (a) of this Code section. The districts or the
96 commission or both may provide technical assistance to any county or municipality
97 jurisdiction or entity for the purpose of improving the effectiveness of the county's or

98 ~~municipality's jurisdiction's or entity's~~ erosion and sedimentation control program. The
99 districts or the commission shall notify the division and request investigation by the
100 division if any deficient or ineffective local program is found.

101 (c) The board, on or before December 31, 2003, shall promulgate rules and regulations
102 setting forth the requirements and standards for certification and the procedures for
103 decertification of a local issuing authority. The division may periodically review the
104 actions of ~~counties and municipalities jurisdictions and entities~~ which have been certified
105 as local issuing authorities pursuant to subsection (a) of this Code section. Such review
106 may include, but shall not be limited to, review of the administration and enforcement of
107 and compliance with ~~a governing authority's the applicable ordinances and regulations~~ and
108 review of conformance with an agreement, if any, between the district and the ~~governing~~
109 local issuing authority. If such review indicates that the ~~governing authority of any county~~
110 ~~or municipality jurisdiction or entity~~ certified pursuant to subsection (a) of this Code
111 section has not administered, enforced, or complied with its ordinances or regulations or
112 has not conducted the program in accordance with subsection (e) of Code Section 12-7-7,
113 the division shall notify ~~the governing authority of the county or municipality that~~
114 ~~jurisdiction or entity~~ in writing. The ~~governing authority of any county or municipality~~
115 ~~jurisdiction or entity~~ so notified shall have 90 days within which to take the necessary
116 corrective action to retain certification as a local issuing authority. If the ~~county or~~
117 ~~municipality jurisdiction or entity~~ does not take necessary corrective action within 90 days
118 after notification by the division, the division shall revoke the certification of the ~~county~~
119 ~~or municipality jurisdiction or entity~~ as a local issuing authority.

120 (d) The director may determine that the public interest requires initiation of an
121 enforcement action by the division. Where such a determination is made and the local
122 issuing authority has failed to secure compliance, the director may implement the board's
123 rules and seek compliance under provisions of Code Sections 12-7-12 through 12-7-15.
124 For purposes of this subsection, enforcement actions taken by the division pursuant to
125 Code Sections 12-7-12 through 12-7-15 shall not require prior revocation of certification
126 of the ~~county or municipality jurisdiction or entity~~ as a local issuing authority."

127 **SECTION 4.**

128 This Act shall become effective upon its approval by the Governor or upon its becoming law
129 without such approval.

130 **SECTION 5.**

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