Senate Bill 155

By: Senators Pearson of the 51st, Tolleson of the 20th, Williams of the 19th, Rogers of the 21st, Chance of the 16th and others

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management practices for control of soil erosion and sedimentation and minimum requirements for rules, regulations, ordinances, or resolutions, so as to change certain provisions relating to 25 foot buffers along state waters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

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

(i) As provided by paragraph (16) of this subsection;

(ii) Where the director determines to allow a variance that is at least as protective of natural resources and the environment;

(iii) Where otherwise allowed by the director pursuant to Code Section 12-2-8; ~~or~~

(iv) Where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; or

(v) Along any ephemeral stream. As used in this division, the term 'ephemeral stream' means a stream:

(I) That under normal circumstances has water flowing only during and for a short duration after precipitation events;

(II) That has the channel located above the ground-water table year round;

(III) For which ground water is not a source of water; and

(IV) For which runoff from precipitation is the primary source of water flow.

~~provided, however, that buffers~~ Unless exempted under division (v) of this subparagraph, buffers of at least 25 feet established pursuant to Part 6 of Article 5 of Chapter 5 of this title shall remain in force unless a variance is granted by the director as provided in this paragraph.″

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.