

## GET THE DIRT OUT - IN YOUR WATERSHED

### GTDO – PART II

#### **PART TWO II - ADVANCED SITE ASSESSMENT – THE PROBLEM CONTINUES**

#### SITE ASSESSMENT

It is important that you alert your Local Issuing Authority (LIA) and encourage the authority to take the appropriate action. Unfortunately, the LIA may be unwilling or unable (due to lack of resources) to respond to your concerns.

Continue with Part II if you have:

- 1) Called and/or written the LIA and followed-up,
- 2) Called and/or written the appropriate EPD District Office, and
- 3) Reported that the problem of polluted runoff from a construction site continues to allow sediment to flow into nearby waterway and BMP's continue to need repair.

Follow the steps below to obtain the pertinent site information you will need to get your site in compliance. Document your activities and evaluate government action in your **Enforcement Log**.

#### **NOTE:**

**Have you already notified the appropriate authorities (LIA, COE or EPD)?**

**If not, go back to PART I.**

#### **Obtaining Background Information**

#### BACKGROUND CRITERIA

In order to make an Advanced Site Assessment you will need to reference the following:

- 1) Georgia Open Records Act (GORA) Sample Request Letter - **Appendix C**.  
To access information on file, erosion plan, NOI, etc.
- 2) A copy of your LIA's Georgia Erosion and Sediment (GESA) Ordinance. All Certified LIA's have adopted this ordinance. This outlines local requirements for stream buffers, etc. and other unique or additional criteria above and beyond the minimum state requirements.
- 3) Topo Map of your site - **Appendix D**.  
Streams are identified along with site topo details.
- 4) Soils Map - **Appendix D**.  
Additional information about the site, with streams and/or wetlands identified.
- 5) Corp of Engineers Contact - **Appendix E**.  
Contact COE to see if a 404 Permit or a Nationwide Permit has been issued or applied for.
- 6) State Erosion and Sediment Control Complaint Resolution Procedure - **Appendix F**.  
Contact the Georgia Soil and Water Conservation Commission and the local Soil and Water Conservation District. Both state agencies have some responsibility in erosion and sediment control complaints and the Local Issuing Authorities erosion program oversight. You may request from the GSWCC and the SWCD a program overview.



**GTDO – PART II****LIA BACKGROUND INFO Background Information From LIA**

---

In order to obtain the information below, you may have to send a Georgia Open Records Act (GORA) (**Appendix C**) letter/request to the LIA. This protects you, the local issuing authority and allows them to give you copies of public files which include the information you will need to make your advanced site assessment.

- Has the Notice of Intent (NOI) been filed with appropriate EPD District Office?
- Have you obtained the NOI or permit application?
- When did the project start?
- At what stage of development is the project? (Just started, first phase completed, almost completed, complete)
- Has the Erosion, Sedimentation, and Pollution Control Plan (ESPCP) been approved?
- Has the plan been kept current?
- Have you obtained a copy of the ESPCP? (Obtain this from the EPD District office or the LIA.)

**EPD BACKGROUND INFO Background Information From EPD**

---

Have you identified which EPD District office you should be working with? - **Appendix A**  
If you do not have an LIA, then direct your questions to the appropriate EPD District office.

**COE BACKGROUND INFO Background Information From COE**

---

Has the Corps of Engineers 404 permit or Nation Wide Permit been applied for?

**The Site - Using the information obtained from the file, the appropriate authorities, the approved plans, the topo map and NOI, etc.**

**1) Describe the site**

- What is the project size?
- Number of acres?
- What type of development is it?
- Are there streams or waterways on the property?

**2) Report on the Condition of the site**

- Referencing the **Pictorial Field Guide** and using the **Site Report Card** document the conditions of the site.
- Are they using Best Management Practices (BMPs)?
- Are the BMP's working? If not, why not?

**3) Identify Waters of the STATE**

- Are there any structures located directly in streams?
- Are there any buffer violations?

**4) Document Community Impacts - Knowing your community, explain how this problem affects the community.**

- Who lives near and has an interest in the (proposed) development?
- Are they members of local groups? (Sierra Club, Riverkeepers, Homeowners Association, etc.)
- Does the land disturbing activity interfere with the water's intended use, i.e. fishing, boating, etc?



## **Evaluating Government Action – Enforcement Log**

Use these questions as guides in filling out your **Enforcement Log**.  
Answer the following questions for LIA, EPD and COE and keep a log.  
If you do not have an LIA go directly to EPD section.

### **LIA**

- Did the LIA adopt GESA ordinance and if so are those ordinances being followed?
- Was the LIA familiar with the site?
- Were they familiar with the law/general permit?
- Did they respond in a timely manner?
- Did they visit the site?
- Did they take enforcement action?
- What was the enforcement action? Fines? Notice of Violation (NOV)? Court Citation? Mandatory Stop Work Order?
- Did the LIA take action in a timely manner?
- Is the action working?
- **Has the LIA failed to act?**
- Did they respond?
- What have they done so far?
- Have they continued to investigate the issue?
- If not have they given you a reasonable explanation for why not?
- Have you followed up with them repeatedly to see what they are doing about the issue?
- Have you asked them to visit the site?
- Can they find the site?
- How many times have they visited the site?
- Have you given them all information that may help them to understand the issue and the need to act? Pictures?

### **EPD**

- Have you contacted the appropriate EPD District Office?
- Was EPD familiar with the site?
- Were they familiar with the law/general permit?
- Did they respond in a timely manner?
- Did they visit the site?
- Did they take enforcement action?
- What was the enforcement action? Fines? Notice of Violation (NOV)? Court Citation? Mandatory Stop Work Order?
- Did EPD take action in a timely manner?
- If so, what? And Is the action working?
- **Has EPD failed to act?**
- Did they respond?
- What have they done so far?
- Have they continued to investigate the issue?
- If not have they given you a reasonable explanation for why not?
- Have you followed up with them repeatedly to see what they are doing about the issue?
- Have you asked them to visit the site?
- Can they find the site?
- Have you given them all information that may help them to understand the issue and the need to act? Pictures?



# GET THE DIRT OUT

Erosion + Sediment Control

## GTDO – PART II

ENFORCEMENT LOG

### Evaluating Government Action - Enforcement Log CONT'D

---

#### COE

- Have you contacted the appropriate COE Office?
- Was the COE familiar with the site?
- Were they familiar with the law/general permit?
- Did they respond in a timely manner?
- Did they visit the site?
- Did they take enforcement action?
- What was the enforcement action? Fines? Notice of Violation (NOV)? Court Citation? Mandatory Stop Work Order?
- Did the COE take action in a timely manner?
- If so, what? And Is the action working?
- **Has the COE failed to act?**
- Did they respond?
- What have they done so far?
- Have they continued to investigate the issue?
- If not have they given you a reasonable explanation for why not?
- Have you followed up with them repeatedly to see what they are doing about the issue?
- Have you asked them to visit the site?
- Can they find the site?
- Have you given them all information that may help them to understand the issue and the need to act? Pictures?

#### NEXT STEP – When your file is complete

Schedule a consultation and/or site visit with  
Justine Thompson at [jthompson@cleangeorgia.org](mailto:jthompson@cleangeorgia.org)

OR

Alice Champagne at [achampagne@ucriverkeeper.org](mailto:achampagne@ucriverkeeper.org)

(Don't call without doing your work!)



Keeping Watch Over Our Waters