

**APPENDIX F**

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**STATE EROSION + SEDIMENT CONTROL COMPLAINT RESOLUTION PROCEDURE**

RESOLUTION  
PROCEDURE

The Erosion and Sedimentation Control Act of 1975, as amended  
O.C.G.A. 12-7-1, *et. seq.* describes the agencies involved in this process.

**Georgia E&SC Law:**  
Agencies Involved

**Local**

- Some Cities and Counties
- Local/Regional Organizations

**State**

- State Soil and Water Conservation Commission (SSWCC)
- Soil and Water Conservation Districts (SWCD)
- Environmental Protection Division (EPD) of DNR

**Federal**

- Natural Resources Conservation Service (NRCS)  
(NRCS is unnamed in the Law but is vital part of the process)

**Agency E&SC Responsibilities:**  
Environmental Protection Division

- Certify and Decertify Local Issuing Authorities
- Implement NPDES permits where there is no Local Issuing Authority
- Review local government E&SC programs
- Selective enforcement
- Review Stream Buffer Variances

**Agency E&SC Responsibilities:**  
State Soil and Water Conservation Commission

|   |  |  |
|---|--|--|
| <p><b>Education and Outreach</b></p> <ul style="list-style-type: none"> <li>• Certification Workshops</li> <li>• Local Government Outreach Seminars</li> <li>• Publication of Design and Field Manuals</li> <li>• Model Ordinances</li> </ul> | <p><b>Support for Soil and Water Conservation Districts</b></p> <ul style="list-style-type: none"> <li>• Technical Support - Plan Review &amp; Complaints</li> <li>• Guidance on E&amp;SC Law</li> <li>• Overviews of Local Programs</li> <li>• Administrative Assistance</li> </ul> | <p><b>Memorandum of Agreement</b></p> <ul style="list-style-type: none"> <li>• Agreement between SWCD, LIA and SWCC to give plan review responsibility to the LIA</li> </ul> |
|---|--|--|

**How do local governments become certified to issue Land Disturbing Activity Permits and enforce erosion and sedimentation control law?**

**Local Issuing Authority (Enforcement & LDA Permits)**

- Adopt ordinance consistent with the E&S Act
- Employ qualified inspection personnel
- Provide adequate documentation
- EPD will provide written notification to the city or county within 60 days of receipt of request for certification
- Implement the E&S program and enforce ordinance

**Issuing Authority**  
Process Plans & Issue Permits

**Soil and Water Conservation Districts**  
Plan Review

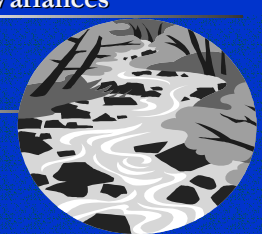
- Local Issuing Authority (MOA)
- State Soil and Water Conservation Commission  
Natural Resources Conservation Service

**E&SC Agency Responsibilities: Plan Review**

- State Soil and Water Conservation Commission (Metro Atlanta)
- Natural Resources Conservation Service (other parts of the state)
- Local Issuing Authorities with an MOA

**E&SC Agency Responsibilities: Stream Buffer Variances**

Stream buffer variances may only be granted by the EPD!



CONT'D



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RESOLUTION  
PROCEDURE

**STATE EROSION + SEDIMENT CONTROL COMPLAINT RESOLUTION PROCEDURE CONT'D**

**How are some local government able to review E&SC plans internally?**

**E&SC Agency Responsibilities: LIA with a Memorandum of Agreement**

- A Memorandum of Agreement (MOA) is an agreement between a Local Issuing Authority, the State Soil and Water Conservation Commission and the Local Soil and Water Conservation District
- To be eligible for a MOA a LIA must:
  - Have a proven and effective E&S program
  - Must have qualified personnel to internally review plans

**E&SC Agency Responsibilities: Education and Technical Support**

- Natural Resources Conservation Service (NRCS)
- Soil & Water Conservation District (SWCD)
- State Soil and Water Conservation Commission (SSWCC, Commission)

**E&SC Agency Responsibilities: Complaint Resolution**

An E&SC advisory team has developed an effective and timely complaint resolution process.

- City/County Governments
  - NRCS
  - SWCC
  - SWCD
  - EPD

**Complaint Resolution: Step 1: Receiving a Complaint**

- Complaints are always referred to the Local Issuing Authority
- Complaints received by the SWCC are logged and pursued until resolution has been achieved

**Complaint Resolution: Responsibilities of Certified LIAs**

- Investigate the complaint within 5 business days
- Refer unresolved complaints to the EPD
- Keep a monthly log of complaints, inquiries and enforcement actions

**Complaint Resolution: Step 2: Complaints Unresolved by LIA**

- SWCC and SWCDs provide direction, education, technical assistance and quality assurance
- Record of Complaint form is completed by SWCC Regional Rep and is forwarded to LIA
- LIA has 48 hours to respond by telephone and 7 days to respond in writing

**Complaint Resolution: Step 2: Complaints Unresolved by LIA**

- If complaint is still unresolved
  - District Assessment Team (DAT) is formed
    - SWCD
    - SWCC
    - EPD
    - NRCS
  - DAT conducts site visits
  - DAT will prepare a report with photos and testimony

CONT'D



Keeping Watch Over Our Waters

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## STATE EROSION + SEDIMENT CONTROL COMPLAINT RESOLUTION PROCEDURE CONT'D

## RESOLUTION PROCEDURE

**Complaint Resolution:**  
Step 3: Decertification & Enforcement Actions

- ~~DAT analyzes and documents violation(s)~~
- May request that the SWCC or SWCD notify EPD to begin decertification or enforcement actions
- Decertification is reserved for habitually ineffective programs

**Complaint Resolution:**  
Step 3: Decertification & Enforcement Actions

- Other possible reasons for decertification:
  - Out of date ordinance
  - Failure to employ adequate qualified inspectors
  - Inadequate program administration, record keeping and enforcement

**Complaint Resolution:**  
Step 3: Loss of MOA

- ~~Issuing Authority remains LIA but can no longer conduct plan reviews internally~~
- SWCC and/or SWCD resumed plan review responsibilities

**Who issues LDA Permits?**

Local Issuing Authorities  
(certified by EPD)

**Who certifies a local government as an Issuing Authority?**

EPD

**Who can review E&SC plans?**

- SSWCC
- NRCS
- Local Issuing Authorities with MOA

**Who grants an MOA with a local government?**

- Local Soil and Water Conservation District
- SSWCC

**Who is contacted first in the complaint process?**

The Local Issuing Authority/EPD

