



Executive Summary

Get the Dirt Out (GTDO): Georgia Stormwater Construction Project

Georgia was the fourth fastest-growing state in the country between July 2005 and July 2006, according to the U.S. Census Bureau. This growth brought massive changes to the natural landscape through land disturbance activities that leveled and graded forests and fields.

Every day in metro Atlanta, 54 acres of trees are destroyed, while another 28 acres are covered with hard impervious surfaces like roads, rooftops and parking lots.¹ When these construction activities are not adequately controlled with best management practices (BMPs), they send tons of muddy water into the rivers and lakes that serve as our drinking water supplies, recreational areas and wildlife habitat. The environmental and economic cost to our communities and to private property values can be staggering.

The Project

Upper Chattahoochee Riverkeeper (UCR) received a grant from the U.S. EPA in 2005 to study the effectiveness of Georgia's erosion control program—the centerpiece of which is a regulation called the General Stormwater Permit for Construction Activity (General Permit) that implements federal and state stormwater control requirements.

UCR worked with other watershed protection groups to investigate Georgia's implementation of the General Permit program. Focused on improving water quality, we developed educational materials and tools to document problems and evaluate the effectiveness of BMPs intended to prevent the flow of muddy water from construction sites. We identified sites for investigation through file analysis, observation, and citizen complaints, deliberately focusing on sites with suspected stormwater problems.

Project partners visited more than 100 construction sites during the two-year study period, documenting compliance and logging complaints with local and state regulatory agencies. The project covered portions of the following river basins: Altamaha River, Etowah River, Canoochee River; Savannah River, and Upper and Middle Chattahoochee River.

In 30 workshops held around the state, the project partners provided information to more than 500 citizens, developers and local government officials about the purpose and requirements of the General Permit. The project website (www.getthedirtout.org) includes several printable documents including: a training Manual and Workbook, a BMP Field Guide, and a two-page *Stormwater Permitting Guide to Land Disturbance Activities* for developers and local governments.

¹ From Greenscapes to Hardscapes: A Study of Tree Canopy and Impervious Surface Change in the Metro Atlanta Area, A joint project of Upper Chattahoochee Riverkeeper and University of Georgia, funded by the Georgia Forestry Commission, 2005, <http://www.chattahoochee.org/hardscape.htm>.

What We Learned

Major violations of BMP requirements in the General Permit were observed by project partners at *two-thirds* of the construction sites investigated. All of the sites evaluated were in violation of the Permit's requirement that the developer (permittee) submit water quality monitoring data to the Georgia Environmental Protection Division (EPD). No monitoring reports were found in files at the EPD district offices.

While the General Permit provides strong requirements for protecting Georgia's waterways from construction stormwater, most permittees are not fully complying with this regulation. We believe that this situation is primarily due to the lack of adequate funding at all levels, which has resulted in the widespread failure to conduct site inspections and take appropriate enforcement actions.

Anyone who disturbs more than one acre of land must pay a "user fee" to help support the costs of administering Georgia's erosion control program, pursuant to legislation passed by the Georgia legislature in 2003. This fee is paid by the permit applicant—the developer or landowner—at the rate of \$80 per acre of disturbed soil at a construction site.

If a city or county has been certified by EPD as a Local Issuing Authority (LIA) to review and enforce erosion control practices, the fee is split equally between the LIA and EPD. Where there is no LIA, EPD manages the stormwater control program and receives the total fee of \$80 per acre. The stated intent of those who introduced and supported the user fee legislation was to raise sufficient funds to hire at least 80 additional EPD inspectors to work throughout the state.

Four years after the passage of this user fee requirement, EPD has *less than half* of the 80 new inspector positions dedicated to the General Permit program. In FY 2005 and FY 2006, the Georgia Legislature appropriated only \$2.2 million of the \$3.7 million collected for its intended use. Because the legislature has not fully appropriated the fee revenue, EPD has been unable to hire adequate support staff or field inspectors and is not effectively implementing the General Permit as required by federal law.

Recommendations

More than 20 specific recommendations for program improvements are included in Section 5 of this report. We believe that these recommendations are essential to the effective implementation of the General Permit program and the reduction of stormwater pollution in Georgia's waterways. Key recommendations are highlighted below:

- Inspection and enforcement by local and state agencies must be significantly improved. All user fees collected by the state (about \$4 million annually) must be appropriated back to EPD to hire additional personnel to administer and enforce the program.
- Erosion control plans must be designed to a higher standard with site-specific BMPs that incorporate innovative technologies and low impact design techniques. The *Manual for Erosion and Sediment Control in Georgia* (aka the "Green Book") should be revised to require these BMPs.

- When the General Permit is renewed in 2008, it must be revised to add specific limits to the amount of clearing allowed at a given time, i.e. a mass grading limitation. This activity was found to be a major stormwater problem throughout the state.
- EPD should develop a database to track records submitted by developers to comply with the General Permit, as well as to track site-specific complaints and agency actions.

Conclusion

The current provisions and requirements of the General Permit are, in most instances, sufficient to protect waters from polluted runoff from construction sites. While some progress has been made by EPD to clarify confusing terms, address some regulatory issues, educate and coordinate with local governments and work to create consistency among district offices, the program remains greatly limited by the lack of funding and sufficient personnel.

The GTDO project partners are committed to continuing their efforts to improve the implementation of Georgia's General Permit and ensure that revisions made to the General Permit in 2008 incorporate the recommendations and lessons learned as part of this effort. The *Get the Dirt Out* project is already being used as a model by nonprofit organizations and government agencies in other states.

Acknowledgements

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Addendum

Some of the recommendations from this report were incorporated into the 2008 revision of the General Permit. These revisions should prove to be invaluable in further protecting water quality in Georgia.

Copies of the full report are available from the Upper Chattahoochee Riverkeeper. Contact Jason Ulseth (julseth@ucriverkeeper.org) for details.