

WORKING TOGETHER TO PROTECT OUR WATERS

Upper Chattahoochee Riverkeeper (UCR), the Georgia Center for Law in the Public Interest, and our partners are tackling contamination of our waterways from polluted sediment runoff associated with construction activities through educational workshops and training materials.

This Stormwater Permitting Guide along with UCR's Pictorial Field Guide outlines basic government regulations & illustrates effective means to keep mud out of our water supplies.

GET THE DIRT OUT
Erosion + Sediment Control



Do You Need an NPDES Stormwater Discharge Permit for Your Construction Activities?

In most cases, yes. Coverage under a General Stormwater Permit is required whenever there is construction activity that disturbs a land area one acre or greater, or tracts of less than one acre that are part of a larger overall development with a combined disturbance of one acre or greater.

What is a General Stormwater Permit?

A General Stormwater Permit is issued by Georgia's Environmental Protection Division (EPD) for stormwater discharges associated with construction activities, including clearing, grading, and excavation of at least one acre. There are three permits, each geared to the type of development project. Prior to beginning any land disturbing activity, read the applicable General Permit and become familiar with all its requirements.

Who may be Required to Apply for Coverage under the General Stormwater Permit?

Anyone conducting construction activities may be required to apply for coverage, including, for example, the owner, operator, general contractor, individual builder and/or utility company/contractor.

What are the Basic Permit Requirements?

Notice of Intent (NOI) - Submit to EPD Regional Office and, if applicable, to the Local Issuing Authority (LIA) at least 14 days prior to commencement of construction.

Erosion, Sedimentation and Pollution Control Plan (ESPCP) - Submit plan outlining Best Management Practices (BMPs), prepared by a design professional and approved by LIA and/or EPD.

Monitoring and Inspections - Sampling is required on several occasions, including rain events following clearing and grubbing, mass grading, and after any BMP failures. Mandatory inspections of the construction site are detailed in the permit. In some cases, reporting to EPD may also be required.

User Fees - \$80 per disturbed acre must be included with NOI, with \$40 going to EPD and \$40 to LIA.

Notice of Termination - File with EPD when final stabilization of the site is achieved (all soil disturbing activities have been completed and unpaved areas 100% covered with vegetation with a 70% density).

Who Regulates Activities under the General Permit?

Georgia EPD administers the General Permit. EPD may certify a county or municipality as a Local Issuing Authority (LIA) if a county or municipality has enacted an ordinance that meets or exceeds the state general permit, and employs qualified personnel. EPD maintains oversight authority. U.S. Environmental Protection Agency (EPA) always retains authority to enforce the permit. Certain construction activities may also require a permit from the U.S. Army Corps of Engineers (COE).

What are Some Typical Permit Violations?

- Failure to submit an NOI
- Failure to properly identify waterways
- Failure to properly design, install or maintain BMPs
- Encroaching in the buffer zone
- Discharges of sediment into waterways
- Failure to monitor, sample or report
- Failure to pay fees

What Are the Enforcement Penalties + Fines for Non-Compliance?

Failure to comply with the General Permit can result in Stop Work Orders and/or Fines as high as \$32,500 per day per violation. Affected citizens may also bring a lawsuit and obtain fines for violations and recover for property damage.

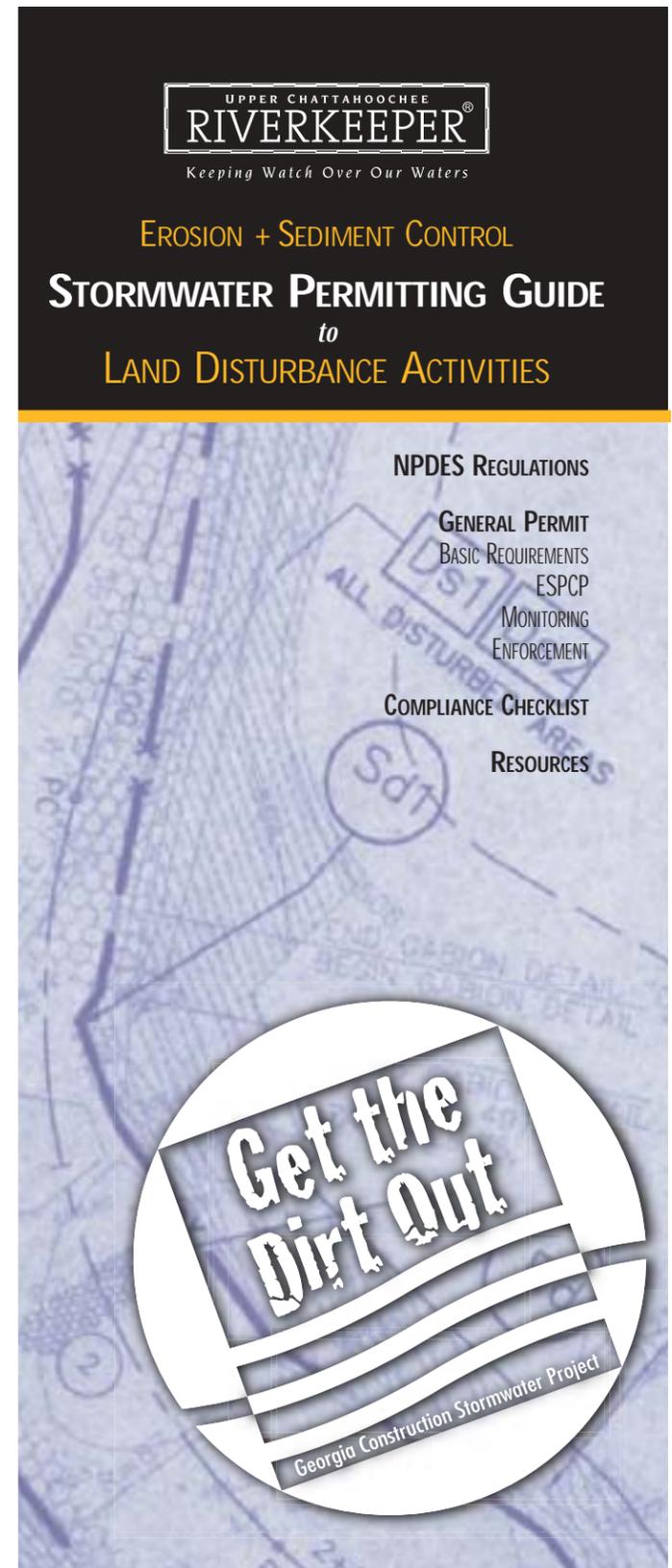


Georgia Construction Stormwater Project

CONTRACTORS
DEVELOPERS
EROSION & SEDIMENT CONTROL ENGINEERS
INSPECTORS
LAND OWNERS
LOCAL GOVERNMENTS
SITE ENGINEERS
SITE SUPERINTENDENTS
STEWARDS OF THE ENVIRONMENT

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Upper Chattahoochee Riverkeeper
916 Joseph Lowery Blvd • 3 Puritan Hill • Atlanta, GA 30318
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LAND DISTURBANCE REGULATIONS
STAY OUT OF TROUBLE!
UNDERSTANDING REQUIREMENTS + REDUCING RISK



How to Protect Our Waters and Stay Out of Trouble!

3-STEP GUIDE TO UNDERSTANDING GENERAL PERMIT REQUIREMENTS + REDUCING RISK

GET THE DIRT OUT
Erosion + Sediment Control

1 IDENTIFY + PLAN TO PROTECT

- Proper delineation of all water features may require an **Aquatic Resource Specialist**. ALL waterways must be shown on the ESPCP. Georgia law requires a protected vegetative buffer along all State Waters, 25 feet for warm water and 50 feet for Trout Waters. Refer to the General Permit and applicable state law for more information.
- **Compliance Requires Planning** – Your certified design professional team must visit the construction site and develop an ESPCP utilizing BMPs that promote a good site design and management approach specific to that site.
- **Take these Steps to Protect Water Quality:** promote infiltration, reduce water velocity, divert flows from exposed areas and contain muddy polluted water on-site.
- **Identify a Contact Person** – Establish a clear chain of command for your project site – to ensure proper implementation, maintenance and compliance with the ESPCP.
- **Meet with local government officials** to identify additional project plan design requirements.



ACTION

Developers: Your certified design team must evaluate, design and develop your property by providing erosion and sediment control designs, plans, techniques and installation measures in compliance with the General Permit.

Local Governments: Protect local waterways and drinking water supplies from sediment leaving construction sites. Ensure adequate enforcement to reduce costs to county residents, including increased costs to treat drinking water, or diminished property values downstream of the development.

RESOURCE LINKS

Trout Water Designations:
http://www.ganet.org/dnr/envirom/rules_files/exist_files/391-3-6.pdf
Report on Land Development Provisions:
http://www.ganet.org/dnr/envirom/techguide_files/wpb/ldp.pdf

2 OBTAIN PERMITS

- You may need to obtain a variety of permits in order to comply with all applicable laws and regulations. Make sure to check with local, state and federal agencies prior to commencing construction.
- Local governments and the LIA generally issue any building or land-disturbing permits and may also have additional requirements. For example, many cities and counties require greater riparian buffers than those required under state law and may require additional permits.
- Georgia EPD administers the General Stormwater Permit, and coverage under that permit must be obtained through EPD prior to any land disturbing activity.
- The U.S. Army Corps of Engineers (COE) regulates the discharge of dredged or fill materials into U.S. Waters. Before discharging fill material into waters of the U.S., one must either obtain an individual Section 404 permit OR comply with the terms of an applicable Nationwide Permit (NWP), which is a type of general permit. Fill includes material such as sediment or rocks that change the bottom elevation of any waterway, as well as any structures placed or constructed in a waterway. It is advisable to contact the COE if your project may result in any discharge of fill into waterways.
- To find out more about EPD permitting requirements, visit their website. The following items may be found at www.dnr.state.ga.us/dnr/envirom/
 - NOI and User Fee Forms
 - General Permits • Buffer Variance Application and Information
 - EPD District Office Contacts • Technical Guidance

ACTION

Developers: Obtain all appropriate permits. Anyone discharging pollutants into waterways without a permit or in violation of a valid permit is breaking the law.

Local Governments: Create and implement better land use plans, stream buffer protection, and erosion and sediment control ordinances. In doing so, you may prevent costly water system repairs and dredging that result in higher water consumption costs to consumers and degraded recreational waters.

RESOURCE LINKS

GA EPD Website - General Permits:
<http://www.ganet.org/dnr/envirom> [Technical Guidance - Stormwater]
Army Corps of Engineers Regulations:
<http://www.sas.usace.army.mil/permit.htm>

3 INSTALL + MAINTAIN BMPs

- **Insist that all control measures** – vegetative, structural, sediment basins, high-performance BMPs (polymer, trenches, seep berms) are designed to effectively control erosion and manage your risks and costs.
- **The ESPCP must include a Phased Erosion Control Plan** – initial perimeter control BMPs, intermediate grading and drainage BMPs and final BMPs (constructed wetlands, vegetated swales, infiltration techniques for runoff).
- Install initial erosion and sediment controls prior to beginning site disturbance
- Vegetate and protect all disturbed areas immediately. Consider temporary vegetation as an investment to protect your precious and limited topsoil.
- **Inspect project site once every 7 days** and within 24 hours of the end of 0.5 inch or greater storm.
- Design professional shall revise the ESPCP, as appropriate, based on results of each inspection.
- **Correct any deficiencies within 7 days.**
- Submit summary of monitoring results by 15th of each month following reporting period.
- Inspect receiving waters or discharge locations to ensure erosion control measures are effective in preventing impacts.
- Identify and retain inspection reports on-site documenting incidents of non-compliance; a summary of these violations must be submitted to EPD by the permittee within 14 days of knowledge of violation.

ACTION

Developers: Design and implement an ESPCP that protects waterways and downstream property and state waters from polluted sediment and runoff from your project site.

Local Governments: Hire enough inspectors to adequately enforce all local laws. Enforce the ESPCP to keep sediment out of waterways and off downstream property. Be knowledgeable about federal requirements.

RESOURCE LINKS

Design Manual for Erosion and Sediment Control in Georgia, "Green Book":
<http://www.gaswcc.org>
Get the Dirt Out Program:
<http://www.getthedirtout.org>

COMPLIANCE CHECKLIST

1 IDENTIFY + PLAN TO PROTECT

- Locate and Identify State Waters
- Protect Stream Buffers
- Fit the Project to the Topography, Not Vice Versa
- Formulate a Certified Design Team to Prepare an ESPCP
- Outline Maintenance Program, and Designate 24-hour Contact Person
- Check Local Ordinances for Other Requirements

2 OBTAIN PERMITS + VARIANCES

- Complete Notice of Intent (NOI)
- Submit NOI to EPD/LIA (if applicable) via Return Receipt Certified Mail
- Pay Stormwater User Fees to EPD/LIA (if applicable)
- Submit ESPCP to LIA and/or EPD
- Apply for Buffer Encroachment Variance from EPD (if applicable)
- Check COE Requirements and Apply for Any Necessary Permits

3 INSTALL + MAINTAIN BMPs

- Specify Best Management Practices (BMPs) that Work as a System
- Install All BMPs per ESPCP
- Conduct Weekly BMP Inspections
- Record Daily Rainfall
- Monitor Stormwater per Permit Sampling Requirements
- Submit Required Reports to EPD

This brochure highlights just some of the steps that you must take in order to comply with local, state and federal laws. It is not intended to provide you with a complete list of your responsibilities. Prior to commencing construction, become knowledgeable about all applicable laws and regulations.

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