

Ordinance No.: 16-16

ORDINANCE OF THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY, GEORGIA AMENDING CHAPTER 34, ENVIRONMENT, ARTICLE III SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL; REPEALING ANY CONFLICTING ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE

THIS ORDINANCE adopted by the Board of Commissioners of Columbia County, Georgia (the "Board").

WHEREAS, the Board desires to clarify certain provisions of the Columbia County Code of Ordinances pertaining to environmental requirements, and

WHEREAS, the Board desires to adopt provisions that protect the integrity and character of the County's natural environment.

NOW, THEREFORE, BE IT ORDAINED by the Board and it is hereby ordained by the authority of the same as follows:

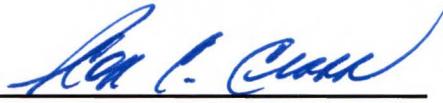
Section 1. Amendment of Chapter 34, Environment, Article III Soil Erosion, Sedimentation and Pollution Control. Chapter 34, Environment, Article III Soil Erosion, Sedimentation and Pollution Control is hereby deleted in its entirety and there is inserted in lieu thereof a new Chapter 34, Environment, Article III Soil Erosion, Sedimentation and Pollution Control, as attached in Exhibit "A" and made a part hereof.

Section 2. Repeal of Conflicting Ordinances. Any Ordinances in conflict with this Ordinance shall be repealed to the extent necessary to eliminate such conflict.

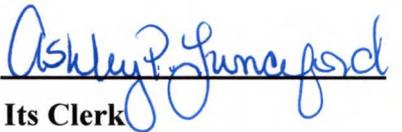
Section 3. Effective Date. This Ordinance shall become effective upon the date of its adoption following the second reading of the Ordinance.

ADOPTED, this 7 day of June, 2016.

**BOARD OF COMMISSIONERS OF
COLUMBIA COUNTY, GEORGIA**

By: 

Its Chairman

Attest: 

Its Clerk

[COUNTY SEAL]

ARTICLE III. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 34-66. - Title.

This article will be known as Columbia County Soil Erosion, Sedimentation and Pollution Control Ordinance.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-67. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Best management practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the SWCC as of January 1 of the year in which the land-disturbing activity was permitted.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel: A person who has successfully completed the appropriate certification course approved by the Georgia SWCC.

County: Columbia County, Georgia, including its various departments and divisions.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Design professional: A person that has met the certification requirements of O.C.G.A. Section 12-7-19 for plan design.

District: The Columbia County Soil and Water Conservation District.

DNR: The Department of Natural Resources.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD director: The director of the Environmental Protection Division of the Department of Natural Resources, or an authorized representative.

Ephemeral stream: A stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow,

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, Sedimentation and Pollution Control Plan (ESPC plan or plan): A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in this article.

E&S manual: The edition of the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, and amendments to the Manual as approved by the SWC Commission up until the date of NOI submittal (or, where no permit or NOI is required, up until the date the land disturbing activity was initiated).

Fee schedule: An administrative document detailing the fees charged by the County for various services, privileges, permits, and licenses, as adopted and modified from time to time by Resolution of the County Board of Commissioners, the current official version of which may be obtained from the County administrative offices located at 630 Ronald Reagan Drive, in Evans, Georgia.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization: All soil disturbing activities at the site have been completed, and for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

GSWCC: Georgia Soil and Water Conservation Commission

Land-disturbing activity: Any activity which may result in soil erosion and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in O.C.G.A. 12-7-17(5).

Larger common plan of development or sale: A contiguous area where multiple separate and distinct construction activities are occurring or will occur under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, survey, plat, blueprint, layout, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

LDP Table: An administrative document detailing the submittal requirements and review process for all land disturbing activities, as adopted and modified from time to time by Resolution of the County Board of Commissioners, the current official version of which may be obtained from the County administrative office in Evans, Georgia.

Local issuing authority: Columbia County which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Nephelometric turbidity units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This

technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A notice of intent form provided by EPD for coverage under the state general permit.

NOT: A notice of termination form provided by EPD to terminate coverage under the state general permit.

O.C.G.A. – The Official Code of Georgia Annotated.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an ESPC plan for the project or other permit conditions, such as a person authorized to direct workers at a project or site to carry out activities required by the ESPC plan or to comply with other permit conditions.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit: The National Pollutant Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion, sedimentation and pollution control practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive

sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, and sediment traps. Such practices can be found in the E&S manual.

Trout streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the DNR under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. As of January 1, 2010, no streams within Columbia County have been so designated. If at any time any stream within the county is designated as a trout stream, the buffer and other requirements of O.C.G.A. 12-7-6(b)(16) and 12-7-17(4) shall apply.

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the E&S manual.

Watercourse: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-68. - Exemptions.

- (a) This article shall apply to any land-disturbing activity undertaken by any person on any land within the county except for the following:
 - (1) Surface mining, as defined in O.C.G.A. 12-4-72. "The Surface Mining Act."
 - (2) Granite quarrying activities conducted in conformance with State law.
 - (3) Agricultural operations as defined in O.C.G.A. 1-3-3.
 - (4) Forestry land management practices, including harvesting, provided that when such forestry practices cause, result in, or occur simultaneously with land disturbing activity otherwise prohibited in a buffer, no other land disturbing activities, except normal forest management practices, shall be allowed on the entire property for a period of three (3) years after the completion of the activity which disturbed the buffer.
 - (5) Any project carried out under the technical supervision of the Natural Resource Conservation Service of the United States Department of Agriculture.
 - (6) Public water system reservoirs.
 - (7) Excavation of individual cemetery graves.
 - (8) Exploratory borings or excavations under the direction of engineers, geologist or hydrologists.

- (b) The following projects are exempt from the permit requirements of section 34-70 of this article, provided however any land disturbing activities conducted as part of any such project shall conform to the minimum requirements as set forth in section 34-69 of this article, including, but not limited to, the implementation of BMPs, and the level of documentation specified in the LDP table shall be submitted to the County for verification in advance of undertaking such activity:
 - (1) Project with land-disturbance of less than 100-square feet and not within 200-feet of State Waters.
 - (2) Individual new home construction within a larger common plan of development with an open Primary Notice of Intent, and such individual new home construction will be conducted in conformance with the approved development plan and ESPC plan applicable to the lot affected.
 - (3) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work, fences, etc.
 - (4) Excavations and related preparations for establishment of irrigation wells not part of a bona-fide agricultural operation under O.C.G.A. 1-3-3.
- (c) Construction or maintenance projects undertaken or financed in whole or part by the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority, or any road construction or maintenance project undertaken by any county or municipality shall be conducted subject to the provisions of O.C.G.A. 12-7-17(9).
- (d) Land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power, shall be conducted subject to the provisions of O.C.G.A. 12-7-17(10).
- (e) Notwithstanding the potential applicability of any of the foregoing exemptions, property owners should contact Columbia County prior to conducting any land-disturbing activity, establishing any home gardening or landscaping areas, or installing any storage sheds, swimming pools, fences, or other permanent fixtures to ensure against installing such items in, across or over County drainage facilities or easements. Property owners shall be liable for any costs or damages incurred by County due to encroachment into a County drainage easement or facility.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-69. - Minimum requirements for erosion and sedimentation control using best management practices; violations; buffers.

- (a) General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the state general permit are not met. Therefore, plans for land-disturbing activities required by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices which conform to the minimum requirements of this section. The application of measures and practices shall apply to all features of the project site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with the requirements of this article and the NPDES general permit.
- (b) Minimum requirements/monitoring requirements.

- (1) Best management practices (BMPs) as set forth in this section shall be required for all land-disturbing activities. Proper design, installation, and maintenance of BMPs shall constitute a complete defense to any enforcement action or to any other allegation of noncompliance with subsection (c)(2) of this section 34-69. As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the E&S manual.
 - (2) Monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities may occur shall be performed in accordance with the state general permit(s) applicable to the project. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the EPD director.
- (c) Violations.
- (1) A discharge of stormwater runoff from disturbed areas where BMPs are required under this Article shall constitute a separate violation of this article for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units (NTUs). This subsection shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction project is equal to or greater than five acres.
 - (2) Failure to properly design, install, or maintain BMPs where required under this article shall constitute a separate violation of this article for each day on which such failure occurs or continues.
 - (3) Failure to perform turbidity monitoring or to submit monitoring results as required under the state general permit(s) applicable to the project shall be a violation of this article for each day on which such failure occurs or continues.
 - (4) If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this article without first obtaining said permit, the person shall be in violation of this article for each day on which such land disturbing activity occurs or continues.
 - (5) Conducting land-disturbing activity in any manner prohibited by or inconsistent with the requirements of this article shall constitute a separate violation of this article for each day on which such prohibited or inconsistent activity occurs or continues.
- (d) BMPs. Any party engaging in land-disturbing activities governed by this article shall employ protections at least as stringent as the state general permit(s) applicable to the project and, as a minimum, the BMPs, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the E&S manual, as well as the following:
- (1) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;
 - (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - (6) Disturbed soil shall be stabilized as quickly as practicable;

- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 - (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 - (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et seq.;
 - (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 - (11) Cuts and fills may not endanger adjoining property;
 - (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
 - (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
 - (14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection 34-69(c)(1) of this article.
- (e) Construction waste. Wastes such as discarded construction materials, concrete truck washout, chemicals, litter, sanitary waste, and any other similar material which may cause adverse water quality impact must be controlled at the construction site, and transported to an appropriate disposal facility for such waste. On-site burial of such wastes is not allowed.
- (f) Buffers. Except as provided in O.C.G.A. 12-7-6(b)(16) for trout streams, 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 where (i) the EPD director determines to allow a variance, (ii) where otherwise allowed by the EPD director pursuant to O.C.G.A. 12-2-8, (iii) 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 (iv) along any ephemeral stream. The county shall make the determination whether a stream is an ephemeral stream. Unless exempted as along an ephemeral stream,, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the EPD director as provided in this paragraph. The following requirements shall apply to any such buffer:
- (1) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction project site are completed. Once the final stabilization of the project site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; thinning of buffer shall be performed by hand, as heavy equipment may not be utilized within the buffer area; and

- (2) This buffer requirement shall not apply to the following land-disturbing activities, provided that such activities occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (A) Stream crossings for water lines; or (B) Stream crossings for sewer lines.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-70. – Land disturbance application/permit process.

- (a) General. The property owner, operator, developer and designated planners and engineers shall design and review the general development plans and detailed plans and requirements of the county that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of the county. However, the owner and/or operator are the only parties who may apply for and obtain a permit.
- (b) Application requirements.
 - (1) Except as otherwise specifically provided by this article, no person shall conduct any land-disturbing activity within the jurisdictional boundaries of Columbia County, Georgia without first submitting to the county those documents specified for the activity in the then-current LDP table.
 - (2) The documentation package shall be submitted to the Development Services Division and must include three copies of the applicant's plan with supporting data as specified in the LDP table, as necessary to demonstrate that the proposed land disturbing activity will comply with this ordinance or qualifies for an appropriate exemption. Where the LDP table specifies an ESPC plan, the documentation submitted shall contain a signed certification stating that the plan preparer or the designee thereof visited the project site prior to creation of the plan in accordance with EPD rule 391-3-7-.10.
 - (3) For Major Land Disturbance Permits as defined in the LDP table, an administrative fee, in the amount of \$5.00 per disturbed acre (or portion thereof) shall be charged and collected by the county for each project under this article. The administrative fee shall be paid at the time the ESPC plan is submitted to the county. In addition to such county administrative fee, permit fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the applicable state general permit for each acre of land-disturbing activity included in the project, the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. Half of such fees shall be submitted to the county, and the other half to EPD in accordance with the applicable state general permit; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the EPD.
 - (4) Immediately upon receipt of an application and plan for a permit, the county shall review the plan and shall approve or disapprove the plan within 35 days of receipt. Failure of the county to act within 35 days shall be considered an approval of the pending plan. No permit will be issued unless the plan has been approved by the county, and any variances required by section 34-69, all fees have been paid, and bonding, if required as per section 34-70, have been obtained.

- (5) Denial of permit. If a permit applicant has had two or more violations of previous permits, this article, or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the county may deny the permit application pursuant to O.C.G.A. 12-7-7(f)(1).
 - (6) Bond requirement. The county may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this article or with the conditions of the permit after issuance, or the bond, the county may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (c) Plan requirements.
- (1) Plans must be prepared to meet the minimum requirements as contained in section 34-69 and the required documents section of the LDP table. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws.
 - (3) Maps, drawings, and supportive computations shall bear the signature/seal of a certified Design Professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20. Data required for ESPC plan shall include, at minimum, all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the commission as of January 1 of the then current year.
 - (4) Plan phasing.
 - a. Initial Phase plan must include provision for sediment storage of 67 cubic yards per drained acre, which shall sediment storage, shall remain in place until permanent stabilization is established. Initial Phase plan must also include, at minimum, construction entry/exit, tree-save fence (if applicable) and any other BMPs necessary to prevent sediment from leaving the site such as perimeter silt fence, inlet protection on existing storm drain structures, diversions, check dams, temporary ground cover. Limits of disturbance for the initial phase shall be the areas needed to install initial BMPs.
 - b. The Intermediate Phase shall show at minimum rough grading, utility construction, and sediment storage. BMPs should include at minimum and as and where appropriate, initial inlet protection, additional silt fence as needed, any revised sediment storage needed as drainage basins and surface gradients are altered, outlet protection, retrofit if applicable, matting with temporary or permanent vegetation as needed, temporary down drains, filter rings.
 - c. If necessary, a Platting Phase may be utilized to demonstrate all BMP's to be in place prior to building construction, including areas to be temporarily stabilized that will be disturbed during building construction, permanent ground cover such as pavement,

vegetation, matting, revised sediment storage, and any other BMPs needed before property ownership changes as part of a common development.

- d. Final Phase shall show at minimum finished grade, curbing and paving if applicable, and building construction, if applicable. BMPs should include, at minimum, permanent vegetation, appropriate inlet protection, and sediment storage to remain until final stabilization,
- e. Post construction phase shall include at minimum water quality controls depicting stormwater management systems designed to remove 80% of the post construction suspended solids and any other watershed or site specific water quality requirements. The plan shall include specific information regarding maintenance, operation, and delegation of responsibility for the system.

(d) Minor and Major Land Disturbance Permits.

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 35 days after receipt or by the county of a completed application, providing variances and bonding are obtained, where required and all applicable fees as specified in the County Fee Schedule have been paid prior to permit issuance. The permit may include conditions under which the activity may be undertaken.
- (2) No permit shall be issued by the county unless the ESPC plan has been approved and the county has affirmatively determined that the plan is in compliance with this article, any variances required by section 34-69 are obtained, bonding requirements, if necessary, as per section 34-70 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the county are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) If the tract is to be developed in phases, then a separate permit may be required for each phase.
- (4) The permit may be suspended, revoked, or modified by the county, as to all or any portion of the land affected by the plan, upon finding that the land-disturbing activity is not in compliance with the approved ESPC plan or the permit or that the holder or his successor is in violation of this article. A holder of a permit shall notify any successor as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (5) Any land-disturbing activities by the county shall be subject to the requirements of this article, and any other ordinances relating to land development, as are applied to private persons.
- (6) A Preconstruction Conference as required by the LDP table for Minor and Major Land Disturbance Permits shall be held and must be attended by the design professional, owner, and contractor along with appropriate county staff. A Land Disturbance Permit placard and three (3) sets of stamped approved plans will be distributed at this conference. The placard must be posted at the construction entrance prior to the initiation of any land-disturbing activity.
- (7) Once approved, the permit is effective until completion of the approved land disturbing activity; or suspended or revoked in accordance with this Article; however, if the land disturbing activity does not commence within 12 months from the date issued, or construction ceases for a period of ninety (90) days, this permit will become null and void.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-71. - Inspection and enforcement.

- (a) Prior to commencing grading activities, a Pre-Grading Meeting will be required.
- (b) The county will periodically inspect the sites of land-disturbing activities to determine if the activities are being conducted in accordance with this article and/or the plan and if the measures being employed are effective in controlling erosion and sedimentation. If a site is found to not comply with the approved plan, or any standard or requirement of this Article, or if the erosion control at the site is otherwise found to be ineffective, the county may issue a notice to the violator. A notice may be in any written form, including without limitation, a memo, letter, directive or citation to appear in Magistrate Court. The notice may be delivered by e-mail or mail via the addresses provided to the County by the applicant, or to the mailing address of the owner of the property as listed in the County tax assessor's records. If a site has an active permit for which a sign board is required, the notice may be posted on the sign board of the site.
- (c) Following the issuance of a notice of violation, the County will reinspect the site until such time the site is determined to be in compliance. Sites for which a notice of violation is issued will be reinspected after five (5) business days and sites issued a Stop Work Order will be reinspected daily, during business hours. A fee will be assessed for each reinspection per the approved Fee Schedule.
- (d) In accordance with O.C.G.A. 12-7-8, the county shall regulate primary, secondary, and tertiary permittees, as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of BMPs where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of BMPs where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of BMPs where the tertiary permittee is conducting land-disturbing activities.
- (e) The county shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (f) No person shall refuse entry or access to any authorized representative or agent of the county, the SWC commission, the district, or EPD who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-72. - Penalties and incentives.

- (a) Revocation of authorizations to conduct business. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this article without first obtaining said permit, the person shall be in violation of this article and, in addition to the penalties provided in this section, shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the county.

- (b) Stop-work orders. In addition to the penalties provided in subsections (a), (c) and (d) of this section, the county may issue stop-work orders to any party who is in violation of this article pursuant to the following procedures:
- (1) For the first and second violations of the provisions of this article, the county shall issue a written notice to the violator. A notice may be in any written form, including without limitation, a memo, letter, directive or citation to appear in Magistrate Court. The notice may be delivered by e-mail or mail via the addresses provided to the County by the applicant, or to the address of the owner of the property as listed in the County tax assessor's records. If a site has an active permit for which a sign board is required, the notice may be posted on the sign board of the site. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the county shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the county shall issue an immediate stop-work order in lieu of a notice;
 - (2) For a third and each subsequent violation, the county shall issue an immediate stop-work order; and
 - (3) When a violation in the form of (i) taking action without a permit, (ii) failure to maintain a stream buffer, or (iii) the discharge of significant amounts of sediment, as determined by the county, into state waters and/or wetlands, the county shall issue a stop work order; without issuing prior written notices.
 - (4) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the project site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- (c) Bond forfeiture. If the county determines that a person engaged in land-disturbing activities at a project where a bond was required pursuant to section 34-70 has failed to comply with the approved plan, the party responsible for the securing of the bond shall be deemed in violation of this article and a written notice to comply shall be served upon that person advising that the bond is subject to forfeiture. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, in addition to other penalties applicable under this article, he shall be deemed to have forfeited his performance bond. The county may call the bond or any part thereof to be forfeited and use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (d) Monetary penalties. Any person who violates any provisions of this article or any permit condition or limitation established pursuant to this article or who negligently or intentionally fails or refuses to comply with any final or emergency order issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, the Magistrate Court of Columbia County is authorized under O.C.G.A. 12-7-15 to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-73. - Education and certification.

- (a) All persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the SWC commission in accordance with O.C.G.A. 12-7-19 and in consultation with the EPD and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- (b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.
- (d) If a permittee under the state general permit who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-74. - Administrative appeal; judicial review.

- (a) Administrative remedies. The denial, suspension, revocation, unilateral modification or grant with condition of a permit by the county, or the issuance of a stop-work order, or the determination to call a bond pursuant to this article shall entitle the person applying for or holding the permit or receiving the order to a hearing before the Columbia County Board of Commissioners within 45 days after receipt by the county of written notice of appeal. A notice of appeal pursuant to this subsection must be delivered to the clerk of the Columbia County Commission within 30 days of the denial, suspension, revocation, unilateral modification, grant with condition of a permit, or notice of calling of a bond by the county, or the issuance of a stop-work order pursuant to this article.
- (b) Judicial review. Any person, aggrieved by a decision or order of the county, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Columbia County.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Sec. 34-75. - Effective date, validity and liability.

- (a) Effective date. This article shall become effective on the 7th day of June, 2016.
- (b) Validity. If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.
- (c) Liability.

- (1) Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the county or district for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
- (3) No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved there under or pollute any waters of the state as defined thereby.

(Ord. No. 10-06, § 1(Exh. A), 8-17-2010)

Secs. 34-76—34-105. - Reserved.