

PERMIT REQUIREMENTS FOR DEVELOPMENT
OF
ENERGY AND OTHER SELECTED NATURAL RESOURCES
FOR THE
STATE OF GEORGIA

PREPARED FOR
COASTAL PLAINS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CLAUDE TERRY ASSOCIATES

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GEORGIA ENVIRONMENTAL/LAND USE REGULATORY GUIDE

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INTRODUCTION

1.0 INTRODUCTION

This Guide has been produced to compile and summarize the statutes, regulations, and permitting processes of the State of Georgia pertaining to environmental and land use elements. It is designed to assist government officials, administrators, business and industry, and citizens in understanding the state regulations and their application. The guide also indicates the relationship between certain state and federal regulations as well as the interrelationships between regulations and environmental/land use elements.

Table 1 is a matrix listing the state regulations and the environmental/land use elements they impact. The major area emphasized by the regulation is indicated by an X, associated areas by asterisks.

All state agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Georgia: it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the state regulations that govern the development of natural resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate state agency for further details.

The guide provides a thorough overview of state regulatory and permitting processes in a format that provides information in outline form, based on the major components of regulations. Table 2 describes the format and information contained.

The objective of this guide is to describe state statutes and regulations. However, many of these are based on federal regulations or guidelines. This document does not attempt to provide an exhaustive list of the federal regulations which impact the environmental/land use elements addressed. Rather, the primary federal regulations which serve as a basis or provide guidelines for state legislation are listed under the appropriate elements. When dual permits, i.e., permits required by both federal and state legislation, are necessary, it will be noted in the text. It should be recognized that other federal statutes may also affect a particular element. The main purpose of this document, however, is to describe state permitting policies and requirements.

Table 1. Applicability of State Laws and Regulations to Environmental/Land Use Elements.

State Law and Regulation \ Environmental Land Use Element	Air Quality	Public Water Supply	Hazardous Waste	Energy Resources	Metalliferous Mining	Major Facility Siting	Dam Safety	Wetlands	Floodplain Management	Substate Districts	Water Quality	Solid Waste	Noise	Coastal Regulations	Land Use	Endangered Species	Archeological/Historical	Erosion/Sedimentation	Local Land Use
	3.1	3.2	3.3	3.4	3.5	3.6	4.1	4.2	5.1	5.2	5.3	5.4	5.5	6.1	6.2	6.3	6.4	7.1	7.2
Georgia Air Quality Act (Rules for Air Quality Control)	X																		
Georgia Water Quality Control Act (Rules for Water Quality Control)		X	*		*			*									*		
Georgia Safe Drinking Water Act (Rules for Safe Drinking Water)		*	X		*														
Groundwater Use Act (Rules for Groundwater Use)			X																
Solid Waste Management Act (Rules for Solid Waste Management)	*	*		X	*					*									
Hazardous Waste Management Act (Rules for Hazardous Waste Management)	*	*			X				*	*									
Georgia Radiation Control Act (Rules for Radioactive Waste Material Disposal)					X				*	*									
Georgia Pesticide Control Act/Pesticide Use and Application Act					X														
Georgia Structural Pesticide Control Act					X														
Noise Control Act						X													
Oil and Gas Deep Drilling Act			*				X												
Georgia Surface Mining Act (Rules for Land Reclamation)			*					X		*							*		

X—Primary Applicability
 *—Secondary Applicability

Table 1. Applicability of State Laws and Regulations to Environmental/Land Use Elements.

State Law and Regulation	Environmental Land Use Element																		
	Air Quality	Public Water Supply	Hazardous Waste	Energy Resources	Metalliferous Mining	Major Facility Siting	Dam Safety	Wetlands	Floodplain Management	Substate Districts	Water Quality	Solid Waste	Noise	Coastal Regulations	Land Use	Endangered Species	Archeological/Historical	Erosion/Sedimentation	Local Land Use
	3.1	3.2	3.3	3.4	3.5	3.6	4.1	4.2	5.1	5.2	5.3	5.4	5.5	6.1	6.2	6.3	6.4	7.1	7.2
Coastal Marshlands Protection Act										*		X		*	X		*		
Shore Assistance Act										*		X			*		*		
Safe Dams Act (Rules for Dam Safety)			*							*			X						
Endangered Wildlife Act														X					
Wildflower Preservation Act														X					
Georgia Historic Preservation Act																X			
Facade and Conservation Easement Act																X			
Antiquities Act																X			
Georgia Erosion and Sedimentation Control Act		*										*					X		
General Planning Enabling Act of 1946										*								X	
Georgia Planning Enabling Act of 1957										*								X	
Georgia Act 1066																			X

X—Primary Applicability
 *—Secondary Applicability

Table 2. Regulatory Guide Format.

INTRODUCTION

This section provides information regarding the legislative origin of particular programs along with a statement concerning the intent, purpose or policy of the program.

AUTHORIZING STATUTE(S)

I. FEDERAL

The title and numerical citation of applicable federal legislation is provided in this section.

II. STATE

The title and numerical citation of applicable state legislation is provided in this section.

TITLE OF REGULATION

Specific state regulations pertaining to a particular topic area are cited by title and administrative code number.

ADMINISTERING AGENCY

The state agency responsible for administering a particular program or implementing certain regulations is specified here. This agency will be the primary contact for applicants seeking more detailed information concerning a particular permitting program. In the case of federal/state dual permitting programs, information concerning the relevant federal agency is provided.

SUMMARY OF REGULATION

I. APPLICABILITY

This section lists the types of activities and/or localities which are subject to the general provisions of a permitting program or specific regulations.

II. REGULATORY REQUIREMENTS

The specific activities which are directly regulated by a permitting program and/or sets of regulations are summarized in this section. Included is a consideration of activities that are subject to specific criteria and standards as well as a listing of activities that are expressly prohibited by laws and regulations.

III. PERMIT REQUIREMENTS

This section details the procedures established for the granting of specific permits. Included is a discussion of:

Table 2. Continued

1. Time requirements
2. Applications/Information required
3. Agency review and processing procedures, including public hearings
4. Reporting/Monitoring requirements
5. Application fees
6. Appeal process
7. Enforcement and penalties
8. Additional procedures (variances, exemptions, emergency orders, etc.)

**STATE POLICY AND PROCEDURES
FOR CONSOLIDATED PERMIT PROGRAM**

2.1 A-95 Review - State Clearinghouse

INTRODUCTION

The purpose of the A-95 review process is to coordinate permitting processes by providing a centralized proposal-reviewing agency. This is intended to eliminate duplication of programs, to ensure proposals' compatibility with ongoing state programs, and to mediate interagency conflicts.

AUTHORIZING STATUTE(S)

I. FEDERAL: The A-95 process is required by the provisions of U.S. Office of Management and Budget circular A-95, as promulgated through the authority of the Demonstration Cities and Metropolitan Development Act of 1966, section 204; and Title IV of the Intergovernmental Coordination Act of 1968.

II. STATE: Georgia Act 1066 of 1970

TITLE OF REGULATION

N/A

ADMINISTERING AGENCY

State Clearinghouse,
Office of Planning and Budget
270 Washington St. S.W.
Atlanta, Georgia 30334
404/656-3804

SUMMARY OF REGULATION

I. APPLICABILITY

OMB circular A-95 is divided into four parts describing four types of coverage.

Part I. Project Notification and Review System (PNRS)

The PNRS deals with the state and areawide review of proposed applications for assistance from selected federal programs. The Catalog of Domestic Federal Assistance identifies approximately 200 federal programs that are subject to the PNRS. The PNRS requires that state and areawide clearinghouses be provided an opportunity to review and comment on proposed projects before the federal agency considers funding.

Part II. Direct Federal Development

Direct Federal Development directs federal agencies undertaking federal development projects to consult with state and local governments that might be affected by the projects.

Part III. State Plan.

The State Plan provides for clearinghouse review and gubernatorial approval of state plans required under certain federal formula-grant programs. The Catalog of Domestic Federal Assistance identifies approximately 80 such programs.

Part IV. Coordinating of Planning in Multi-jurisdictional Areas.
This promotes coordination of federally assisted planning at the substate level. OMB circular A-95 encourages governors of each state to establish multi-jurisdictional clearinghouses to coordinate A-95 reviews within their respective planning districts.

II. REGULATORY REQUIREMENTS

Under Section 10 of Georgia Act 1066, the responsibility for planning coordination was delegated to the Bureau of State Planning and Community Affairs. Under the Georgia Executive Reorganization Act of 1972, these responsibilities were transferred to the Office of Planning and Budget. These functions include:

1. Review and comment upon the interrelationship with state planning of all applications for federal financial assistance by units of local government and local public agencies, and, where appropriate, review and comment to appropriate federal or state agencies to ensure that proposed programs satisfy the requirements of or are not inconsistent with state law or other state policies.
2. Identify potential human, social, and economic problems and opportunities in the various communities in the state, and assist these communities in preparing for such opportunities and avoiding the consequences of such problems.
3. Serve in a liaison capacity between federal, state and local levels of government.

2.2 One-Stop Permitting for Industry Locating in Georgia

INTRODUCTION

Georgia is one of very few states with both a consolidated state environmental program and delegated authority from the U.S. Environmental Protection Agency (EPA) for issuance and enforcement of certain federal permits relating to air and water quality.

The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources (DNR) issues or denies all such permits when locating a major facility. The Director of EPD is authorized by law to issue orders and grant, deny, revoke or amend permits or variances provided for in EPD-enforced laws. This arrangement is simpler than permit processes in most other states.

Georgia's consolidation of environmental permitting authority resulted from the Executive Reorganization Act of 1972 which transferred to EPD a number of programs previously handled by separate agencies.

In addition to providing "one-stop" permitting, Georgia EPD has been delegated authority by EPA to issue permits required under the Federal Water Pollution Control Act (FWPCA) and Federal Clean Air Act. The state intends to assume delegated responsibility for issuing Corps of Engineers 404 permits as soon as federal rules and regulations are issued.

Georgia's permitting procedure offers yet another feature distinguishing it from most other states. Responsibility for issuing permits rests with the EPD Director who makes decisions based on staff technical recommendations, state and federal requirements, and other criteria. In Georgia, there is no board or commission for issuing permits.

Another significant factor in successful administration of Georgia's environmental protection laws is legal counsel from the State Attorney General who has an assigned staff of attorneys to assist EPD. All laws are assigned to a lead and backup attorney, ensuring expertise and continuity in the Attorney General's office in every area of permit issuance and enforcement.

Another positive element of Georgia's permitting process is Resource Allocation Authority, by which EPD allocates surface and groundwater as well as assimilative capacities of both air and receiving streams. A Georgia permit-holder is thus assured that other industries or local governments will not be allowed to encroach on its allocated resources.

With its coordinated permit procedure, Georgia has established adequate review of environmental considerations without always requiring an environmental impact statement. This often saves 12 to 24 months of lead time for a prospective industry wishing to locate in Georgia.

AUTHORIZING STATUTE(S)

- I. FEDERAL:
N/A.

II. STATE:

Georgia Executive Reorganization Act of 1972.

TITLE OF REGULATION

N/A.

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

Regulatory (and permitting) programs currently assigned to EPD are:

Air quality
Water quality control discharge (NPDES)
Groundwater withdrawal
Surface water withdrawal
Public water system operation
Solid waste management
Erosion and sedimentation (when not handled by the county)
Surface mining
Dam safety
Oil and gas deep drilling
Radiation (storage/burial facilities)

II. REGULATORY REQUIREMENTS

New industries considering location in Georgia should first contact the Georgia Department of Industry and Trade, which will arrange a meeting with the Director of EPD to discuss environmental protection requirements relating to the proposed industry.

An in-house "industrial-technical task force" then meets with the prospective industry, discusses its processes, explains Georgia environmental regulations, and answers questions about the industry's effluent discharges and emissions, solid waste management, and water supply and quality requirements. This task force consists of experts familiar with the type industry under consideration. (At this stage, EPD often knows only the nature of the industrial process and not the firm's identity.)

III. PERMIT REQUIREMENTS

Time Requirements:

Permit applications must be made prior to starting any construction or operation of a proposed facility. Enough time should be allowed for adequate review procedures to be carried out by EPD. Generally, permit applications are processed in 90 days.

Application/Information Required:

Application forms for various types of projects are supplied by EPD.

Industries are required to submit an Environmental Engineering Report. The report describes the industry's operation, raw materials required, hazardous material which may be handled, and materials requiring disposal. This report also provides a schematic of industrial process showing wastewater effluents, air emissions, and other environmental engineering aspects of the operation. Amount of water needed, emission characteristics, and wastewater discharge components must be included in detail. The report addresses, by category, each kind of permit needed and provides supporting information detailing steps to ensure compliance with environmental requirements.

Additional information may be required, depending on the nature of the proposed activity. Requirements concerning additional information will be detailed in subsequent chapters dealing with particular activities and facilities.

Generally, 60 to 90 days elapse between the initial conference and submission of the Environmental Engineering Report and permit applications. Industries may take a year or more to submit this information, depending on their individual plans.

Review and Processing Procedures:

After receiving the report-permit package, EPD assigns it to a technical task force. Members review it based on their expertise in specific industries (chemical, power generation, pulp and paper) and in areas of environmental regulation (air, water, solid waste). This procedure enables EPD to determine if all necessary permits have been requested and if solution of one environmental problem might cause another. EPD usually conducts the necessary modelling for air emissions and impacts on receiving streams to assure that all federal/state standards will be met by the proposed installation. If any other information or permits are necessary, the industry is so advised.

Evaluation of Report by EPD:

Permit applications for major industries are normally processed in 90 days. (Generally, EPD will have already worked with an industry for 60 to 90 days before filing, thus ensuring staff familiarity with environmental requirements).

Permit applications are processed by the appropriate branch of EPD (Air, Water, or Land Protection). Consultations are held as needed among division and branch staffs, all of which are located in Atlanta, and with the applicant.

Applicable requirements and technical analyses then provide criteria for evaluating applications and for recommending permit conditions to the EPD director. Draft permits are prepared and reviewed with the applicant to assure general understanding of requirements.

Review by EPA:

Draft permits are then forwarded to EPA for approval or rejection. By agreement, their decision is returned to EPD within ten working days. (Because the Georgia EPD uses federal requirements as a guide in

establishing permit conditions, EPA has not disagreed to date with an EPD permit recommendation).

Public Notice:

After submission of permit applications, any required public notices are placed in the news media and sent to other interested persons.

Public Hearings:

If requested by the public and deemed appropriate by the EPD Director, a public hearing on the permit request will be held, following 30-days notice. If a public hearing produces evidence justifying a change in the permit recommendation, it will be made in keeping with state and federal regulations.

Reporting/Monitoring:

Requirements for reporting and monitoring will vary depending on the nature of the proposed facility/activity. Details will be presented in subsequent chapters that discuss particular facilities/activities.

Fees:

At the present time, there are no permit fees required by the state.

Appeal Process:

Within 30 days of permit issuance, anyone aggrieved or adversely affected may petition for a hearing before DNR's Hearing Officer. Hearings and administrative reviews are conducted in accordance with the Georgia Administrative Procedures Act. Appeals or review of the Hearing Officer's decision is conducted by a five-member Administrative Review Committee of the DNR Board. The committee's decision may then be appealed to the courts.

ENVIRONMENTAL QUALITY MANAGEMENT

3.0 ENVIRONMENTAL QUALITY MANAGEMENT

Environmental quality management pertains primarily to air quality, water quality and the management of solid and hazardous waste. In Georgia, environmental quality management is the responsibility of the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. This agency has adopted specific regulations and has instituted a variety of permit programs to implement policies mandated by state and federal statutes.

3.1 Air Quality

INTRODUCTION

The Georgia Air Quality Act of 1978 designates the Department of Natural Resources, Environmental Protection Division (EPD) as the state agency with the responsibility to enforce Air Quality Control Measures. It is the policy of the state to control emissions to prevent significant deterioration of air quality, maintain Ambient Air Quality Standards and otherwise preserve, protect, and improve air quality.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Clean Air Act as amended, P.L.95-95.

II. STATE:

Georgia Code 43-27, Georgia Air Quality Act of 1978.

TITLE OF REGULATION

Official Compilation Rules and Regulations of the State of Georgia, Chapter 391-3-1, Rules for Air Quality Control.

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all stationary facilities which emit a may be expected to emit air contaminants. "Air contaminants" refers to solid, liquid, or gaseous substances that may contribute to air pollution.

II. REGULATORY REQUIREMENTS

Chapter 391-3-1, Rules and Regulations of the State of Georgia contains the following regulatory requirements:

1. Ambient air standards for:

- a. Carbon Monoxide;
- b. Lead;
- c. Nitrogen Dioxide;
- d. Ozone;
- e. Particulates; and
- f. Sulfur Dioxide.

2. Specific emission standards for:

- a. Asbestos;
- b. Beryllium;

- c. Fluorides;
 - d. Fugitive Dust;
 - e. Mercury;
 - f. Particulates;
 - g. Sulfur Dioxide;
 - h. Sulfuric Acid;
 - i. Nitrogen Oxides;
 - j. Vinyl Chloride;
 - k. Volatile Organic Compounds (VOC); and
 - l. Visible Emissions.
3. Emission reduction procedures for 36 industrial/manufacturing processes.
 4. Sampling procedures, data reporting, and monitoring equipment specifications.
 5. Provisions for controlled open burning.

State requirements for Prevention of Significant Deterioration (PSD), New Source Performance Standards, and standards for hazardous air pollutants are the same as federal requirements found in Series 40, Code of Federal Regulations. These regulations are adopted by reference in the Georgia Regulations; therefore, a representative of the EPD should be consulted for specific details.

III. PERMIT REQUIREMENTS

Both construction and operating permits are required.

1. Construction Permit

Time Requirements:

A permit must be applied for prior to any proposed construction or modification of any facility which may emit air pollution. Application should be filed well in advance of any critical date in a construction or modification schedule to allow adequate review time.

Application:

The application for a construction permit must be made on forms supplied by EPD. This application should include and/or be accompanied by the following types of information:

- a. Description of the proposed new or modified operation;
- b. Raw materials and chemicals to be used;
- c. Process flow diagrams;
- d. Description of finished product(s);
- e. Type, quantity and peak output of fuels to be used;
- f. Characteristics and amounts of emissions into the atmosphere;
- g. Description of emissions control devices;
- h. Amount of combustible waste generated and proposed method of disposal;
- i. Engineering reports, plans and specifications;
- j. Time schedules; and
- k. Any other information deemed pertinent by EPD.

Review and Processing:

Procedures for permit application review are detailed in Chapter 2.2 (one-stop permitting process).

In the case of a permit for a facility which will emit air contaminants, the application will be referred to the Air Protection branch of EPD.

If the permit for construction is approved, it will allow the facility to be constructed and to operate for 30 days.

Reporting/Monitoring:

Industries may be required to:

- a. Install, maintain and use emission monitoring devices;
- b. Sample specific emissions as prescribed by EPD;
- c. Make periodic reports on the nature and amount of emissions; and
- d. Maintain records as EPD may prescribe.

Methods and procedures for sampling, computations and analysis used to determine compliance will be those prescribed by EPD. Specifications for sampling and monitoring are detailed in Sections 391-3-1-02 (3) and (6) of the Rules for Air Quality Control.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeals:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

EPD may enter, at reasonable times, any private or public property to inspect and investigate conditions relating to air pollution and obtain emission samples. EPD will make an effort to remedy violations by conference, conciliation, or persuasion prior to undertaking an enforcement action.

If these means fail, EPD may issue an administrative order stating the corrective action(s) needed to remedy a violation. If this order is violated, EPD may seek an injunction to enjoin the construction or operation of the facility.

A person found to be in violation of any provisions of the Georgia Air Quality Act, applicable rules and regulations, or administrative orders may be fined up to \$25,000 for each offense. Each additional day in violation after initial notification will constitute a separate offense.

2. Operating Permit

Time Requirement:

Permit application is required within 30 days after beginning operations.

Application:

Application should be made on forms supplied by EPD. This application should be accompanied by any plans, specifications, or other information deemed necessary by the Director of EPD to allow for a full evaluation

of the performance of the facility. If any of the necessary information cannot be provided within the required time, the application should include a schedule indicating when such information can and will be supplied.

Review and Processing:

Procedures for permit application reviews are detailed in Chapter 2.2 (one-stop permitting process). An application for operation of a facility that will emit air contaminants will be referred to the Air Protection branch of EPD.

Operations permits are issued upon evidence of compliance with all applicable air quality rules and regulations. The permit may specify certain conditions that must be met to assure compliance.

Reporting/Monitoring:

Same as for construction permits.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

Same as for construction permits.

3. Additional Procedures

Exemptions:

EPD may grant an exemption from any rule, regulation or general order if allowed by state and federal laws. Provision for exemptions are outlined in Section 391-3-1-.05, Rules for Air Quality Control.

Local Requirements:

Applicants should be aware that there may also be municipal or county ordinances relating to the control of air pollution.

3.2 Water Quality Standards and Regulations

INTRODUCTION

The Georgia Water Quality Control Act of 1974, as amended, declares that the policy of the state is to restore and maintain a reasonable degree of purity in the waters of the state, and to require, where necessary, reasonable treatment of sewage, industrial and other wastes prior to their discharge into the waters of the state.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Federal Water Pollution Control Act of 1972, as amended. (P.L. 92-500)

II. STATE:

Georgia Code 17-5; Georgia Water Quality Control Act, as amended.

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-3-6, Rules and Regulations for Water Quality Control.

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
(404) 656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all systems for the disposal of sewage, industrial wastes, or other wastes into the waters, land, or publicly owned waste treatment works of the state.

II. REGULATORY REQUIREMENTS

Chapter 391-3-6, Rules and Regulations of the State of Georgia, contain the following specifications and requirements:

1. General Criteria for all Waters: At all times, all waters regardless of their use classification must be free from the following materials or conditions:
 - a. Materials which settle to form sludge deposits that become putrescent, unsightly, or otherwise objectionable;
 - b. Oil, scum, and floating debris in amounts sufficient to be unsightly or to interfere with legitimate uses;
 - c. Materials which produce turbidity, color, odor, or other objectionable conditions which interfere with legitimate water uses;
 - d. Toxic, corrosive, acidic, and caustic substances discharged in amounts, concentrations, or combinations which are harmful to humans, animals or aquatic life;

- e. No man-made physical or other alteration of stream beds that may violate established water quality standards or reduce the waste assimilative capacity of the stream will be permitted without the expressed approval of the Environmental Protection Division (EPD); and
 - f. Applicable state and federal requirements for the discharge of radioactive substances must be met at all times.
2. Water Use Classifications: The EPD has established the following water use classifications:
- a. Drinking water supplies;
 - b. Fishing, propagation of fish, shellfish, game and other aquatic life;
 - c. Recreation;
 - d. Agricultural;
 - e. Industrial;
 - f. Navigation;
 - g. Wild River;
 - h. Scenic River; and
 - i. Urban Stream.
3. Specific Criteria for Classified Water Usage: Criteria for water quality have been established that are applicable to each water use class. These criteria include:
- a. Bacteria count (fecal coliform bacteria);
 - b. Dissolved Oxygen;
 - c. pH range;
 - d. Temperature of discharge(s) and effect on receiving body of water;
 - e. Presence of toxic wastes and other deleterious materials;
 - f. Presence of sewage, industrial or other wastes; and
 - g. Presence of floating, suspended or dissolved solids or any taste, odor, or color producing substances.
4. Marine Sanitation Devices: Section 391-3-6.04 prescribes procedures pertaining to the construction, installation, and operation of marine sanitation devices, facilities, or methods of sewage disposal.
5. Waste Treatment Requirements: All pollutants must receive treatment sufficient to ensure compliance with criteria, limitations and standards established by the Environmental Protection Agency (EPA) pursuant to sections 208, 301, 302, 303, 304, 306, 307, 316, 318, 403, and 405 of the Federal Water Pollution Control Act (FWPCA) or any FWPCA-related regulations published in Series 40, Code of Federal Regulations. These criteria and regulations are incorporated by reference only; therefore, applicants for any waste discharge permits are advised to contact an EPD representative for details.

With respect to individual point sources, such limitations, standards, and prohibitions are based on an assessment of technology, processes, and type of source as follows:

- a. Existing sources, other than publicly owned treatment works, must have effluent limitations based on application of the best practicable control technology currently available as determined by EPA.

- b. Publicly owned treatment works must have effluent limitations based on the application of secondary treatment.
- c. Any point source, except publicly owned waste treatment plants, whose construction commences after July 14, 1980, will have effluent limitations based on application of best available demonstrated control technology as determined by EPD.
- d. Any point source which discharges toxic pollutants must have effluent limitations designed to prohibit discharge of any such pollutants in toxic amounts or concentrations.
- e. New sources, defined as sources whose construction began after October 18, 1972, that meet applicable new source performance standards before the commencement of any discharge are allowed a "protection period." During this period, these sources are not subject to any more stringent new source or technology based effluent limitations that are promulgated during the protection period.

With regard to any non-point source required to obtain a permit, effluent limitations are required that will ensure compliance with any applicable state water quality standards.

- 6. Pretreatment Standards: Sections 391-3-6-.08 through .10 prescribes pretreatment standards for industrial users that discharge pollutants into publicly owned treatment works (POTW's). These standards are designed to ensure that industrial pollutants do not interfere with the normal operation of a POTW.
- 7. Land Disposal Requirements: "Land disposal systems" are defined as any method of disposing of pollutants in which the pollutants are applied to the surface or beneath the surface of a parcel of land and that results in the pollutants being absorbed into the soil. This definition does not include landfills or septic tank systems.

All pollutants discharged into land disposal systems must receive such treatment necessary to insure compliance with the terms and conditions of any issued land disposal system permit. The EPD has the authority to establish the degree of treatment required before any pollutant is discharged to a land disposal system.

The EPD also may establish hydraulic loading rates for land disposal systems based upon a technical analysis of soils and vegetation in the system area, climatic data, characteristics of the wastes to be disposed, and previous experience with any similar systems.

No land disposal of any radiological, chemical or biological warfare agent, or high-level radioactive waste is allowed.

- 8. Permits are required for: all point sources of water pollution; non-point sources as provided for in Section 10(3) of the Georgia Water Quality Control Act; privately and publicly owned waste treatment plants; pretreatment of industrial effluents; and all land disposal systems.

In addition, any industry that desires to construct or modify a sewage system must obtain approval of any plans, specifications, and related materials for the system prior to commencement of construction.

III. PERMIT REQUIREMENTS

1. Approval for Construction

Time Requirement:

Plans and specifications must be submitted prior to any proposed construction. Enough time should be allowed for adequate review to be carried out by EPD.

Application/Information Required:

Engineering reports prepared by a professional engineer certified in Georgia must be submitted. These reports should address the following topics:

- a. Information regarding the existing sewage system, if applicable;
- b. Characteristics of existing pollutants and existing or proposed treatment of such pollutants;
- c. Demonstration of the need for the proposed sewage system;
- d. Evaluation of alternatives to define the most cost-effective method for meeting established effluent limitations and water quality goals;
- e. Results to be expected from the treatment process;
- f. Maps, charts, tables, calculations, basis of design data, and graphs sufficient to make the report readily understandable;
- g. An operation and maintenance program description; and
- h. Any other engineering information deemed pertinent by EPD.

Plans and specifications submitted to EPD for a sewerage system should include the following:

- a. Maps showing the area to be served by the sewerage system. Specifications for these maps are detailed in Section 391-3-6-02(6), Rules and Regulations for Water Quality Control;
- b. Profiles of proposed sewers. Specifications for these profiles are outlined in Section 391-3-6-02(7), Rules and Regulations for Water Quality Control;
- c. Construction details of manholes and other special sewer structures;
- d. General and detailed plans for the treatment facility. Specifications for these plans are outlined in Section 391-3-6-02-(8), Rules and Regulations for Water Quality Control;
- e. Complete design data for the treatment facility plans, to be submitted in duplicate on forms specified by EPD;
- f. Specifications for the construction of the sewerage system; and
- g. Any other plans and specifications which EPD may require.

Review and Processing:

It is highly recommended that the applicant seeking approval for proposed construction or modification of a sewerage system consult with EPD in order to work out a system that will comply with specific environmental standards. In any event, EPD may request a conference with the applicant before any construction proposal is submitted.

Once EPD has received the construction proposal and supporting materials, it will review the proposal and specify any revisions needed to insure that the proposed system will comply with applicable water quality regulations.

Reporting/Monitoring:

N/A

Fees:

N/A

Appeals Process:

N/A

2. Water Quality Control Discharge and Treatment Permits (NPDES Permits)

Georgia's water quality standards and procedures are the same or more stringent than federal water quality regulations. Therefore, Georgia is authorized by EPA to issue the National Pollution Discharge Elimination System (NPDES) permit once its own water quality standards are met.

Time Requirements:

N/A

Application/Information Required:

The application must be made on forms prescribed and provided by EPD. The application must be signed and authorized by a corporate executive officer of at least the level of vice president, a principal partner or sole proprietor of a business, or a ranking elected official of a municipality.

The application for a discharge permit must include:

- a. Complete engineering reports;
- b. Schedule of progress;
- c. Plans;
- d. Specifications;
- e. Maps;
- f. Measurements;
- g. Quantitative and qualitative determinations;
- h. Records; and
- i. Any other information deemed relevant by EPD.

If the permit application is for pretreatment of industrial effluents to be discharged into a POTW, additional information concerning the industrial process involved may be required. See Section 391-3-6-.08(5) and (6).

If the permit application is for a discharge from a POTW, additional information concerning pollutant inputs from indirect discharges is required. See Section 391-3-6-06(7), Rules and Regulations for Water Quality Control.

Review and Processing:

Refer to Chapter 2.2 (one-stop permitting process).

Reporting/Monitoring:

Any applicant discharging wastes authorized by a permit issued by EPD may be subject to monitoring, recording, and reporting requirements including:

- a. Installation, maintenance and use of monitoring equipment specified by EPD;
- b. Sampling procedures specified by EPD; and
- c. Monitoring records and filing reports as specified by EPD.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

EPD has the power to enter, at reasonable times, any private or public property for the purpose of inspecting and investigating conditions relating to water pollution.

EPD is empowered to issue administrative orders or, under certain conditions, emergency administrative orders whenever any person refuses to cooperate in reducing or eliminating pollution. With the exception of any emergency order, the person is first given the opportunity to make any necessary financial arrangements or other preparations for eliminating pollution before the order is issued. The order becomes final within 30 days of issuance unless an administrative hearing is requested. An emergency order is effective immediately upon issuance, but a person receiving such an order will be afforded an administrative hearing as soon as possible.

EPD may also apply for an injunction to enjoin any actions which violate any rule, regulation, or provision of the Georgia Water Quality Control Act.

Any person or industry intentionally, accidentally, or negligently causing or permitting any sewage, industrial wastes, oil, toxic, corrosive, acidic, caustic, or bacterial substance(s) to be spilled, discharged, or deposited into the waters of the state will be held liable in damages to the state and any affected political subdivisions for any and all costs, expenses, and injuries caused by any such spills, discharges, or deposits.

A civil penalty will be imposed on any person or industry that violates the Georgia Water Quality Control Act or permit conditions, or refuses to comply with any final or emergency administrative order issued by EPD. This penalty will consist of a fine not to exceed \$10,000 per day for each day during which a violation occurs.

In addition, any person or industry that violates the Georgia Water Quality Control Act or permit conditions or refuses to comply with any administrative order will be found guilty of a misdemeanor punishable by a fine of not less than \$2,500 or more than \$25,000 for each day of violation, or one year in jail, or by both. A second conviction may result in a fine of not more than \$50,000 per day of violation, or up to two years in jail, or both.

Additional Procedures: Disposal of pollutants into wells

If a permit application proposes to discharge to a well or subsurface water, the EPD will specify additional terms and conditions to prohibit any such discharge and to control the proposed disposal in order to protect groundwater resources and the public health and welfare. Any permit issued for well disposal must comply with all applicable federal and state laws and regulations.

3. Land Disposal Permits

Requirements for a land-disposal system permit are the same as the requirements for an NPDES permit.

3.3 Public Water Supply

The regulation of public water supplies is the responsibility of the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. There are specific laws pertaining to drinking water, surface water withdrawal, and groundwater withdrawal, as well as regulations and permit programs governing the use of public water supplies. These laws, regulations and permits are detailed in the following sections.

3.3.1 Drinking Water

INTRODUCTION

The Georgia Safe Drinking Water Act of 1977 provides for the regulation of public drinking water supply systems in the state. Rules and regulations have been promulgated to implement provisions of the Act and to assure adequate and safe drinking water of the highest quality for state residents.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Federal Safe Drinking Water Act (P.L. 93-523, as amended)

II. STATE:

Georgia Code 88-26; Georgia Safe Drinking Water Act of 1977

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-3-5; Rules for Safe Drinking Water

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., SW
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all public water systems in the state, except for any system that meets all of the following criteria:

1. The system consists only of distribution and storage facilities;
2. The system obtains all of its water from, but is not owned or operated by, the owner or operator of a public water system to which such rules apply;
3. The system does not sell water to any person; and
4. The system is not a carrier that conveys passengers in interstate commerce.

II. REGULATORY REQUIREMENTS

The Rules for Safe Drinking Water cover a wide range of activities related to the construction, operation, and maintenance of public drinking water systems. Specifically detailed are requirements for:

1. Site: to the extent practicable a new or expanded facility should not be located on a site subject to significant risk from flooding, earthquake or other natural disasters.
2. Bonding: To assure continuity of maintenance and operation of a

non-governmentally owned community water system, the owner of such a system must file a trust indenture, water service agreement or other equivalent legal document with the Environmental Protection Division (EPD).

3. Construction Approval: Prior to the construction of any public water supply system, the following documents must be filed with EPD for approval:
 - a. An engineering report prepared by a registered professional engineer and containing a comprehensive description of the proposed activity. The types of information needed in this report are listed in Section 391-3-5-.05, Rules for Safe Drinking Water; and
 - b. Plans and specifications for the proposed facility prepared by a registered professional engineer. The types of information to be included are listed in Section 391-3-5-.05, Rules for Safe Drinking Water.
4. Approval of raw water source: The source of water supply for all public water systems must have the approval of EPD and a valid groundwater or surface water withdrawal permit, where applicable. Before approval of a water source is granted, raw water samples must be collected for chemical and bacteriological analysis. These requirements are detailed in Section 391-3-5-.06, Rules for Safe Drinking Water.
5. Wells: Specific standards exist for:
 - a. Well location;
 - b. Protection of pumping equipment and water treatment facilities;
 - c. Well construction and maintenance of well construction data;
 - d. Installation of turbines or submersible pumps;
 - e. Well casing;
 - f. Location of the raw water sampling tap and the blow-off pipe;
 - g. Rehabilitation of existing wells;
 - h. Plugging and sealing of drilled holes;
 - i. Disinfection of the well;
 - j. Furnishing of raw water samples for bacteriological, physical and chemical analysis; and
 - k. Furnishing the results of any required raw water analyses.

Details of these requirements are listed in section 391-3-5-.07, Rules for Safe Drinking Water. Requirements for raw water sampling and reporting are detailed in Sections 391-3-5-14 and .15, Rules for Safe Drinking Water.

6. Springs. Specific standards exist for:
 - a. Construction and operation of springs;
 - b. Security precautions to prevent unauthorized entry;
 - c. Furnishing raw water samples for bacteriological, physical and chemical analysis; and
 - d. Furnishing results of any required raw water analyses.

Construction and security requirements are detailed in Section 391-3-5-.08, Rules for Safe Drinking Water. Requirements for raw water sampling and reporting are detailed in Section 391-3-5-.14 and .15, Rules for Safe Drinking Water.

7. Water Treatment Facilities. Specific standards exist for:
 - a. Design and operation of surface and groundwater treatment plants;
 - b. Facilities for chemical mixing, flocculation, sedimentation and filtration;
 - c. Chemical feed equipment;
 - d. Chlorination equipment and procedures;
 - e. Fluoridation equipment;
 - f. Laboratory and metering equipment; and
 - g. Raw water lines and multi-level intakes.

These requirements are detailed in Section 391-3-5-.09, Rules for Safe Drinking Water.

8. Distribution system. Specific standards exist for:
 - a. Minimum water pressure;
 - b. Size of water mains; and
 - c. Placement and burial of water lines and mains.

For specific details, refer to Section 391-3-5-.10, Rules for Safe Drinking Water.

9. Storage Tanks. Specific standards exist for:
 - a. Storage tank equipment and design;
 - b. Paints used on storage tank interiors;
 - c. Maintenance, repairs, and renovation of storage tanks.

Refer to Section 391-3-5-.11, Rules for Safe Drinking Water, for details concerning storage tanks.

10. Disinfection. Recommended methods for the disinfection of water system components including storage tanks and water mains are outlined in Section 391-3-5-.12, Rules for Safe Drinking Water.

11. Cross connections. Cross connections are defined as any direct or indirect connections between a public water system and a non-potable or non-permitted water system, which may create contamination of the public system due to backflow or siphonage. Cross connections are prohibited, and operators of public water systems are required to monitor such systems to prevent and eliminate illegal cross connections. The EPD may request that a written plan for such a control program be submitted.

12. Operations. Specific standards exist for:
 - a. Chlorination of the system;
 - b. Certified operator on duty;
 - c. Maintenance of a biological/chemical laboratory;
 - d. Collection of samples for bacteriological tests; and
 - e. Performance of bacteriological and chemical tests.

Refer to Section 391-3-5-.14, Rules for Safe Drinking Water, for specific details concerning operation requirements.

13. Record Maintenance. Specific standards exist for the maintenance of operators records, results of water quality analyses, and communications concerning systems operations. Details of required record keeping procedures are detailed in Section 391-3-5-.15, Rules for Safe Drinking Water.

14. Primary Maximum Contaminant Levels (MCL's). Section 391-3-5-.18, Rules for Safe Drinking Water, details MCL's for primary contaminants including:

- a. Inorganic chemicals (e.g., arsenic, barium, cadmium, fluorides, chromium, lead, mercury, nitrates, selenium, silver);
- b. Organic chemicals (e.g., pesticides, fertilizers);
- c. Turbidity; and
- d. Coliform bacteria.

Sampling and analytical requirements for primary contaminants are detailed in Sections 391-3-5-.19 through .24, Rules for Safe Drinking Water.

15. Secondary Maximum Contaminant Levels: Section 391-3-5-.27, Rules for Safe Drinking Water, details MCL's for secondary contaminants including the following substances or conditions:

- a. Chlorine;
- b. Color;
- c. Copper;
- d. Foaming agents;
- e. Iron;
- f. Manganese;
- g. Sulfates;
- h. Total dissolved solids; and
- i. Zinc.

16. Radionuclides. Sections 391-3-5-.28 and .29, Rules for Safe Drinking Water, detail MCL's for gross alpha particle radioactivity and beta particle and photon radioactivity. Sections 391-3-5-.30 and .31 detail analytical and monitoring requirements for radionuclides.

III. PERMIT REQUIREMENTS

Permits are required for the operation of all public water systems in the state except as noted earlier.

Time Requirements:

Application for a permit must be made prior to the operation of a public water system.

Application/Information Required:

Applications must be on forms furnished by EPD. All applications must be signed by the owner of the system or an authorized agent of the owner.

Information must be supplied which can be used to evaluate the ability of a proposed water supply system to comply with all applicable regulations. This may include: complete engineering report(s); qualitative and quantitative determinations concerning the proposed source of raw water; plans and specifications; maps; any other information deemed relevant by EPD.

Review and Processing:

Procedures for review and processing of permit applications are detailed in Chapter 2.2 (one-stop permitting process).

Applications for the operation of public drinking water systems are referred to the Water Protection Branch of EPD. The granting of a permit to operate is based on whether the particular system meets specified requirements and has the capability of providing a sufficient quantity of water meeting the standards specified in the Rules for Safe Drinking Water.

Reporting/Monitoring:

Monitoring requirements vary depending on the conditions and/or substances tested for (e.g., primary or secondary contaminants, radionuclides). Refer to Sections 391-3-5.10 through .24, "Rules for Safe Drinking Water" for details.

Reporting requirements are detailed in Section 391-3-5-.25, Rules for Safe Drinking Water.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

EPD has the authority to enter, at reasonable times, any private or public property for the purpose of investigating conditions involving public water supplies.

When there is reason to believe that a violation of the Georgia Safe Drinking Water Act, Rules for Safe Drinking Water, or permit conditions exists, EPD has the authority to issue an administrative order stating the corrective actions necessary to regain compliance. The recipient of such an order may request an administrative hearing within 30 days of the issuance of the order.

The EPD may also file for an injunction to enjoin any violation of the Safe Drinking Water Act, applicable rules and regulations, or permit conditions.

Any person who negligently fails to comply with any provisions of the Safe Drinking Water Act or administrative order is liable to a civil penalty not to exceed \$1,000 for such violation and an additional penalty not to exceed \$500 for each day during which the violation continues. Any person who willfully violates the Act or any administrative order is liable for a civil penalty not to exceed \$5,000 for each day during which the violation continues.

In addition, any person who violates provisions of the Safe Drinking Water Act may be found guilty of a misdemeanor, punishable as provided for by state law.

Additional Procedures:

1. Emergency Orders. If the Director of EPD finds that an emergency exists requiring immediate action to protect the public health, he may, without notice or hearing, issue an order prescribing immediate corrective actions to be taken. Any person receiving such an order must comply with all provisions stated immediately, but will be afforded a hearing within 20 days of its issuance.
2. Public Notification. If a public water system:
 - a. fails to comply with an MCL,
 - b. fails to comply with an applicable testing procedure(s), or
 - c. obtains an exemption or variance from any MCL, public notice must be made as specified in Section 391-3-5-.26, Rules for Safe Drinking Water.
3. Variances and Exemptions. Requirements and procedures for the granting of a variance from an MCL are detailed in Section 391-3-5-.32 through .35, Rules for Safe Drinking Water.

Requirements and procedures for the granting of an exemption from an MCL are detailed in Sections 391-3-5-.37 through .40, Rules for Safe Drinking Water.

3.3.2 Surface Water Withdrawal

INTRODUCTION

Section 391-3-6-.07, Rules and Regulations for Water Quality Control, establishes procedures for obtaining a permit to withdraw, divert or impound surface waters of the state.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Georgia Code, 17-5; Georgia Water Quality Control Act

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-3-6-.07, Surface Water Withdrawals

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all persons or industries that, on a monthly average, withdraw more than 100,000 gallons of surface water per day, divert surface water so as to reduce the flow of a natural watercourse by 100,000 gallons per day, or construct an impoundment which reduces the flow of surface water by more than 100,000 gallons per day downstream of the impoundment.

II. REGULATORY REQUIREMENTS

Any industry, unless exempted by law, must obtain a permit to withdraw, divert or impound surface water in excess of 100,000 gallons per day.

III. PERMIT REQUIREMENTS

Time Requirements:

An application for a permit must be submitted prior to any withdrawal, diversion, or impoundment of surface waters.

Application/Information Required:

All applications should be made on forms supplied by EPD. Information required on the application includes:

1. Name and address of applicant;
2. Date of filing;
3. Source of water supply;
4. Quantity applied for;
5. Use to be made of the water;
6. Place of use;
7. Location of withdrawal, diversion or impoundment plotted on a U.S. Geological Survey 7 1/2 minute map or a recent county highway map; and
8. Any other information deemed relevant by EPD.

Review and Processing:

Procedures for review and processing are detailed in Chapter 2.2 (one-stop permitting process).

In situations involving competing applications for a supply of available surface water, EPD will consider the following factors:

1. The number of persons using the water source and the object, extent and necessity of their respective withdrawal or uses;
2. The nature and size of the water source;
3. Low flows during droughts of record;
4. Water quality of the source;
5. The probable severity and duration of circumstances such as droughts which would adversely affect the fitness and availability of use of the source
6. The injury to public health, safety or welfare which would result from any adverse circumstances affecting the source;
7. Effects on other watercourses;
8. Prior capital investments which could be affected by adverse circumstances; and
9. The varying circumstances of each use.

In situations where there are competing applications for water from the same source, and the source is insufficient to supply all applicants, the following order of priorities prevails:

1. Emergency facilities for essential life support measures;
2. Domestic and personal uses, and all health related activities;
3. Processing of agricultural products where minimum quantities of water are required by law or regulation;
4. Industrial uses
5. Other uses such as lawn sprinkling, non-commercial car washing, garden watering, etc.; and
6. Outdoor recreational uses.

Permits granted are normally valid for ten years. Applications for renewal of an expiring permit should be made six months prior to expiration.

Reporting/Monitoring:

EPD may require any person or industry withdrawing, diverting, or impounding surface waters to maintain records, install monitoring equipment and make reports.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

EPD has the power to enter, at reasonable times, any private or public property for the purpose of inspecting and investigating conditions relating to surface water withdrawals, diversions, or impoundments.

EPD is empowered to issue an administrative order, or under certain conditions, an emergency administrative order, whenever any individual or industry fails to comply with any permit or provision of the Water Quality Control Act. Any emergency order must be complied with immediately, although the recipient of any such order will be afforded the opportunity for a hearing. Any other administrative order becomes final within 30 days of issuance, unless the recipient requests an administrative hearing.

EPD also has the authority to apply for an injunction to enjoin any violations of the Water Quality Control Act.

Any person or industry which violates any provision of the Water Quality Control Act, rule or regulation, or administrative order may be held liable to a civil penalty not to exceed \$10,000 per day for each day during which such violation continues.

In addition, any person or industry which violates any provision of the Water Quality Control Act, any permit condition, or refuses to comply with an administrative order may be found guilty of a misdemeanor punishable by a fine not less than \$2,500 or more than \$25,000 per day of violation, up to one year in jail, or by both. A second conviction may result in a fine of not more than \$50,000 per day of violation, or up to two years in jail, or both.

Additional Procedures:

Emergency Water Shortages. Any permit may be suspended, restricted, or otherwise modified by emergency order of the Director of EPD when an emergency period of water shortages exists.

3.3.3 Groundwater Withdrawal

INTRODUCTION

The Groundwater Use Act of 1972 provides for the regulation of use of the groundwaters of the state.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Georgia Code 17-11, Groundwater Use Act of 1972

TITLE OF REGULATION

Rules and Regulations for Groundwater Use, Chapter 391-3-2, Official Compilation Rules and Regulations of the State of Georgia.

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to persons or industries that withdraw and utilize groundwater in an amount exceeding 100,000 gallons per day.

II. REGULATORY REQUIREMENTS

Chapter 391-3-2, Rules and Regulations of the State of Georgia, details the procedures for application, review and granting of groundwater use permits. Both consumptive and non-consumptive groundwater use permits are detailed. Non-consumptive use is defined as the use of water withdrawn from the groundwater system or aquifer in such a manner that it is returned to the groundwater system or aquifer from which it was withdrawn without substantial diminution in quantity or substantial impairment in quality at or near the point from which it was withdrawn. Consumptive use refers to all other uses of groundwater.

III. PERMIT REQUIREMENTS

1. Approval of Construction

During the early planning stages for any proposed groundwater withdrawal and in any case prior to well construction, the applicant should request a conference with the Environmental Protection Division (EPD). At this conference, EPD representatives, will determine the acceptability of proposed wells, aquifers to be utilized, well spacing and depth, and the amount of intended groundwater use. After considering all factors, EPD

may issue a letter of concurrence stating terms and conditions of construction deemed necessary by EPD. This letter is not mandatory, but the proposed user proceeds without it at his own risk.

2. Groundwater Withdrawal Permit

Time Requirements:

After completion of well construction but before the beginning of any groundwater use, the intended user must apply for a groundwater use permit.

Application/Information:

- a. All applications should be made on forms supplied by EPD. This application should include the following information:
 - 1) Name and address of applicant;
 - 2) Location of the existing or proposed wells marked on a U.S. Geological Survey 7 1/2 minute map or other recent suitable map (e.g. county highway map, city map);
 - 3) The location of the wells by latitude and longitude;
 - 4) The aquifer(s) from which the groundwater is or is intended to be withdrawn;
 - 5) A statement specifying the amount and beneficial use of the groundwater withdrawn and whether the water use is a consumptive or non-consumptive use;
 - 6) A statement specifying any unreasonable adverse effects or other water use or uses; and
 - 7) Well construction data including:
 - a) Total depth of well in feet;
 - b) Size of drilled hole;
 - c) Size and depth of casing and type of casing material;
 - d) Size and depth of the well screen placing and type of screen material used;
 - e) Depth of grouting;
 - f) Provisions for a deep well air line and an access port for water level measurements, and
 - g) Filling, plugging and sealing procedures for any well(s) that are to be abandoned.
- b. If the water use is, or proposes to be, a non-consumptive use, the applicant should also include information concerning:
 - 1) The treatment of the water and the procedure used to return the water to the aquifer or groundwater system from which it is withdrawn;
 - 2) The location of the injection wells shown on the same map as the withdrawal wells;
 - 3) The chemical, physical and bacteriological quality of the returned water as well as any other water quality analysis requested by EPD. Any substantial differences from the quality of withdrawn water should be noted; and
 - 4) The aquifer(s) or groundwater system from which the groundwater is withdrawn and the amount returned to the aquifer(s) or groundwater system. Any substantial decrease in quantity from the original withdrawal should be noted.

Note: If applicant with an existing well is unable to supply accurate information concerning the amount of groundwater withdrawal, the EPD may require the installation of meters or EPD may use estimation methods described in Section 391-3-2-.04(8), Rules and Regulations for Groundwater Use.

Review and Processing:

Procedures for review and processing are outlined in Chapter 2.2 (one-stop permitting process).

EPD will consider the following factors when deciding whether the permit should be granted:

- a. The number of persons using the aquifer and the object, extent and necessity of their respective uses;
- b. The nature and size of the aquifer;
- c. Physical and chemical nature of any impairment of the aquifer;
- d. The probable severity and duration of any impairment under foreseeable conditions;
- e. The injury to public health, safety or welfare which may result if such impairment were not prevented or abated;
- f. Diversion from or reduction of flows in other watercourses or aquifers; and
- g. Any other relevant factors, such as, but not limited to, the best geologic information available concerning the aquifer or groundwater system of the area.

The EPD will also make a determination as to whether the proposed use of groundwater is consumptive or non-consumptive.

If a proposed groundwater use is judged to be a consumptive use, any permit granted may specify the following conditions:

- a. Total permitted well depth;
- b. The aquifer(s) or groundwater system to be utilized;
- c. Maximum pumping rate;
- d. Pumping level (elevations below which water may not be pumped);
- e. Amount of groundwater to be withdrawn or used;
- f. Well spacing to minimize well interference;
- g. Time of withdrawal; and
- h. Installation of well(s) for monitoring groundwater levels and water quality.

Granting of a non-consumptive use permit does not imply consent to inject any waste or pollutants into the groundwater system.

Permits are normally issued for ten years, but a longer period may be authorized by EPD to allow reasonable amortization of the applicant's water withdrawal and water using facilities.

Reporting/Monitoring:

Once a permit is granted, the user must file a semi-annual groundwater use report with EPD. This report must be on forms furnished by EPD and should contain the following information:

- a. Name of permit holder and permit number;

- b. Beneficial use of the groundwater withdrawn;
- c. Source of the groundwater used;
- d. Quantity of water withdrawn;
- e. Average hours pumped per day; and
- f. The static and pumping levels of each aquifer utilized; and
- g. The date the water is withdrawn.

All permit holders are also required to have a specific conductance analysis of the groundwater withdrawn performed annually with the results submitted to EPD.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

EPD is empowered to enter, at reasonable times, any private or public property for the purpose of inspecting and investigating conditions relating to the use of groundwater.

When there is reason to believe that a violation exists, EPD will first try to settle the controversy by conference, conciliation, or persuasion. If this fails, EPD may issue an administrative order stating any necessary corrective action(s) required. The permit holder may request a hearing before EPD's Administrative Review Board. The request for a hearing must be made within 30 days of the issuance of any administrative order.

The EPD may also apply for an injunction to enjoin any permit holder from violating any provisions of the Groundwater Use Act.

Any person or industry that violates the Groundwater Use Act or refuses to comply with any administrative order is liable to a civil penalty not to exceed \$1,000 and an additional penalty not to exceed \$500 for each day during which the violation continues.

In addition, any person or industry that violates the Groundwater Use Act may be found guilty of a misdemeanor punishable by a fine of not more than \$1,000, up to a year in jail, or by both.

Additional Procedures:

1. Dewatering Wells:

Permits are not required for the withdrawal of groundwater in excess of 100,000 gallons per day if:

- a. It involves dewatering of subsurface rock to a depth not exceeding 30 feet, or to a greater depth if approved by EPD;
- b. It is for the purpose of excavation for foundations, or construction of sewer, water or other utilities; or
- c. It is for a period not to exceed 60 days unless otherwise approved by EPD.

2. Salt Water Encroachment or Deterioration of Water Quality:
To protect against salt water encroachment or other deterioration of the quality of groundwater, the EPD will take into consideration the best available information on the geologic and hydrologic characteristics of the area involved and will require users to take any actions deemed necessary for control of such deterioration.

The types of control necessary which may be required are listed in Section 391-3-1-.10, Rules and Regulations for Groundwater Use.

3. Local Laws:
Persons or industries wishing to use groundwater should be aware that there may be municipal or county ordinances relating to the regulation of groundwater use.

3.4 Solid Waste Management

INTRODUCTION

The Solid Waste Management Act provides for the institution and maintenance of a comprehensive statewide program for solid waste management. This program is implemented through the Rules and Regulations for Solid Waste Management and is administered by the Environmental Protection Division (EPA).

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Georgia Code, 43-16, Solid Waste Management Act.

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-3-4, Rules and Regulations for Solid Waste Management.

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all persons or industries engaged in the collection, transportation, storage, utilization, processing, or disposal of solid wastes with the exception of the following:

1. Any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not adversely affect the public health;
2. Disposing of livestock feeding facility waste from facilities with a total capacity of 1,000 cattle or 5,000 swine;
3. Livestock feeding facility regardless of total per head capacity, if an approved waste disposal system is provided that can properly dispose of runoff from a "ten-year storm;" and
4. The use of poultry or other animal manure for fertilizer.

II. REGULATORY REQUIREMENTS:

The Rules and Regulations for Solid Waste Management contain the following provisions and requirements:

1. Prohibited Acts:

The following acts are generally prohibited unless special conditions are granted by the EPD:

- a. Handling solid wastes in a manner that:
 - 1) Creates a nuisance;
 - 2) Is conducive to rodent or insect infestation;
 - 3) Is conducive to the harboring and feeding of animals;
 - 4) Impairs the quality of the environment; or
 - 5) Creates any other hazards to the public health;
- b. Burning of solid waste, except as approved by EPD;
- c. Permitting scavenging at a disposal site;
- d. Open dumping;
- e. Disposal of hazardous wastes without a written, approved procedure (refer to subsequent section describing rules for hazardous waste management);
- f. Disposal of special wastes without an approved proposal;
- g. Site closures without prior 30-day written notice and use of approved closing procedures; and
- h. Failure to maintain closed sites for a period of one year, with special attention given to erosion control and the development of adequate vegetative cover.

2. Solid Waste Management Plans:

Counties and municipalities have been required to prepare and submit solid waste management plans to EPD. Guidelines and requirements for the preparation of such plans are detailed in Section 391-3-4-.05, Rules for Solid Waste Management.

3. Collection and Transportation:

- a. Owners and occupants are responsible for the collection and transportation of solid wastes accumulated on their property, unless arrangements have been made with a licensed collector;
- b. Vehicles used for transporting putrescible wastes must be covered, substantially leakproof, durable, and of easily cleanable construction;
- c. Vehicles transporting solid wastes must be cleaned frequently and maintained in good repair;
- d. Transfer stations must take special precautions regarding:
 - 1) Scattering and accumulation of wastes,
 - 2) Exclusion of sewage solids and hazardous wastes unless specifically approved by EPD,
 - 3) Pest Control, and
 - 4) Dust Control.

4. Disposal Operations:

Specific operating procedures are to be followed and special precautions taken in the operation of landfills and sanitary landfills. Section 391-3-4-.07, Rules for Solid Waste Management, details these requirements which include the following areas:

- a. Unloading;
- b. Spreading and compaction;
- c. Cover;
- d. Grading and drainage;
- e. Continuity of operations;
- f. Environmental protection;
- g. Limited access;

- h. Litter control;
- i. Fire protection; and
- j. Supervision.

5. Processing Operations:

Operation requirements are detailed for incinerating, shredding, baling, recycling/reclamation, and composting processes in Section 391-3-4-.08, Rules for Solid Waste Management. In all these operations, precautions must be taken regarding:

- a. Supervision;
- b. Waste water;
- c. Air quality;
- d. Posted information;
- e. Cleanliness and sanitation; and
- f. Fire control.

In addition special measures must be taken concerning residues from incineration and composting activities, shredding materials, and bale size.

III. PERMIT REQUIREMENTS

Solid waste handling permits are required for all persons involved in the collection, transportation, storage, processing, or disposal of solid wastes.

Time Requirements:

A permit must be applied for prior to engaging in any solid waste handling procedures.

Application/Information Required:

Application must be made on forms supplied by EPD. The application should contain all information deemed necessary by EPD to allow for assessing the proposed facilities' ability to comply with all applicable rules.

Review and Processing:

Procedures for review and processing are detailed in Chapter 2.2 (one-stop permitting process).

Applications will be referred to the Land Protection Division of EPD. All applicants and additional information will be reviewed to determine the effects of a proposed solid waste facility upon air, water, and land resources.

If granted, any permit may specify additional conditions necessary to issue protection of the state's natural resources.

Reporting/Monitoring:

May be required on a case by case basis.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

EPD has the authority to enter, at reasonable times, any private or public property for the purpose of inspecting or investigating conditions relating to solid waste handling.

When there is reason to believe that a violation of the Solid Waste Management Act, rules and regulations, or permit conditions exists, EPD has the authority to issue an administrative order stating the necessary corrective actions to be taken. A recipient of such an order may request an administrative hearing no later than 30 days after issuance of the order.

EPD may also apply for an injunction to enjoin any violation of the Solid Waste Management Act, applicable rules and regulations, or permit conditions.

Any person or industry that commits a violation is liable to a civil penalty not to exceed \$1,000 and an additional civil penalty not to exceed \$500 for each day during which such violation continues.

In addition, any person or industry that commits a violation as specified above may be found guilty of a misdemeanor punishable by a fine of not more than \$1,000, up to a year in jail, or by both. Each day of continued violation after a conviction will constitute a separate offense.

Additional Procedures:

Local Laws. The applicant should be aware that local laws concerning waste handling exist which may be more stringent than the state regulation.

3.5 Hazardous/Toxic Waste Management, Specifically Including Nuclear Waste

INTRODUCTION

The present situation concerning hazardous waste management regulations in Georgia is quite complex.

Currently, anyone who applies for a permit for a hazardous waste storage, treatment, or disposal facility must obtain both a federal and state permit.

Georgia is seeking authorization from the U.S. Environmental Protection Agency (EPA) to consolidate the federal permit requirements into the state's one-stop permitting program in order to assume full permitting responsibility at the state level. To gain this authority, the state hazardous waste regulations must be equivalent to or more stringent than the federal regulations.

The Board of Natural Resources of the Georgia Department of Natural Resources adopted amendments to Georgia's Rules for Hazardous Waste Management in June 1981, which incorporate all EPA amendments to federal regulations to date. Georgia has now applied to EPA for authority to carry out a state permitting program in lieu of the federal program.

The current state hazardous waste management program is described in Subchapter 3.5.1.

Another recent development in the state's hazardous waste management program is the creation of the Georgia Hazardous Waste Management Authority. Its role in hazardous waste management is discussed in Subchapter 3.5.2.

In addition, there are rules and regulations concerning radioactive waste materials and pesticides. These topics are discussed in Subchapters 3.5.3. and 3.5.4., respectively.

3.5.1 Hazardous Waste Management

INTRODUCTION

The Georgia Hazardous Waste Management Act of 1979 ("the Act") declares that it is the policy of the state to institute and maintain a comprehensive statewide program for the management of hazardous wastes through the regulation of the generation, storage, treatment and disposal of hazardous wastes. Rules and regulations for hazardous waste management contained in Chapter 391-3-11, Rules and Regulations of the State of Georgia, consist mainly of the incorporation by reference of federal hazardous waste regulations contained in Title 40, Code of Federal Regulations.

As previously mentioned, both state and federal permits are currently required for the handling of hazardous wastes.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Toxic Substances Control Act, (P.L. 94-469); Resource Conservation and Recovery Act of 1976, (P.L. 94-580)

II. STATE:

Hazardous Waste Management Act of 1979, Chapter 43-27, Georgia Code

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-3-11, Hazardous Waste Management

ADMINISTERING AGENCIES

State Permit:

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-2833

Federal Permit:

Permits Section
Region IV, Environmental Protection Agency
345 Courtland St. N.E.
Atlanta, Georgia 30308
404/881-2017

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all persons and companies that generate, transport, treat, store, or dispose of hazardous wastes as defined in the Act.

II. REGULATORY REQUIREMENTS

As noted earlier, the Georgia regulations for hazardous waste management are mainly an incorporation by reference of federal regulations contained in Title 40, Code of Federal Regulations. Persons engaged in the handling of hazardous wastes are advised to consult the Federal Register for details of these regulations. These regulations include specific guidelines for:

1. Financial responsibility of operators;
2. Identification and listing of hazardous wastes;
3. Standards applicable to generators of hazardous wastes;
4. Standards applicable to transporters of hazardous wastes; and
5. Standards for owners and operators of hazardous waste treatment storage and disposal facilities.

In addition, the state of Georgia requires that persons engaged in hazardous waste handling activities notify the Environmental Protection Division (EPD) of such activities on forms provided by EPD.

III. PERMIT REQUIREMENTS

A permit is required for the construction, operation, or alteration of any hazardous waste treatment, storage, or disposal facility.

Time Requirement:

Application for a permit must be made prior to the initiation of any construction or modification.

Application/Information Required:

Applications must be made on forms supplied by EPD. The application must be complete and accurate. In addition, the applicant may be required to provide any plans, data, specifications, engineering reports, designs and other information deemed necessary by EPD to determine if the proposed facility is capable of achieving compliance with the Act or any applicable regulations.

Review and Processing:

Upon receipt of a completed application, the Director of EPD, within 15 days, will provide written notice to various local governments and other interested parties in the area of the proposed facility. These governments or interested parties have 30 days in which to request that a public hearing be held.

If such a hearing is requested, public notice will be issued in the area of the proposed facility at least 30 days prior to the scheduled hearing. Any such hearings will be held in the county seat of the county in which the proposed facility is to be located. At such a hearing, oral and written comments concerning the proposed facility will be received by the Director of EPD.

After evaluating the application, additional materials, and all comments received at any hearings, the Director of EPD will issue or deny the permit.

If a permit is issued, it will contain such terms and conditions deemed necessary by the Director of EPD to insure compliance with the Act.

Reporting/Monitoring:

Agents of EPD have the right to enter, at reasonable times, private and public properties to investigate, take samples, copy all records relating to hazardous wastes, and to inspect for compliance with the provisions of the Act.

Fees:

None

Appeal Process:

Applicants who are denied a permit may seek a hearing in accordance with Section 15 of the Act.

Enforcement/Penalties:

When there is reason to believe that a violation of the Act, permit conditions, or applicable rules and regulations exists, EPD has the authority to issue an administrative order stating any corrective actions necessary to regain compliance.

Any person receiving such an order may request a hearing before EPD's Administrative Review Officer provided that the request is made within 30 days of the issuance of the order.

When there is reason to believe that any person or company has violated or is about to violate any provision of the Act, EPD may apply for an injunction to enjoin such violation.

In the event that any person or company refuses an authorized inspection, EPD may seek to obtain a warrant authorizing the inspection.

The EPD may amend, modify, suspend, or revoke a permit for the following reasons:

1. Violation of permit conditions;
2. Failure to comply with any final administrative order;
3. Failure to comply with the Act or any applicable rules and regulations;
4. Obtaining a permit by misrepresentation of facts; or
5. When the permitted facility poses a threat to the environment or the health of humans.

Additional Procedures:

1. Transportation of Hazardous Wastes: All hazardous wastes transportation must be accompanied by a properly issued manifest according to EPD rules and regulations. The Georgia Department of Transportation requires a permit for the transport of three hazardous materials: radioactive wastes, PCB's, and liquified natural gas.
2. Toxic Substances: The regulation of toxic substances is authorized under several aspects of state laws including:

- a. Georgia Air Quality Act of 1978 (Georgia Code 43-27); and
- b. Georgia Water Quality Control Act (Georgia Code 17-5).

EPD is responsible for the implementation of these state laws. Permits issued by EPD related to toxics include:

- a. Air quality permits;
- b. NPDES permits; and
- c. Hazardous waste handling permits.

3.5.2 Georgia Hazardous Waste Management Authority

The Georgia Hazardous Waste Management Authority was established in March 1981 by the passage of Georgia House Bill 745. The Authority was created to facilitate the siting, construction, regulation, and operation of hazardous waste disposal facilities in the state. It is an entirely separate state entity from the Environmental Protection Division (EPD).

The Authority consists of the following members: the Governor of Georgia; the Lieutenant Governor of Georgia; the State Attorney General; the Secretary of State of Georgia; the State Auditor; an appointee of the Lieutenant Governor; two appointees of the Speaker of the House of Representatives; the Commissioner of the Georgia Department of Transportation; the Commissioner of the Georgia Department of Agriculture; the Commissioner of the Georgia Department of Industry and Trade; and the Commissioner of the Georgia Department of Human Resources.

The Authority is meant to function as an executive body whose purpose is to expedite the establishment of safe disposal facilities for hazardous wastes. In the enabling legislation, the Authority is granted the powers:

1. To acquire and dispose of real and personal property through purchase, lease, or condemnation;
2. To appoint and select officers, agents, and employees and to fix their compensation;
3. To make contracts and leases and to execute all instruments necessary and convenient with any person, the federal government, or any federal agency, and any and all political subdivisions, departments, institutions or agencies of the state to accomplish the stated goals of the Authority;
4. To plan, construct, erect, acquire, own, repair, maintain, remodel, operate, equip, and manage any hazardous waste disposal project in the state;
5. To accept loans or grants from the federal government or any federal agency to finance a project;
6. To apply for and to take whatever actions are necessary to secure all required federal and state permits for the construction of any hazardous waste facility;
7. To contract with local units of government for the provision of roads, services, structures, and facilities necessary for the efficient operation of any hazardous waste facility established by the Authority; and
8. To prescribe rules and regulations for the operation of any project construction under the provisions of the enabling legislation, including rules and regulations to insure maximum use of the project.

Any facility owned or operated by the Authority will be regulated by the EPD and must meet all applicable EPD rules regarding hazardous waste management.

3.5.3 Radioactive Waste Material Disposal

INTRODUCTION

The Georgia Radiation Control Act declares that it is the policy of the state to prevent any associated harmful effects of radiation upon the environment or the health and safety of the public through the institution and maintenance of a regulatory program for radioactive waste material sources. The Act designates the Environmental Protection Division (EPD) of the Department of Natural Resources as the agency responsible for implementing the regulatory program.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Georgia Radiation Control Act, as amended, Georgia Code 88-13

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-3-9, Rules and Regulations for Radioactive Waste Material Disposal

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to the construction and operation of all facilities and sites used for the concentration, storage, or burial of radioactive wastes, with the following exceptions:

1. Licensed or non-waste radioactive materials temporarily stored before further processing or operations where such storage is not a waste disposal activity;
2. Wastes generated in Georgia which are stored for one year or less at a Nuclear Regulatory Commission (NRC) or state licensed facility prior to transfer to an authorized disposal facility; or
3. Any spent or new fuel storage facilities at operating nuclear power electrical generating stations or nuclear test and research reactors in the State of Georgia, where such fuel has been or is awaiting utilization in the state of Georgia.

II. REGULATORY REQUIREMENTS

The Act provides the Director of EPD the discretion to specify in any permit the conditions under which any site or facility may be operated. Given this discretion, the current policy of the Director of EPD is to impose a moratorium on permitting construction or operation of certain facilities for the disposal of "other than low-level radioactive waste material." This moratorium is based on the following factors:

1. The public policy of the Act;
2. An evaluation of current technology; and
3. Previous lack of effective radioactive waste management at the federal level.

This moratorium is applicable to those commercially operated, government operated, or government contract operated facilities used for the purpose of storage, concentration, and burial of all radioactive wastes.

However, in limited cases as determined by the Director of EPD, disposal of low-level radioactive wastes by burial may be permitted in accordance with Title 10, Code of Federal Regulations, Part 20, Subpart 304, and the permitting requirements contained in Section 391-3-9-.06, Rules and Regulations of the State of Georgia. The Georgia permit requirements are outlined in the following section.

In addition to permit conditions, the regulations also specify requirements for the operation of any radioactive waste handling facility including:

1. Operations and management;
2. Records and reports;
3. Notification of incidents;
4. Control of radiation and radioactive waste material; and
5. Cessation of operations and decommissioning.

III. PERMIT REQUIREMENTS

Currently, permits are only granted for facilities which dispose of low level radioactive waste by burial. Separate construction and operation permits are required.

Time Requirement:

None explicitly stated.

Application/Information Required:

Applications must be made on forms furnished by EPD. All applications must be accompanied by the following information:

1. Administrative information, including:
 - a. Name, address, and citizenship of the applicant. If the applicant is a corporation, then place of incorporation, location of principal offices and citizenship of principal officers should be indicated;
 - b. Principal business of applicant;
 - c. Proof of financial capability necessary to operate and complete project;

- d. A detailed description of the proposed facility; and
- e. The names and addresses of adjacent property owners.

2. Technical information, including:

- a. The type, quantities, and form of low-level radioactive waste to be handled at the proposed facility;
- b. The technical qualifications of principal staff members;
- c. A detailed safety analysis of the proposed facility and site;
- d. A discussion of system design considerations;
- e. A detailed plan of proposed radiological monitoring program; and
- f. Any other technical information necessary for EPD to evaluate the proposed facility.

3. Environmental information including:

- a. A description of the site;
- b. A description of present and projected land use in the vicinity of the site;
- c. An enclosed survey describing flora, fauna, habitats, and distributions in the vicinity of the site;
- d. A discussion of any significant natural, cultural, scenic, architectural, historical or archeological features in the vicinity of the site;
- e. A discussion of geologic and seismic aspects of the site;
- f. A meteorological description of the site and surrounding area;
- g. A detailed description of the physical, chemical, biological and hydrological characteristics, seasonal variation and historical ranges for surface and groundwater bodies in the vicinity of the site;
- h. An assessment of the radiological impacts on man and other biota resulting from direct radiation and the release of radioactive material from the facility; and
- i. Any additional environmental information necessary for EPD to evaluate the proposed facility.

Review and Processing:

Review and processing procedures are detailed in Chapter 2.2 (one-stop permitting process).

All applications for construction and operation permits will be evaluated primarily on the ability of the facility to meet all provisions of the Act and applicable rules and regulations.

Any construction permit will be cancelled if construction activity does not commence within 180 days of the issuance of the permit.

All operating permits issued are effective for a one-year period. All applications for permit renewal must be made within 90 days of the permit expiration date.

Reporting/Monitoring:

All owners or operators of permitted radioactive waste disposal facilities must perform any tests, monitoring or other evaluations deemed necessary by EPD to insure compliance with the Act, rules and regulations, or permit conditions.

EPD may enter, at reasonable times, any permitted facility to inspect and investigate operations and conditions related to the disposal or radioactive wastes.

Fees:

Permit holders must post a surety bond payable to the state and must maintain financial protection to cover possible public liability in amounts to be determined by the Director of EPD.

Appeals Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

If a violation of the Act, rules and regulations or permit conditions exists, EPD may issue an administrative order stating the necessary corrective action(s) to be taken. The recipient of such an order has 30 days to file for a hearing before the Administrative Review Officer of EPD.

EPD may also seek an injunction to enjoin the construction, operation, or both, of any facility which violates a final administrative order.

Additional Procedures:

The Director of EPD may be petitioned for a reconsideration of the moratorium on facilities for the handling and disposal of other than low-level radioactive wastes. This petition must be based on the demonstration of a new, suitable technology for dealing with such wastes.

3.5.4 Pesticides

INTRODUCTION

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1972, (P.L. 92-516, as amended), requires that all pesticides which are sold in the United States be registered with the Environmental Protection Agency (EPA).

When a pesticide is registered, EPA classifies it for either general or restricted use. General use pesticides are those that do not ordinarily cause unreasonable adverse effects on the user or the environment when used in accordance with label directions.

Restricted use pesticides are those that may cause adverse effects on the user or environment unless applied by persons who have demonstrated competency in the use of pesticides. Only these persons, known as certified applicators, are permitted to purchase and apply restricted use pesticides.

Most states have developed certification, subject to EPA approval, providing for state enforcement of FIFRA. Georgia's approved plan provides for pesticide regulation to be carried out under the following statutes:

1. Georgia Pesticide Control Act of 1976, Georgia Code 5-15. This act requires registration of all pesticides distributed in the state and licensing of all dealers who distribute "restricted use" pesticides.
2. Georgia Pesticide Use and Application Act of 1976, Georgia Code 5-15-A. This act requires the licensing of:
 - a. All persons or firms who contract for the outdoor application of pesticides;
 - b. All persons who apply or supervise the commercial application of any pesticide outside of structures; and
 - c. Farmers and other private applicators who apply "restricted use" pesticides in the production of any agricultural commodity.
3. Georgia Structural Pesticide Control Act, Georgia Code 83-34. This act provides for the licensing and regulation of pest control companies and persons who apply pesticides within household, commercial, and other structures.

For more information concerning the Georgia Pesticide Control Act and the Georgia Pesticide Use and Control Act, contact:

Director
Pesticide Division
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334
404/656-4958

For more information concerning licensing procedures contained in the Georgia Structural Pest Control Act, contact:

State Examining Boards
Structural Pest Control Commission
166 Pryor St., S.W.
Atlanta, Georgia 30303
404/656-3940

Information concerning enforcement and other procedures involved in the Georgia Structural Pest Control Act may be obtained from:

Director
Entomology Division
Georgia Department of Agriculture
Capitol Square
Atlanta, Georgia 30334
404/656-3641

3.6 Noise Regulations

INTRODUCTION

The Georgia Noise Control Act of 1974 established a Community Noise Control Program within the Environmental Health Section of the Department of Human Resources. The functions of this program are of an advisory nature only. These functions are:

1. Recipient agency for individual complaints regarding unreasonable noise (except noise from aircraft or railroads);
2. Investigation of complaints to determine noise source(s) and noise levels; and
3. Assisting local governments in establishing local environmental noise programs.

The Environmental Health Section also has advisory functions regarding industrial noise control. These functions include:

1. Testing of industrial noise levels; and
2. Assisting companies in reducing noise levels if present noise levels are above federal standards.

Presently, only the federal government has general enforcement powers related to control of industrial noise levels. However, industries should be aware that there may be county or municipal noise control ordinances in effect in various parts of the state.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Federal Occupational Safety and Health Act of 1970 (P.L. 91-596),
Federal Noise Pollution Control Act of 1972 (P.L. 92-574)

II. STATE:

Georgia Code 99-42, Noise Control Act of 1974

TITLE OF REGULATION

N/A

ADMINISTERING AGENCY

Federal Industrial Noise Control:

Associate Assistant Regional Director
Occupational Safety and Health Administration
U.S. Department of Labor
1375 Peachtree St., N.E.
Atlanta, Georgia 30309
404/881-3573

State Industrial Noise Control and Community Noise Control:

Director, Environmental Health Section
Division of Public Health
Department of Human Resources
47 Trinity Ave., S.W.
Atlanta, Georgia 30334
404/894-5795

RESOURCE EXTRACTION

4.0 RESOURCE EXTRACTION

Resource extraction refers to the mining of coal and other minerals as well as the development of oil and gas resources. In Georgia the regulation of mineral resource extraction and development is the responsibility of the Environmental Protection Division of the Georgia Department of Natural Resources.

Separate laws and regulations have been enacted to regulate oil and gas production and other mining activities. Permits are required for drilling oil and gas wells and for surface mining operations. These laws, regulations, and permit programs are discussed in greater detail in the following chapters.

4.1 Energy Resources Development

INTRODUCTION

The Oil and Gas Deep Drilling Act of 1975 declares that it is the policy of the state to encourage oil and gas exploration to identify new sources of energy. It is also the policy of the state to protect freshwater bearing strata and environmentally sensitive areas from contamination which may be caused by drilling operations. To reconcile these objectives, the Board of Natural Resources is empowered to formulate regulations pertaining to deep drilling operations. As of this date, regulations have been drafted but have not yet been adopted. This chapter will outline the proposed regulations. When final regulations are adopted they will be administered by the Environmental Protection Division (EPD) of the Department of Natural Resources (DNR).

AUTHORIZING STATUTE(S)

I. FEDERAL:

N/A

II. STATE:

Oil and Gas Deep Drilling Act of 1975, Chapter 43-7, Georgia Code.

TITLE OF REGULATION

Oil and Gas Deep Drilling, proposed as Chapter 391-2-1 of the Rules and Regulations of the State of Georgia

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St. S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations will apply to:

1. Any well for the exploration or production of oil and gas;
2. Any well drilled to a depth greater than 1800 feet for the exploration or production of any other mineral;
3. Any well located in the environmentally sensitive area of the coastal zone which is drilled to a depth sufficient to penetrate the freshwater aquifer system;
4. Any underground storage well (except those wells covered by the provisions of the Underground Gas Storage Act, Georgia Code, Chapter 93-8);
5. Any well for the underground disposal of waste materials;
6. Any well drilled to depth greater than 1800 feet for the production of freshwater; and
7. Any well for the exploration or production of brine or saltwater.

II. REGULATORY REQUIREMENTS

The following activities are prohibited by the Act:

1. The waste of oil and gas as defined in the Act;
2. The sale, purchase, acquisition, or transportation of, or the refining, processing, or handling of any mineral product obtained without complying with the Act or any applicable regulations;
3. Intentionally or negligently permitting any gas or oil well to get out of control; and
4. The drilling of any well without a permit.

The proposed regulations establish specific criteria and procedures concerning the following:

1. Spacing of wells;
2. Establishment of drilling units and operation units;
3. Allocation of drilling sites in operation and drilling units;
4. Change of ownership or operator;
5. Drilling operations including:
 - a. Identification of wells;
 - b. Notices of activities;
 - c. Control of wells;
 - d. Notification of fires, leaks or blow-outs;
 - e. Well records;
 - f. Geographical logs;
 - g. Protection of freshwater bearing strata;
 - h. Drilling samples;
 - i. Mud pits, sumps, reserve pits, and dikes;
 - j. Casing;
 - k. Blow-out prevention;
 - l. Drilling fluid;
 - m. Directional drilling;
 - n. Shooting, perforating, chemical treatment, or fracturing of wells;
 - o. Plugging and abandonment of wells;
 - p. Production wells;
 - q. Notice of rig removal; and
 - r. Well completion reports.

III. PERMIT REQUIREMENTS

Permits are required for the drilling of any well mentioned previously under Applicability.

Time Requirement:

Applications and supporting materials must be submitted to EPD prior to any drilling procedures.

Application/Information Required:

A properly completed "Application for Permit to Drill" on forms supplied by EPD must be submitted along with the following additional information:

1. A plot of the proposed well location prepared by a professional engineer or surveyor registered in Georgia;

2. An index map showing the proposed well location in relation to existing features in the area;
3. An "Affidavit of Ownership and Control" on forms provided by EPD;
4. An "Organization Report" containing information concerning the proprietor or controlling corporation;
5. Illustrations and narrative description of the proposed operation; and
6. A bond and a properly completed bonding form as supplied by the EPD. The amount of bond will be based on the proposed depth of the well.

Review and Processing:

Refer to Chapter 2.2 (one-stop permitting process).

Reporting/Monitoring:

Designated agents of DNR will be allowed access at all reasonable times to all well production and transportation records. Agents will have the authority to enter, at reasonable times any private or public property to inspect such records and any wells, storage facilities and pipelines. All operators of wells and drilling rigs will be required to permit and assist the agents of DNR in making any tests or inspections that may be required to determine compliance with the Act and any applicable regulations.

Fees:

There is an application fee of \$25.

Appeals Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

Whenever an operation is found to be in violation of the Act or any applicable regulations, the DNR may issue an administrative order specifying any corrective actions required. The recipient of such an order may request a hearing before DNR's Administrative Review officer. Any requests for a hearing must be made within 30 days of the issuance of the order.

When there is reason to believe that any company is violating the Act or any applicable regulation, the DNR may apply for injunction to enjoin any such violation.

Any person or industry which willfully or negligently violates any provision of the Act, rules and regulations, permit provisions or administrative orders is liable to a civil penalty of not less than \$50 but not to exceed \$10,000 for each violation. Each day of continued violation may constitute a separate offense.

All mineral products produced in violation of the Act, rules and regulations, or administrative orders are considered contraband and may be seized by any law enforcement officer. If a superior court finds any such products to be illegally produced, they may be sold by the state. Proceeds from their sale will go to pay various costs with the remainder paid to the state.

4.2 Metalliferous Mining

INTRODUCTION

The Georgia Surface Mining Act of 1968 declares that it is the policy of the state to maintain an efficient and productive mining industry which simultaneously provides for the protection of fish and wildlife and the protection and restoration of land, water, and other resources affected by mining.

To help achieve these goals, a permitting program for mine operations has been established and rules and regulations for restoration of mined lands have been promulgated.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Surface Mining Control and Reclamation Act of 1977, P.L. 95-87

II. STATE:

Georgia Code 43-14; Georgia Surface Mining Act of 1968, as amended.

TITLE OF REGULATION

Rules and Regulations for Land Reclamation; Chapter 391-3-3; Official Compilation, Rules and Regulations of the State of Georgia.

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

For coal mining:

Department of Interior
Office of Surface Mining
228 W. Valley Ave., Room 302
Birmingham, Alabama 35209
205/254-0890

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all surface mining activities in the state and to any lands affected by these activities. In the Act, surface mining is defined as the removal of minerals, including clay, stone, sand, gravel, phosphate, and metallic ores for sale or processing in the regular operation of a business. Affected land is defined as the area of land which has been subjected to mining, deposition of overburden, or both.

Note: These regulations do not apply to the surface mining of coal. Regulations for the surface mining of coal have been promulgated by the Office of Surface Mining (OSM) of the U. S. Department of the Interior. Individual states have the option of allowing OSM to enforce these regulations or to seek authorization for operating a state program using the OSM guidelines. Currently, the state of Georgia has decided not to seek authorization for a state program; therefore, coal mining operations in Georgia are under the jurisdiction of OSM.

II. REGULATORY REQUIREMENTS

A permit must be obtained to operate a surface mine. However, before a permit is issued, a performance bond must be submitted by the mine operator to the manager of the Land Reclamation Program. The amount of the bond will be determined by the director of the Land Reclamation Program and will be between \$100 and \$1000 per acre of land affected. This land will be held until the affected land is satisfactorily reclaimed.

Reclamation of mined land is required. Each operator is given a good deal of discretion in the way the affected lands are restored. However, all operators must adhere to certain practices designed to protect the public from the adverse effects of surface mining.

These practices require that:

1. No natural creeks, streams, rivers or lakes will be altered in course or location unless otherwise authorized;
2. No operator will construct any protective barrier, dam, berm, silt pond or similar structure as part of a surface mining operation without prior approval of the Environmental Protection Division (EPD);
3. Once the structures, equipment, stockpiles, mining refuse, and all other materials associated land will surface mining are removed or disposed of, the affected land will be restored to the condition stated in the operator's approved mined land use plan;
4. All peaks, ridges, and valleys resulting from surface mining will be properly graded, and all pits and trenches will be backfilled; and
5. All restored lands must have a neat, clean appearance and contain a high quality vegetative cover unless specifically exempted by EPD.

III. PERMIT REQUIREMENTS

Time Requirement:

Application for a permit must be made prior to any surface mining activity.

Application:

Applications must be made on forms supplied by EPD. This application must be completed in a manner acceptable to EPD in form and content. The application must contain the following information:

1. Provisions for reclamation in a manner which is consistent with present land uses in the vicinity of the mine; and
2. Owner/operator consent for officials to enter the mining area to make inspections and to complete reclamation procedures if necessary.

A mined land use plan must be submitted along with the permit applications. The land use plan is to include, but is not limited to, a description of the following items:

1. The mining company;
2. Minerals or materials mined;
3. Mining methods employed;
4. Land(s) and community(ies) affected;
5. Reclamation objectives and procedures;
6. Erosion and sedimentation control provisions;
7. Schedule for mining and reclamation;
8. Affected acreage;
9. Natural drainage and water disposal;
10. Protection of contiguous natural resources;
11. Topsoil use;
12. Overburden, spoil and refuse placement or use;
13. Backfilling procedures;
14. High wall reduction;
15. Grading of slopes;
16. Lake development, if applicable;
17. Site cleanup;
18. Revegetation of reclaimed lands;
19. Location map of affected lands; and
20. Land use map or aerial photographs.

Review and Processing:

Refer to Chapter 2.2 (one-stop permitting process).

Reporting/Monitoring:

The EPD will make any on site inspections deemed necessary to ensure that the operator is complying with the provisions of an approved mined land use plan.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeal Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement and Penalties:

If the mining operator fails to comply with the provisions of an approved mined land use plan, EPD will notify the operator in writing of the specific terms of non-compliance and specify corrective actions needed. If the requested actions are not taken within a reasonable period of time, the operator will be notified in writing of possible suspension or revocation of the mining permit.

Decisions concerning suspension or revocation will be made by EPD depending on the nature and magnitude of the violations. EPD may also apply for an injunction to enjoin the operator from continuing any practices which are in violation of the mined land use plan.

Civil penalties may be issued for violation of any final order of the Director of EPD, not to exceed, \$1,000 for any such violation. An additional penalty not to exceed \$500 may be imposed for each day the violation continues.

In addition, any industry that violates any provision of the Surface Mining Act or that willingly misrepresents any fact in matters required by the Act or willfully gives false information in any required report or application will be guilty of a misdemeanor punishable by a fine of not less than \$100 or more than \$1,000 for each offense. Each day of noncompliance after notification will constitute a separate offense.

LAND USE REGULATION

5.0 LAND USE REGULATION

Land use regulation in Georgia is an authority delegated to local governments by enabling legislation. Locally adopted tools for land use regulation include zoning, comprehensive plans, subdivision regulations and official maps.

At the state level, the regulation of land use is not specifically a function of any state agency. However, land use considerations are often an element in the implementation of various environmental legislation and permit programs. Specifically, Georgia has developed regulations which affect:

1. Coastal marshlands (5.4.1)
2. Shoreline construction (5.4.2)
3. Dam safety (5.5)

5.1 Major Facility Siting

INTRODUCTION

There is no state legislation which specifically addresses major facility siting in Georgia. Instead, issues involved in facility siting are addressed through the mechanisms of the one-stop permitting process.

Especially important in this process is the technical task force review procedure. Every industry which applies for environmental permits (air quality, solid waste, etc.) is assigned to a technical task force which works with the industry to develop a list of potential sites and to suggest methods for meeting environmental standards.

Given the task force review and the other review procedures involved in the one-stop permitting process, it is generally accepted that all factors concerning major facility sites are adequately considered by the one-step process, thus alleviating the need for any additional industrial siting statutes.

5.2 Land Use

There is no specific state statute which establishes land use policy in Georgia. However, consideration of land use may be incorporated in permit programs reviewed by the Environmental Protection Division (see chapters 3.4, 3.5, 4.2), the Coastal Protection Section of the Department of Natural Resources (see chapter 5.4), the various Area Planning and Development Commissions (see chapter 7.2), and local governments (see chapter 7.1).

5.3 Floodplain Management

INTRODUCTION

There is no specific state statute establishing a floodplain policy in Georgia. However, the consideration of floodplain areas may be incorporated in several permit programs reviewed by the Environmental Protection Division (EPD).

For example, the NPDES permit program considers the impact on floodplains through analysis of site location plans and permit conditions. If federal funding is involved in a project, the Comprehensive Review Unit of the Department of Natural Resources will make comments concerning floodplains. If the floodplains are located in coastal areas, they may be considered under the provisions of the Coastal Marshlands Protection Act or the Shore Assistance Act.

Also, local governments may have ordinances concerning floodplain development.

For additional information, contact:

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St. S.W.
Atlanta, Georgia 30334
404/656-4713

5.4 Coastal Zone Regulations

In Georgia, the agency responsible for the regulation of coastal development activities is the Coastal Resources Division of the Georgia Department of Natural Resources.

Two laws specifically address the protection of coastal resources: the Coastal Marshlands Protection Act of 1970 and the Shore Assistance Act of 1979. Pursuant to these laws, regulations for the protection of coastal resources have been promulgated and permit programs for coastal construction activities have been established. These regulations and permit programs are discussed in detail in the following sections.

5.4.1 Coastal Marshlands

INTRODUCTION

The Coastal Marshlands Protection Act of 1970, as amended, was adopted to insure that Georgia's coastal marshlands are used in the public interest for the benefit of all citizens of the state. The Rules and Regulations adopted pursuant to this act prescribe the practices and procedures to be followed by the Coastal Marshlands Protection Committee when reviewing applications for permits to alter marshlands.

AUTHORIZING STATUTE(S)

I. FEDERAL:

N/A

II. STATE:

Georgia Code 43-24,. Coastal Marshlands Protection Act of 1970

TITLE OF REGULATION

Chapter 391-4-12 Official Compilation, Rules and Regulations of the State of Georgia, Coastal Marshlands Protection

ADMINISTERING AGENCY

Director
Coastal Resources Division
Department of Natural Resources
1200 Glynn Avenue
Brunswick Georgia 31523
912/264-7365

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all activities and structures that alter any marshlands within Georgia, except for certain activities that involve:

1. The Georgia Department of Transportation;
2. Agencies of the United States of Georgia that keep the rivers and harbors of the state open for navigation;
3. Public utility and railroad companies regulated by the Georgia Public Service Commission;
4. Political subdivisions involved in constructing, maintaining and repairing water and sewer pipelines approved by EPD; or
5. Building of private, noncommercial docks or pilings, the walkways of which are above marsh grass not obstructing tidal flow, by owners of residences located on highlands adjoining such docks.

II. REGULATORY REQUIREMENTS

Unlike most other areas of environmental review which come under the one-stop permitting process of EPD, permits for coastal marshland activities require a joint application procedure involving both state

agencies and the U.S. Army Corps of Engineers. Permits are required for all activities and structures which alter any marshlands within Georgia, except as noted above.

III. PERMIT REQUIREMENTS

Time Requirements:

None explicitly stated.

Application/Information Required:

The Corps of Engineers and the Georgia DNR have the same application and public notice procedures for dredge and fill projects and bulkheads. The same application is used for Corps certification, the state marsh permits, and EPD water quality certification.

The application must include:

1. Name and address of applicant;
2. Plat of area in which proposed work will take place;
3. Copy of deed or other reasonable evidence of applicant's title to property. If applicant is not the owner, the deed or title must be accompanied by written permission of the land owner;
4. A certified check or money order for \$25 for each acre of land affected. No applicant will be required to pay more than \$500 for any proposal, regardless of the number of acres involved;
5. A list of names and addresses of all adjoining landowners;
6. Complete description of the proposed activity, including drawings or plans, location, purpose, scheduling, and intended use of the proposed activity;
7. If the activity involves dredging, application must include a description of type, composition, and quantity of dredged material, method of dredging, and plans for disposal of dredged material;
8. Certification from appropriate local governing authority(ies) stating that applicants proposal is not in violation of any applicable local law, code or other restriction;
9. A statement from the applicant presenting reasons why the permit should be granted;
10. Any such additional information deemed necessary by the Director of Marshlands Protection.

The application should be made out in quadruplicate, with one copy going to each of the following agencies:

1. Department of Army Permit (send originals):

District Savannah, Corps of Engineers
Department of the Army
Attn: Regulatory Functions Branch
P.O. Box 889
Savannah, Georgia 31402
800/342-2768

2. Marshlands Permit - State of Georgia

Coastal Protection Section
Coastal Resources Division
Department of Natural Resources
1200 Glynn Avenue
Brunswick Georgia 31520
912/264-7365

3. Request for use of state owned lands:

Executive Assistant
Department of Natural Resources
Environmental Protection Division
270 Washington Street, S.W.
Atlanta, Georgia 30334
404/656-3508

4. Water Quality Certification - State of Georgia:

Water Quality Protection
Department of Natural Resources
Environmental Protection Division
270 Washington Street, S.W.
Atlanta, Georgia 30334
404/656-4887

Review and Processing:

Completed applications are forwarded to the Coastal Marshlands Protection Committee for consideration.

Within 15 days of receipt of a completed application and at least seven days prior to the Committee meeting at which the application in question is to be considered, the Committee will notify all adjacent landowners of the nature of the proposed use or activity.

All permit application decisions are made by the Committee at a public meeting which is held within 90 days of receipt of a completed application. The Committee is required to issue appropriate public notices prior to any such meeting.

At this meeting, the Committee will evaluate the application in terms of the guidelines established in Section 391-2-3-.03 of the Rules and Regulations for Coastal Marshlands Protection. All comments received in writing from adjacent landowners and all comments from interested members of the public will also be considered at this time.

A majority vote of the Committee is required either to grant or deny an application to alter marshlands. The granting of a permit may be conditioned upon the amendment of the proposal by the applicant to take whatever measures are necessary to protect the public interest.

Any permit granted becomes final immediately upon issuance, but no construction or alternation may start until 45 days after issuance to allow sufficient time for an aggrieved or adversely affected party to appeal the decision of the Committee.

Reporting/Monitoring:

Upon receipt of the joint application materials, site inspections are carried out while the materials are being prepared for a joint Corps of Engineers - State of Georgia public notice.

In addition to pre-construction site inspections, conservation rangers and officers of the DNR have the right to make reasonable inspections of the marshlands to check for compliance with the Coastal Marshlands Protection Act, any applicable rules and regulations, and conditions of any permits granted.

Fees:

A fee of \$25 per acre of land affected, up to a maximum of \$500.

Appeals Process:

Any person who is aggrieved or adversely affected by any order or action of the Committee may file a request for a hearing within 30 days of the issuance of any such order. All hearings will be conducted according to the Georgia Administrative Procedures Act.

In addition, any person who has exhausted all available administrative remedies and who is still aggrieved by any final order or action in a contested case is entitled to judicial review under the Act.

Enforcement/Penalties:

If any person is found altering marshland without a permit or in violation of permit conditions, or in violation of any other provisions of the Coastal Marshlands Protection Act, the DNR may issue a cease and desist order telling the person to stop the cited activity(ies).

Any person cited has up to 30 days after issuance of the order to request an administrative hearing.

The DNR may also apply for an injunction to enjoin any activities found to be in violation of the Coastal Marshlands Protection Act, any applicable rules and regulations, or permit conditions.

Any person who fails to comply with any provisions of the Coastal Marshlands Protection Act or any final administrative order is liable to a civil penalty not to exceed \$1,000 for such violation and an additional civil penalty not to exceed \$500 for each additional day during which such violation continues.

Additional Procedures:

For any activities involving dredge and fill operations in navigable waters, Section 404 permits from the Army Corps of Engineers are required in addition to any applicable state permits.

Georgia has passed enabling legislation authorizing assumption of the 404 program and plans to seek such authorization from EPA upon promulgation of final federal regulations detailing such assumption.

Also, an individual or industry planning use of state owned river bottoms or tidelands must secure prior authorization. For information, contact:

Mr. James B. Talley
Department of Natural Resources
270 Washington St. S.W., Room 815
Atlanta, Georgia 30334
404/656-3508

5.4.2 Shore Assistance

INTRODUCTION

The Shore Assistance Act of 1979 declares that coastal sand dunes, beaches, sandbars, and shoals comprise a vital natural resource system which acts as a buffer to protect property and other natural resources from the damaging effects of floods, winds, tides and erosion. The Act also declares that it is the policy of the state to protect this natural resource system by authorizing the regulation of activities which may alter or otherwise effect the system.

Pursuant to the Act, regulations have been promulgated which detail regulatory and permit requirements for all activities which may alter the shoreline system.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Georgia Code 43-30; Shore Assistance Act of 1979

TITLE OF REGULATION

Chapter 391-2-2, Official Compilation, Rules and Regulations of the State of Georgia, Shore Assistance

ADMINISTERING AGENCY

Coastal Protection Section
Coastal Resources Division
Department of Natural Resources
1200 Glynn Avenue
Brunswick, Georgia 31523
912/264-7365

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to any construction or other activity which may alter the natural topography or vegetation of any area under jurisdiction of the act. These areas include: barrier islands, dynamic dune fields, beaches, eroding sand dune areas, areas without stable dunes, and submerged shoreline lands.

II. REGULATORY REQUIREMENTS

Specific guidelines exist for:

1. Activities involving active dune fields;
2. Beaches;
3. Eroding sand dune areas and areas without stable dunes;
4. Engineering activities on shoreline or submerged shoreline lands;

5. Certain structures including fishing piers, recreational facilities and erosion control structures; and
6. Hurricane-resistant construction standards.

III. PERMIT REQUIREMENTS

Time Requirements:

None explicitly mentioned.

Application/Information Required:

Permit application must be on prescribed forms and must include:

1. Name and address of applicant;
2. Brief description of proposed project;
3. Construction documents;
4. Property deed and, where applicable, permission of owner;
5. Plat of proposed project;
6. Names of adjacent landowners;
7. Plans showing existing and proposed streets, utilities, buildings and other structures;
8. Architect's or engineer's certification that hurricane-resistant building standards are met; and
9. Any other information deemed pertinent by the DNR.

Review and Processing:

Completed applications are forwarded to the Shore Assistance Committee for consideration.

Within ten days of receipt of a completed application and at least seven days prior to the Committee meeting at which the application in question is to be considered, the Committee will notify all adjacent landowners of the nature of the proposed use or activity.

All permit application decisions are made by the Committee at a public meeting held within 60 days of receipt of a completed application. The Committee is required to issue appropriate public notices prior to any such meeting.

At this meeting, the Committee will evaluate the application in terms of the guidelines established in Section 391-2-2-.07 of the Rules and Regulations for Shore Assistance. All comments received in writing from adjacent landowners and all comments from interested members of the public will also be considered at this time.

A majority vote of the Committee is required either to grant or deny an application for a permit. The Committee may condition any permit as necessary to carry out the provisions of the Act.

Any permit granted becomes final immediately upon issuance, but no construction or alteration may start until 30 days after issuance to allow sufficient time for an aggrieved or adversely affected party to appeal the decision of the Committee.

Reporting/Monitoring:

The Department of Natural Resources (DNR) is authorized to make periodic inspections at reasonable times to check for compliance with provisions

of the Act or any applicable rules, regulations, or permit conditions.

Fees:

There is an application fee of \$20.

Appeals Process:

Any person who is aggrieved or adversely affected by any order or action of the Committee may file a request for a hearing within 30 days of the issuance of any such order. All hearings will be conducted according to the Georgia Administrative Procedures Act.

In addition, any person who has exhausted all available administrative remedies and who is still aggrieved by any final order or action in a contested case is entitled to judicial review under the Act.

Enforcement/Penalties:

Whenever a person or industry is found to be engaging in shoreline altering activities without a permit or in violation of the Act, rules and regulations, or permit conditions, the DNR may issue a cease and desist order. The DNR may also apply for an injunction to enjoin any such violation.

Any person found guilty of a violation as specified above is liable to a civil penalty not to exceed \$10,000 for each violation, with each day of a continuing violation constituting a separate offense.

Additional Procedures:

1. Emergency Orders: Whenever the DNR finds that an emergency exists requiring immediate action to protect the public interest, the DNR may issue an order to be effective immediately requiring such actions deemed necessary to meet the emergency.
2. Local Government Permits: Certain permits may be issued by local governments which have received DNR certification to issue permits. The procedural requirements, however, will usually be identical to the state permitting program.

5.5 Dam Safety

INTRODUCTION

The Georgia Safe Dams Act of 1978 provides for the inspection and permitting of certain dams to reduce the risk of failure of such dams in order to protect the health, safety, and welfare of the public.

AUTHORIZING STATUTE(S)

I. FEDERAL:

N/A

II. STATE:

Georgia Code 17-14; Safe Dams Act of 1978

TITLE OF REGULATION

Chapter 391-3-8, Official Compilation, Rules and Regulations of the State of Georgia, Rules for Dam Safety

ADMINISTERING AGENCY

Georgia Department of Natural Resources
Environmental Protection Division
270 Washington St., S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

These regulations apply to all existing and proposed dams in the state except:

1. Any artificial barrier less than six feet in height, regardless of storage capacity, or which has a maximum storage capacity not exceeding 15 acre-feet, regardless of height;
2. Any artificial barrier constructed by or authorized for construction by the U.S. Army Corps of Engineers, the Tennessee Valley Authority, the U.S. Soil Conservation Services, or any other agency of the U.S. Government;
3. Any artificial barrier licensed by the Federal Energy Regulatory Commission.

II. REGULATORY REQUIREMENTS

Permits are required for:

1. Operation of an existing dam or construction and operation of a new dam which has been described as a Category I dam (probable loss of life in the event of failure) if the dam is either greater than 25 feet high or impounds more than 50 acre-feet of water at maximum storage elevation;

2. Construction and operation of a new non-agricultural dam which has been classified as a Category II dam (no probable loss of life in the event of a failure) if the dam is greater than 15 feet in height at normal pool and impounds more than 50 acre-feet of water at normal storage level.
3. Construction and operation of a dam which when has been classified as a Category II dam, which is used in conjunction with an agricultural operation and which is greater than 20 feet in height at normal pool and impounds more than 50 acre-feet of water at normal storage level.

III. PERMIT REQUIREMENTS

Time Requirements:

For a new dam, applicant must notify Environmental Protection Division (EPD) by certified mail at least 10 days prior to initiation of construction. For an existing dam, an application for operation must be submitted within 180 days of notification of categorization by the Director of EPD.

Application/Information Required:

For a new dam, applicant should submit:

1. Completed Application Form;
2. Construction plans and specifications;
3. Geotechnical data;
4. Design Assumptions;
5. Operation and Maintenance Plan for completed structure; and
6. Drawings of the proposed dam "as-built".

For existing dams, a visual inspection must be completed by the owner, EPD, or its contractors to check for compliance with required "Design Standards for Existing Dams" listed in the regulations. These design standards specify that:

1. Earthen embankment slopes must be stable;
2. Earthen slopes must be protected from erosion;
3. Dams must be capable of safely withstanding the probable maximum precipitation without threatening human life;
4. Concrete or masonry dams must be sound and show no signs of excessive structural deterioration;
5. Excessive seepage must be investigated and controlled; and
6. Other standards deemed appropriate by the Director of EPD.

Any sign of structural distress or other conditions not in accord with the design standards will be noted, further investigation made, and a schedule for improvements developed by a registered professional engineer.

Review and Processing Procedures:

The Dam Safety Permit program is covered by the one-stop permitting process outlined in Chapter 2.2.

Reporting/Monitoring:

EPD has the power to enter at reasonable times any private or public property purpose of investigating conditions relating to dam safety.

Fees:

Refer to Chapter 2.2 (one-stop permitting process).

Appeals Process:

Refer to Chapter 2.2 (one-stop permitting process).

Enforcement/Penalties:

When there is reason to believe that a violation of the Safe Dams Act, the regulations, or an applicable permit exists, EPD has the authority to issue an administrative order stating the necessary corrective action(s) to be taken. A hearing before EPD's Administrative Review Officer may be requested within 30 days of the issuance of any such order.

The EPD may also apply for an injunction to enjoin any violations of the Safe Dams Act and any applicable regulations, permits, or orders.

Any person who violates the provisions of the Safe Dams Act or intentionally or negligently fails or refuses to comply with a final administrative or emergency order is liable to a civil penalty not to exceed \$1,000 for each violation and an additional penalty not to exceed \$500 for each day during which a violation continues.

Also, any person who violates any provision of the Safe Dams Act may be found guilty of a misdemeanor. Each day of a continuing offense constitutes a separate offense.

Additional Procedures:

1. Dam Removal:

Persons wishing to remove a dam must obtain the approval of the Director of EPD prior to any such action.

2. Emergency Procedures:

The Director of EPD may immediately take emergency measures, such as lowering a reservoir, to protect life and property if there is insufficient time for normal administrative procedures.

ECOLOGICAL/SOCIAL PRESERVATION

6.0 ECOLOGICAL/SOCIAL PRESERVATION

Unique ecological and cultural features enhance the quality of life and are often the focus of special legislation. The federal government and many states have enacted laws specifically to protect special features and resources such as threatened and endangered species, wetlands, and archeological and historical resources. Georgia has also recognized the importance of these special resources and has enacted laws specifically to preserve these resources. These laws are detailed in the following chapters.

6.1 Rare and Endangered Species

INTRODUCTION

The state of Georgia has enacted several laws pertaining to the classification and protection of endangered, threatened, rare or unusual species. The Department of Natural Resources (DNR) is authorized to administer the provisions of the state laws and the corresponding rules and regulations. Georgia law has established a regulatory program and review process associated with other state permit programs to provide for the protection of certain identified species and their habitat. Georgia maintains its own list of protected species.

AUTHORIZING STATUTE(S)

I. FEDERAL:

Endangered Species Act of 1973 (P.L. 93-205, as amended)

II. STATE:

Georgia Code 43-18 Wildflower Preservation Act of 1973; Georgia Code 43-21 Endangered Wildlife Act; Georgia Code 45-102 The 1977 Amendments to the Game and Fish Code.

TITLE OF REGULATION

Official Compilation, Rules and Regulations of the State of Georgia, Chapter 391-4-10. Administrative Guidelines for Protected Species Review; Protection of Endangered, Threatened, Rare, or Unusual Species

ADMINISTERING AGENCY

Department of Natural Resources
Fish and Game Division
270 Washington Street, S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

The acts cited above and the corresponding regulations are applicable throughout Georgia to all species of plant and animal life which have been designated by DNR as protected. Protected species are further classified as endangered, threatened, rare, or unusual.

II. REGULATORY REQUIREMENTS

The regulations concerning protected species adopted in conformance with state laws outline criteria and procedures for the determination as to whether any resident species is endangered, threatened, rare, or unusual. The criteria used by DNR are:

1. The present or threatened destruction, modification, or curtailment of its habitat;

2. Over-utilization for commercial, sporting, scientific, or educational purposes
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; and
5. Other natural or man-made factors affecting its continued existence.

Any member of the public may nominate a species for consideration by submitting an application for nomination to DNR, along with all supporting data. If DNR determines that review is warranted, additional data are solicited from all relevant sources and notice of the nomination is published in the DNR news release. After all available scientific and commercial data are evaluated, a tentative determination is made regarding the status of the nominated species.

If the nominated species is determined by DNR not to warrant review or not to be endangered, threatened, rare, or unusual, the person making the nomination is notified in writing of such determination. If the nominated species is tentatively determined by DNR to warrant protection, public notice is given by publishing the proposal in the DNR news release and by any other method required by the Georgia Administrative Procedures Act. DNR will also distribute a public notice to all persons who have requested to be placed on the mailing list. A minimum of 20 days is allowed for public comment, during which time a public hearing may be requested. Following the public comment period and review of any additional data, DNR will submit its recommendation to the Board of Natural Resources no later than one year after the initial nomination of the species. The Board will determine the appropriate classification.

The rules and regulations also provide for the acquisition of land for the protection of valuable habitat through several mechanisms. Prohibited acts are also outlined in the regulations. The Georgia List of Protected Species of Plants and Animals is contained in section 391-4-13-.09 of the Rules and Regulations of the State of Georgia.

The Administrative Guidelines for Protected Species Review outlines the procedures that state agencies must follow concerning the review for state permits. Planning documents presented for permit review should include the results of site surveys conducted to determine the presence or absence of protected species and proposed mitigation measures or project alternatives if protected species are found. Mitigation measures need to be clearly described and submitted to DNR for approval. Since any two projects may differ significantly, review of projects and any subsequent mitigation plans proceed on a case by case basis.

III. PERMIT REQUIREMENTS

Georgia state law generally establishes a regulatory program and review process in order to protect certain identified species. However, in certain instances, a permit can be obtained from DNR to allow the collection of protected plants and animals for scientific purposes. Interested individuals should contact the Fish and Game Division for details concerning collection permits.

6.2 Wetlands

INTRODUCTION

Wetlands protection in Georgia is provided under the following statutes:

1. The Coastal Marshlands Protection Act (Georgia Code 43-24), which regulates construction, filling and any other alteration of marshlands.
2. The Georgia Water Quality Control Act (Georgia Code 17-5) regulates discharges of pollutants into state waters which may affect the biological integrity of wetlands.

For more specific details on these Acts and applicable regulations, refer to Chapter 5.4 (Coastal Zone Regulations) and Chapter 3.2 (Water Quality Standards).

6.3 Archaeological and Historical Resources

INTRODUCTION

In Georgia, several laws pertain to the protection of archeological and historical resources. These laws are mainly concerned with the preservation and/or acquisition of historically significant properties. At present, state regulations and permits are not a part of the historic preservation program in Georgia.

AUTHORIZING STATUTE(S)

I. FEDERAL:

National Historic Preservation Act of 1966, (P.L. 89-665, as amended);
Tax Reform Act of 1976, (P.L. 94-455)

II. STATE:

Georgia Historical Commission and The Georgia Antiquities Act, Georgia Code 40-8A; Heritage Trust Act, Georgia Code 43-23; Facade and Conservation Easement Act of 1976; Georgia Historic Preservation Act, Georgia Code 23-26A; Executive Reorganization Act of 1972.

ADMINISTERING AGENCIES

State Historic Preservation Officer
Department of Natural Resources
270 Washington Street, S.W., Room 701
Atlanta, Georgia 30334
404/656-2840

State Archeologist
West Georgia College
Carrollton, Georgia 30117
404/834-6835

SUMMARY OF LEGISLATION

1. Georgia Historical Commission and The Georgia Antiquities Act; Executive Reorganization Act of 1972

During the past 50 years the agency which represents the state interest in historic resources has evolved from an Advisory Board to the State Geologist to an Historical Commission. Most recently, the Executive Reorganization Act of 1972 transferred the functions of the Historical Commission to the Department of Natural Resources.

The Historic Preservation Section of the Department of Natural Resources was established in order to protect and preserve the cultural and historic resources of the state of Georgia. The duties of the Historic Preservation Section include administering the state's involvement in the National Register Program, promoting knowledge of state history and coordinating preservation activities of both the public and private sectors.

Generally, the Historic Preservation Section serves as a review agency for federally funded, licensed or sponsored projects which may impact historic, structural and archeological resources on or eligible for the

National Register of Historic Places. At present there is no review of state funded or permitted projects by the Historic Preservation Section.

In 1969, the Georgia Antiquities Act was added to the Act which created the Georgia Historical Commission. This act provides for the salvage of underwater archaeological sites by allowing the state to enter into contracts with qualified persons for this salvage. The act also allows the state to acquire historic easements on property which is not publicly owned. These easement rights allow the state to investigate the possible sites before destruction occurs.

2. Heritage Trust Act

In 1975, the Heritage Trust Commission was created by the Heritage Trust Act as the responsibility of the Governor and the Department of Natural Resources. This commission is authorized to acquire heritage areas in the name of the State and manage and operate those areas. State funds are appropriated to purchase certain real property of unique significance.

3. Facade and Conservation Easement Act of 1976

This statute provides that individuals may voluntarily restrict or limit the use of their real property by granting easements "to any governmental body or charitable or educational corporation, trust or organization which has the power to acquire interests in land." Owners of historically or architecturally significant structures may agree not to change the appearance of their structure. This Act also provides that this encumbrance shall be reflected in the property tax assessment. Thus, the property will be valued for tax purposes at a reduced assessment equal to the reduction in value due to the donation of the easement. This Act has not been used in Georgia at present and its implications are being reviewed by the State Attorney General.

4. Georgia Historic Preservation Act

The most recent Georgia legislation which pertains to the preservation of historic resources is the Georgia Historic Preservation Act. This statute provides a uniform procedure that may be used by counties and municipalities to establish local historic preservation commissions and districts. Since the provisions of this act are implemented at the local level, persons whose projects may impact historic resources are advised to consult with the appropriate county or municipal governments for details of any local historic preservation programs.

6.4 Erosion and Sedimentation Control

INTRODUCTION

The Georgia Erosion and Sedimentation Act of 1975 as amended provides for the establishment and implementation of a statewide comprehensive soil erosion and sediment control program to conserve and protect land, water, air and other resources of the state. The Act provides for the governing authority of each county and municipality to adopt ordinances governing land-disturbing activities within their boundaries. Currently, 115 counties and 280 incorporated municipalities are certified as issuing authorities. In those jurisdictions which have no local erosion and sedimentation control ordinance, the Act and the corresponding rules and regulations are administered by the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources.

AUTHORIZING STATUTE(S)

I. FEDERAL:
N/A

II. STATE:
Georgia Code 5-2301a et seq. Georgia Erosion and Sedimentation Control Act of 1975 as amended

TITLE OF REGULATION

Rules and Regulations for Erosion and Sedimentation Control, Chapter 391-3-7 Official Compilation, Rules and Regulations of the State of Georgia

ADMINISTERING AGENCY

Department of Natural Resources
Environmental Protection Division
270 Washington Street, S.W.
Atlanta, Georgia 30334
404/656-4713

SUMMARY OF REGULATION

I. APPLICABILITY

The rules and regulations for erosion and sedimentation control apply only in those jurisdictions where EPD is the issuing authority. Local ordinances and/or rules apply where EPD has certified local government as the issuing authority.

II. REGULATORY REQUIREMENTS

The rules and regulations concerning erosion and sedimentation control in Georgia establish exempted land-disturbing activities, application procedures and requirements for permits, and minimum requirements for erosion and sedimentation control. Inspection and enforcement procedures are also outlined.

Most land-disturbing activities, except those on federal or state lands,

require approval of an erosion and sedimentation control plan. Other activities that are specifically exempted from the requirements include:

1. Surface mining;
2. Granite quarrying and associated land clearing;
3. Minor gardening or landscaping;
4. Individual, single-family house construction;
5. Agricultural and forestry practices;
6. Projects supervised by the Soil Conservation Service of the USDA;
7. Any project less than 5 acres unless within 200 feet of state waters which drain a land area of at least 100 square miles;
8. Construction or maintenance undertaken by the Department of Transportation, Georgia Highway Authority, Georgia Tollway Authority, county or municipal governments, or any sewer or water authority;
9. Activities undertaken by any airport authority; and
10. Any utility under the regulatory jurisdiction of the Public Service Commission.

The rules and regulations also outline specific erosion control measures pertaining to activities such as vegetation stripping, regrading, cut and fill operations, and construction of sediment basins and silt traps. Specifications for these measures are included in the publication "Manual for Erosion and Sediment Control in Georgia."

III. PERMIT REQUIREMENTS

Application:

An application for a permit to conduct land disturbing activities shall be submitted to the EPD on prescribed forms. The application must be accompanied by an Erosion and Sediment Control Plan. In areas where a local ordinance has been adopted in conformance with the state law, applications can be submitted to the appropriate permit issuing authority.

Information Required:

The plan for the land disturbing activity must consider the interrelationship of the soil types, geological characteristics, hydrological characteristics, topography, watershed, vegetation, and proposed permanent structures. The plan must also include narratives, maps and drawings, activity schedules, and other supporting data as necessary to present a complete understanding of the proposed land-disturbing activity. Local requirements may vary.

Review and Processing:

Following receipt of a complete application and erosion and sediment control plan, the permit issuing authority submits the application and plan to the appropriate Soil and Water Conservation District for its review and recommendation. A permit will be issued upon receipt of the approved plan from the Soil and Water Conservation District and after the permit-issuing authority affirmatively determines that the plan is in compliance with state or local law and appropriate rules and regulations. Upon denial of a permit, the issuing authority must state in writing to the applicant the reasons for denial of the permit.

Fee:

None for EPD. Local requirements may vary.

Time Requirement:

Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt of a complete application and plan.

Appeal Process:

All hearings and appeals concerning orders, permits, or enforcement actions by EPD shall be provided and conducted in accordance with the Executive Reorganization Act of 1972 (Georgia Laws 1972, p. 1015). Local procedures may vary.

LOCAL REGULATORY POLICY

7.0 LOCAL REGULATORY POLICY

Traditionally, land use control and zoning have been matters of concern for local governments. In Georgia, this is reflected in state enabling legislation which provides for the establishment of local planning organizations. In addition, Area Planning and Development Commission (APDC's) have been established to promote regional coordination of government activity through the A-95 review process.

7.1 Local Government Land Use Enabling Laws

INTRODUCTION

In this section a brief summary of the legal basis for community planning and land use controls is presented. This information has been extracted from "A Guide to Community Planning in Georgia" which was prepared in 1976 by the Georgia Department of Community Affairs.

AUTHORIZING STATUTES

I. FEDERAL: N/A

II. STATE: Georgia Code Ann. Chapter 69-8; General Planning Enabling Act of 1946. General Planning Enabling Act of 1957 (Georgia Laws 1957, pp. 420, 421)

SUMMARY OF LEGISLATION

I. GENERAL ENABLING LEGISLATION

Georgia passed its first general enabling act in 1946 (Ga. Laws 1946, p. 191 et seq., Ga. Code Ann. Chapt. 69-8), which was patterned after a U. S. Department of Commerce model act, the Standard State Zoning Enabling Act, published in 1922. The 1946 act recognized the authority of previously legislated planning and zoning, and allowed such activities to continue unchanged. While a comprehensive plan was not called for in the Act, it provided for a municipal planning board, the zoning ordinance, the board of adjustment, the non-conforming use, suggested subdivision regulation, and the official map. Many cities in Georgia still use this 1946 act as a basis for their planning and zoning.

A changing federal emphasis toward local community planning spurred the passing of Georgia's next enabling legislation in 1957 (Ga. Laws 1957, p. 420, 421). Patterned after the 1928 Standard City Planning Enabling Act published by the Department of Commerce, the 1957 Act created and authorized planning commissions for cities and counties.

The 1957 Act differs from the 1946 law in that it requires planning studies as a basis for regulation. It establishes the duty of the planning commission to make careful and comprehensive surveys and studies of existing conditions and probable future developments. Additionally, the planning commission is to prepare such plans for physical, social, and economic growth as will best promote the general welfare and efficiency in the development of the jurisdiction.

Following this comprehensive planning effort, the Act provides for development control and regulatory functions in zoning and subdivisions and for the use of an official map to preserve land for streets, public building sites, and public open spaces.

II. CONSTITUTIONAL PROVISIONS

Three sections of the State Constitution address city and county planning and zoning. These are:

1. Article 3, Section 7, Paragraph 23 gives the General Assembly the authority to grant power to the governing authorities of municipalities and counties to pass zoning and planning laws.
2. Article 15, Section 2, Paragraph 3 (Amendment ratified in November 1966) empowers the governing authority of each county to enact, for unincorporated areas of the county, appropriate planning and zoning ordinances.
3. Article 9, Section 3, Paragraph 11 (Amendment ratified in November 1972) allows counties and municipalities to exercise planning and zoning powers, and provide planning and zoning services (as well as 14 other services) in addition to any powers already conferred upon and possessed by the counties and municipalities or any combination thereof.

The strongest grant for planning and zoning within the present Constitution is the 1972 Amendment (#3 above).

It should be noted that the General Assembly's Constitutional Revision Committee is considering certain changes to the constitution that may affect local planning and zoning powers. However, any changes which may be approved by the General Assembly must be approved by the voters in a referendum in November 1982 and would not become effective until July 1983.

III. LEGISLATIVE PROVISIONS

There is no single mandate for granting planning and zoning power in Georgia. The constitution provides enabling power, as does state legislation. Neither the 1946 nor 1957 general enabling legislation made it mandatory for local governments to cease using other grants of power which had been in effect prior to 1946. At the present time, cities and counties have the option of using either Constitutional or legislative enabling provisions. Today many cities operate under population and local acts, as well as local constitutional amendments. These various grants of authority are all in effect in Georgia today.

A recent legislative study has recommended the 1957 act as the clearest mandate for action:

If there is public concern and interest in making the authority for planning and zoning rest upon a single enactment, then it is the recommendation of this report that with some minor changes, the Planning Commission Act of 1957 be used. This act contains the broadest power of zoning, and in addition provides the basis for subdivision regulation and the official map...

The 1957 act is the most appropriate criteria for planning and zoning in Georgia and should be followed in establishing and operating a local planning commission.

7.2 Substate Management Districts

INTRODUCTION

Georgia Act 1066 of 1970 established the state clearinghouse mechanism in Georgia. As part of Act 1066, 17 Area Planning and Development Commissions (APDC's) and five metropolitan clearinghouses have been established.

The APDC's function as areawide or regional clearinghouses in the A-95 process. The Metropolitan clearinghouses have been designated by the State Office of Planning and Budget as appropriate agencies to perform functions under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Coordination Act of 1968 and O.M.B. Circular A-95 in metropolitan areas. The metropolitan clearinghouses carry out A-95 procedures simultaneously with state and regional procedures.

There are presently 200 federal aid programs which require proposed projects to be reviewed by the State Clearinghouse, the APDC's, and the metropolitan clearinghouses serving the impacted area. The clearinghouses have an advisory function and cannot veto or approve projects, but their comments are essential for the projects to be considered by the federal funding agency. The federal agencies will not approve any project subject to O.M.B. Circular A-95 which has not been commented on by the appropriate clearinghouses.

AUTHORIZING STATUTES:

I. FEDERAL:

Demonstration Cities and Metropolitan Development Act of 1966, Section 204. Intergovernmental Coordination Act of 1968, Title IV.

II. STATE:

Georgia Act 1066 of 1970

TITLE OF REGULATION

Office of Management and Budget Circular A-95

ADMINISTERING AGENCIES

1. Regional Clearinghouses (APDC's)

Altamaha Georgia Southern APDC
P.O. Box 328
Baxley, Georgia 31513

Central Savannah River APDC
P.O. Box 2800
Augusta, Georgia 30904
404/738-5337

Chattahoochee-Flint APDC
P.O. Box 1363
LaGrange, Georgia 30240
404/882-2956

Coastal APDC
P.O. Box 1316
Brunswick, Georgia 31520

Coastal Plain APDC
P.O. Box 1223
Valdosta, Georgia 31601
912/247-3494

Coosa Valley APDC
P.O. Drawer H
Rome, Georgia 30161
404/234-8507

Georgia Mountains APDC
P.O. Box 1720
Gainesville, Georgia 30501

Heart of Georgia APDC
501 Oak Street
Eastman, Georgia 31023
912/374-4771

Lower Chattahoochee APDC
P.O. Box 1908
Columbus, Georgia 31901
404/324-4221

Middle Flint APDC
P.O. Box 6
Ellaville, Georgia 31806
912/928-1204

McIntosh Trail APDC
P.O. Box 241
Griffin, Georgia 30223
404/227-3096

Middle Georgia APDC
711 Grand Building
Macon, Georgia 31201
912/743-5862

Northeast Georgia APDC
305 Research Drive
Athens, Georgia 30601
404/548-3141

Oconee APDC
P.O. Box 707
Milledgeville, Georgia 31061

Southeast Georgia APDC
P.O. Box 1276
Waycross, Georgia 31501
912/283-3831

Southwest Georgia APDC
P.O. Box 346
Camilla, Georgia 31730
912/336-5616

North Georgia APDC
212 Pentz Street
Dalton, Georgia 30720
404/226-1672

2. Metropolitan Clearinghouses

Atlanta Regional Commission
Suite 910
100 Peachtree St., N.W.
Atlanta, Georgia 30303

Albany-Dougherty County Planning Department
P.O. Box 1827
Albany, Georgia 31702
912/435-2216

Metropolitan Council of Governments of
Aiken and Richmond Counties
P.O. Box 6763
North Augusta, South Carolina 29841
404/279-9401

Chattanooga Area Regional Council of Governments
423 James Building
735 Broad Street
Chattanooga, Tennessee 37402
615/266-5781

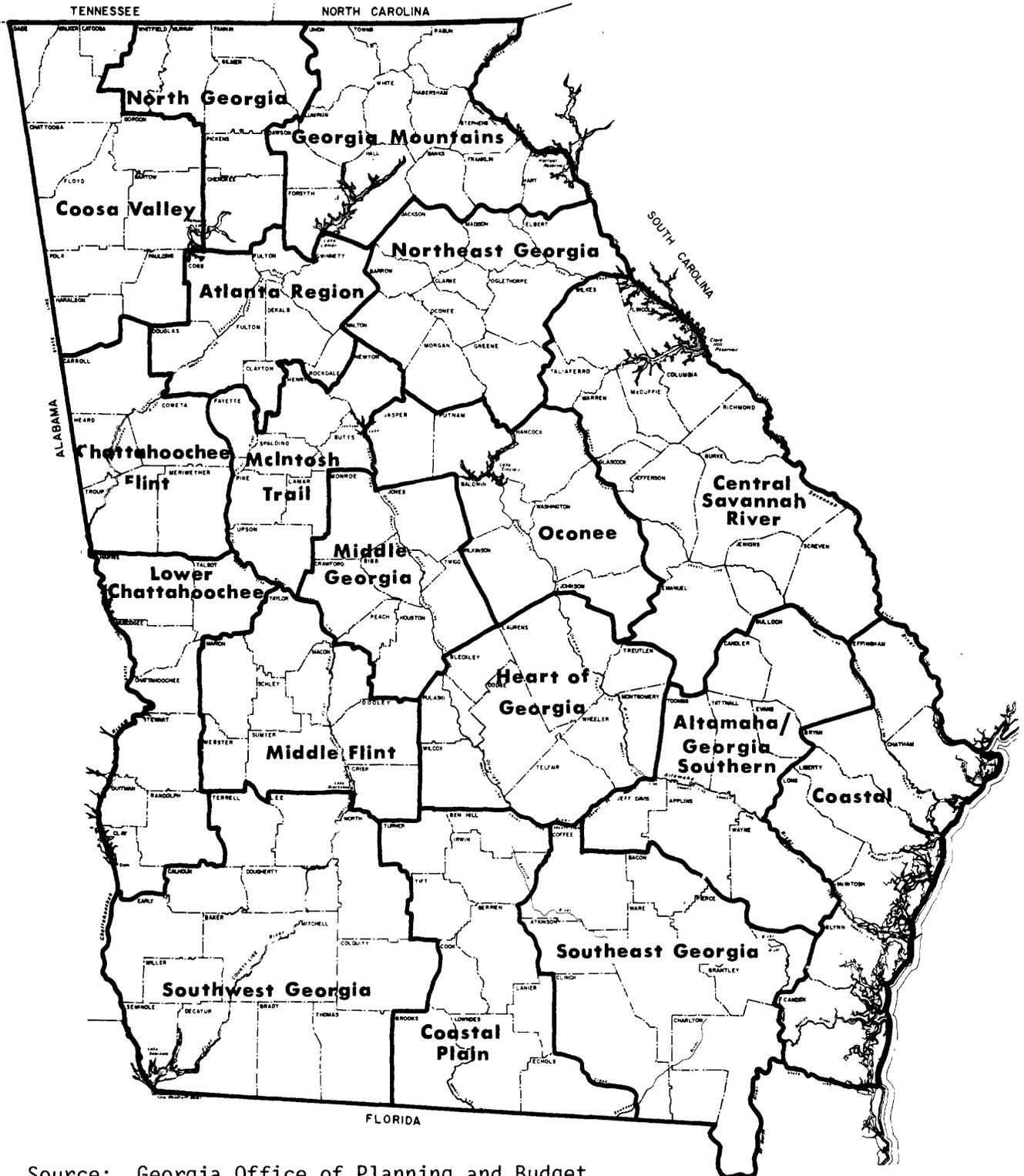
Chatam County-Savannah Metropolitan Planning Commission
P.O. Box 1027
Savannah, Georgia 31402
912/236-9523

SUMMARY OF REGULATION

For a detailed description of the A-95 clearinghouse process, refer to Chapter 2.1.

AREA PLANNING AND DEVELOPMENT COMMISSIONS

(Effective July 1, 1972)



Source: Georgia Office of Planning and Budget