



Engineering Services Committee
Meeting

Commission Chamber- 3/12/2012- 1:00 PM

ENGINEERING SERVICES

1. Approve adoption of the revised Soil Erosion, Sedimentation and Pollution Control Ordinance as requested by AED. ☐ [Attachments](#)

2. Approve Change Number Eleven and Supplemental Agreement Eleven (CPB #323-04-299823766& #323-04-204823786) in the amount of \$94,923.00 for the Windsor Spring Road, Section IV & Section V Reconstruction project to Jacobs Engineering Group, Inc. Funding is available in the project account for the Engineering Department. ☐ [Attachments](#)

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**Engineering Services Committee Meeting
3/12/2012 1:00 PM**

Revision of Augusta Soil Erosion, Sedimentation and Pollution Control Ordinance

Department:	Abie L. Ladson, PE, CPESC, Director
Caption:	Approve adoption of the revised Soil Erosion, Sedimentation and Pollution Control Ordinance as requested by AED.
Background:	On February 16, 2012, the Georgia Environmental Protection Division (EPD) re-issued the Augusta Georgia Municipal Separate Storm Sewer System (MS4) Draft National Pollution Discharge Elimination System (NPDES) Permit. The permit requires Augusta, Georgia to adopt measures for addressing surface runoff water quality management. These new requirements apply to any land disturbing activity of 5,000 square feet of land or greater. Compliance with the Permit's new requirement warrants revision to current Erosion, Sedimentation and Pollution Control Ordinance (ES&PC Ordinance). Also, the Local Issuing Authority is assigned to Augusta, Georgia for effective management of Augusta Erosion, Sedimentation and Pollution Control program and MS4 Stormwater Management Plan.
Analysis:	AED is responsible for management and compliance of Augusta Area-Wide NPDES MS4 permit. AED is also responsible for management of ES&PC Ordinance including plan review, field activities and compliance. Integrating management and compliance requirements for both programs (MS4 & ES&PC) are necessary and critical for optimizing utilization of available resources, and developing and implementing a cost effective compliance program.
Financial Impact:	No direct financial impact. Required activities will be integrated into AED's ongoing MS4 Stormwater Management Program.
Alternatives:	1) Approve adoption of the revised Soil Erosion, Sedimentation and Pollution Control Ordinance as requested by AED. 2) Do not approve and face possible enforcement action under NPDES MS4 compliance by the State and Federal agencies.

Recommendation: Approve Alternative Number One.

**Funds are Available
in the Following
Accounts:** N/A

REVIEWED AND APPROVED BY:

Finance.

Law.

Administrator.

Clerk of Commission

Please do not process this document. Once approved by the Commission the original will be sent to the Clerk of Commission for execution. For information reference this request, contact Engineering at ext 5070. Thanks

Ordinance No. _____

AN ORDINANCE TO AMEND THE HEALTH AND SANITATION SECTION OF TITLE 4, SECTION 2, OF THE AUGUSTA, GEORGIA CODE TO MODIFY ARTICLE 7, WHICH PROVIDES FOR SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Augusta, Georgia Code needs to be updated and revised;

WHEREAS, it is the desire of the Commission to update and improve the Augusta, Georgia Code to provide for Soil Erosion, Sedimentation and Pollution Control for citizens of Augusta-Richmond County;

THE AUGUSTA, GEORGIA BOARD OF COMMISSIONS hereby ordains as follows:

SECTION 1. AUGUSTA, GA CODE Section §4-2-7 adopted May 3, 2011, provides in Title 4, for Public Health, Section 2, Health and Sanitation, Articles 1 - 7. It is the desire of the Augusta, Georgia Board of Commissions that that Article 7 as set forth in "Exhibit A" hereto to be amended by striking "Exhibit A" its entirety and inserting in lieu thereof new 'Exhibit B' hereto.

SECTION 2. This ordinance shall become effective upon its adoption in accordance with applicable laws, in accordance with the AUGUSTA, GA CODE, attached hereto as "Exhibit A."

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed, except that nothing in this Ordinance shall be construed to repeal or modify Title 4, Public Health, Section 2, Health and Sanitation, Articles 1 – 6 in their entirety, contained in AUGUSTA, GA, CODE §§4-2-1 through 4-2-6.

SECTION 4. The Second Reading of this Ordinance is hereby Waived.

Adopted this _____ day of _____, 2012.

David S. Copenhaver
As its Mayor

Attest:

Lena J. Bonner,
Clerk of Commission

CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta-Richmond County Commission on _____, 2012 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Lena J. Bonner, Clerk of Commission

Published in the Augusta Chronicle.

Date: _____

First Reading: _____

Second Reading: Waived

Exhibit “A”

STRIKE:

~~Title 4, Public Health, Section 2, Health and Sanitation, Article 7~~

~~Soil Erosion, Sedimentation and Pollution Control Ordinance~~

~~SECTION I~~

~~TITLE~~

~~This ordinance will be known as “Augusta Georgia Soil Erosion, Sedimentation and Pollution Control Ordinance.”~~

~~SECTION II~~
~~DEFINITIONS~~

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

~~A. — DEFINITIONS:~~

~~1. — **Best Management Practices (BMPs):**~~

~~————— (a) These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” published by the Commission as of January 1st of the year in which the land disturbing activity was permitted.~~

~~————— (b) Best Management Practice also include, but are not limited to design specifications from the most recent publication of Georgia Stormwater Management Manual Published by Atlanta Regional Commission.~~

~~2. — **Board:** — The Board of Natural Resources.~~

~~3. — **Buffer:** — The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.~~

~~4. — **Certified Personnel:** — A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.~~

~~5. — **Commission:** — The Georgia Soil and Water Conservation Commission (GSWCC).~~

~~6. — **CPESC:** — Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control, Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.~~

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

8. ~~**Department:** The Georgia Department of Natural Resources (DNR).~~

9. ~~**Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.~~

10. ~~**Developer:** Refer to the person and persons, a cooperation, or other business applying for a permit to undertake land disturbing activity and performing development within the scope of this ordinance.~~

11. ~~**Development:** Refer to any activity which would alter the elevation of the land, remove or destroy plant life, cause a structure of any kind to be installed, erected, or removed, or a change of any kind from existing condition.~~

12. ~~**Director:** The Director of the Environmental Protection Division or an authorized representative.~~

13. ~~**District:** The Brier Creek Soil and Water Conservation District.~~

14. ~~**Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.~~

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

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

17. ~~**Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.D.&E. of this ordinance.~~

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

19. ~~**Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas~~

~~located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.~~

~~20. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.~~

~~21. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.~~

~~22. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.~~

~~23. **Land Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.~~

~~24. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.~~

~~25. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8. The LIA in Augusta is the Executive Director of the Augusta-Richmond County Planning Commission and the Engineering Department is an extension of the LIA with respect to plan review and enforcement.~~

~~26. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et. seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.~~

~~27. **Mulching:** Refers to the application of plant or other suitable materials in the soil surface to conserve moisture, hold the soil in place, and aid in establishing plant cover.~~

28. — **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

29. — **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

30. — **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.

31. — **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

32. — **One Hundred Year Floodplain:** Land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year (also referred to as “area of the 1% annual chance flood” on Augusta’s Flood Insurance Rate Maps — effective date September 25, 2009).

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

34. — **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

35. — **Permit:** The authorization necessary to conduct a land disturbing activity under the provisions of this ordinance.

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

37. — **Planning Commission:** The Augusta-Richmond County Planning Commission.

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

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

40. — **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

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

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

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

44. — **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Brier Creek Soil and Water Conservation District or LIA under MOA with Brier Creek Soil and Water Conservation District.

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

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

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

48. ~~**Stream bank:** The confining cut of a stream channel usually identified as the point where the normal stream flow has wrested the vegetation. For non-trout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.~~

49. ~~**Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.~~

50. ~~**Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.~~

51. ~~**Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:~~

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

~~Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.~~

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

53. ~~**Water Quality:** The chemical, physical, and biological characteristics of the State's water resources.~~

~~54. **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas~~

SECTION III EXEMPTIONS

~~(a) This ordinance shall apply to any land-disturbing activity undertaken by any person on any land within the jurisdiction of the Local Issuing Authority except and to the extent exempted by O.C.G.A. §12-4-17 and as provided under following subsection:~~

~~1. Surface mining, as the same is defined in O.C.G.A. §12-4-72, "The Georgia Surface Mining Act of 1968".~~

~~2. Granite quarrying and land clearing for such quarrying;~~

~~3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;~~

~~4. The construction of single family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section IV of this Ordinance O.C.G.A. §12-7-6 and this paragraph. For single family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. §12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;~~

~~5. Agricultural operations as defined in O.C.G.A. §1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits~~

or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

6. — ~~Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a buffer, as established in Section IV.E. of this ordinance, no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;~~

7. — ~~Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;~~

8. — ~~Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;~~

9. — ~~Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. §12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. §12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.~~

10. — ~~Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the~~

~~Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. §36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. §36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and~~

11. ~~Any public water system reservoir:~~

~~(b) The following projects are exempt from the permit requirements of section V of this article by O.C.G.A. §12-4-17, however, any land disturbing activities conducted as part of any such project shall submit individual lot drainage plan including proposed changes in lot grade to the Augusta Engineering Department prior to getting a building permit and conform to the minimum requirements as set forth in section IV of this article, including, but not limited to, the implementation of BMPs.~~

~~(1) The construction of a single family residence or commercial lot or institutional lot, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section.~~

SECTION IV

MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS:

~~Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV.B. D. & E. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to~~

~~prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit~~

~~B. MINIMUM REQUIREMENTS/ BMPs/MONITORING REQUIREMENTS:~~

~~1. Best management practices as set forth in Section IV.B. D. & E. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. §12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. §12-7-6 subsection (b).~~

~~2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. §12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.~~

~~C. VIOLATIONS:~~

~~1. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.~~

~~2. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.~~

~~3. Failure to perform turbidity monitoring or to submit monitoring results as required under the state general permit(s) applicable to the project shall be a violation of this article for each day on which such failure occurs or continues.~~

~~4. If any person commences any land-disturbing activity requiring a land-disturbing permit as described in this article without first obtaining said permit, the person shall be in violation of this Article for each day on which such land-disturbing activity occurs.~~

~~5. Conducting land-disturbing activity in any manner prohibited by or inconsistent with the requirements of this article shall constitute a separate violation of this article for each day on which such prohibited or inconsistent activity occurs or continues.~~

~~D. REQUIREMENTS:~~

~~The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter and O.C.G.A. §12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:~~

~~1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;~~

~~2. Cut fill operations must be kept to a minimum;~~

~~3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;~~

~~4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;~~

~~5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;~~

~~6. Disturbed soil shall be stabilized as quickly as practicable;~~

~~7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;~~

~~8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;~~

~~9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. §12-7-1 et. seq.;~~

~~10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;~~

~~11. Cuts and fills may not endanger adjoining property;~~

~~12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;~~

~~13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;~~

~~14. Land disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance~~

~~E. BUFFERS:~~

~~1. Except as provided in O.C.G.A. §12-7-6(b)(16) for trout streams, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except i) where the Director determines to allow a variance that is at least as protective of natural resources and the environment, ii) where otherwise allowed by the Director pursuant to O.C.G.A. §12-2-8, iii) where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or iv) along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:~~

~~(a) No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation~~

~~in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and~~

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

~~2. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:~~

~~—— (a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and~~

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

~~F. — LOCAL ISSUING AUTHORITY:~~

~~Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV.B. D. & E. of this ordinance.~~

~~G. — LAND-DISTURBING ACTIVITY:~~

~~The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.~~

SECTION V

APPLICATION/PERMIT PROCESS

~~A. — GENERAL:~~

~~The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner or operator with owner written consent is the only party who may obtain a permit.~~

~~B. — APPLICATION REQUIREMENTS:~~

~~1. — No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Augusta Georgia without first obtaining a Land Development Permit (LDA) from the Local Issuing Authority to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable. This also applies to mass grading activities at individual lots within a common development such as subdivision and a builder shall obtain a Land Disturbing Permit as well as a building permit to commence construction.~~

~~2. — The application for a permit shall be submitted to the Local Issuing Authority and must include the applicant's erosion, sedimentation and pollution control plan with a completed checklist and supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V.C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV.B. D. & E. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by six (6) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall~~

contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

3. ~~An administrative fee, in the amount of \$5.00 per disturbed acre (or portion thereof) shall be charged by the Local Issuing Authority for each project requiring a permit under this article. The administrative fee shall be paid at the time the plan is submitted to the Local Issuing Authority. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. §12-5-23, provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. §12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. §12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.~~

4. ~~Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV.E. has been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the County and the District have entered into an agreement which allows the County to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.~~

5. ~~Denial of Permit: If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.~~

6. ~~Bond Requirement: The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing~~

~~activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.~~

~~C. PLAN REQUIREMENTS:~~

~~1. Plans must be prepared to meet the minimum requirements as contained in Section IV.B. D. & E. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. §12-7-20.~~

~~2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land disturbing activity was permitted. These check lists are included in this Ordinance by reference. A filled copy of applicable checklist shall be submitted with the plan.~~

~~3. Maps, drawings, and supportive computations shall bear the signature/seal of certified design professional.~~

~~4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibilities of the property owner.~~

~~5. Plot plans for single family homes on individual lots shall illustrate the best management practice the contractor will implement during construction to prevent soil erosion and damage to adjoining properties as result if erosion; the plot plan shall illustrate the method for controlling onsite drainage and permanently stabilizing the disturbed soil upon completion of construction. Onsite drainage shall be away from the foundations through and towards a define drainage system. Direction of onsite flow to be indicated by arrows. Plot plans also include contractor name, street name and property address, lot dimensions drawn to scale, all easements, existing drainage features, structures footprints, building setback dimensions, BMPs to be implemented, offsite system receiving onsite drainage, 100-year floodplain, sensitive areas including wetlands, state water within 200 feet of the site, and applicable state water buffers. Aforementioned~~

BMPs and drainage requirements also apply to plot plans for individual lots that are part of a larger common plan of development (such as residential or commercial subdivision).

~~D. PERMITS:~~

- ~~1. Permits shall be issued or denied as soon as practicable but in any event not later than forty five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.~~
- ~~2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV.E. are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Augusta, Georgia are met. If the permit is denied, the reason for denial shall be furnished to the applicant.~~
- ~~3. Any land disturbing activities by the Local Issuing Authority or the Augusta, Georgia shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons.~~
- ~~4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.~~
- ~~5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the land disturbing activity is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor is in violation of this ordinance. A holder of a permit shall notify any successor as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.~~
- ~~6. The Local Issuing Authority may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. §12-7-7(f)(1).~~
- ~~7. No permit shall be issued unless the applicant provides a statement by the Richmond County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.~~
- ~~8. Approved ES&PC Plan is valid for two years from the date it was issued in conjunction with the approved Site Plan or approved Development Plan. However,~~

~~any project that has not begun construction within one year of issuance of the Land Disturbing Permit shall be required to submit an updated ES&PCP Plan for review and approval. The updated ES&PCP Plan must be submitted 30 days prior to the anticipated start of construction.~~

~~SECTION VI~~

~~INSPECTION AND ENFORCEMENT~~

- ~~A. The Augusta Engineering Department, as an extension of the Local Issuing Authority, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.~~
- ~~1. Residential Construction of Individual Lots: The License and Inspection Department will inspect for compliance with this Ordinance for residential construction on individual lots. If a project is deemed not in compliance with the approved plot plan, the contractor and builder will be issued a written notice to comply with the approved plan. If the contractor/builder engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.~~
- ~~B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.~~
- ~~C. The Local Issuing Authority and Augusta Engineering Department, as an extension of the LIA, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.~~
- ~~D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority and Augusta Engineering Department, as an extension of the~~

~~LIA, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.~~

- ~~E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. §12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.~~
- ~~F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to §12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. §12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. §12-7-7 (c), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.~~

SECTION VII

PENALTIES AND INCENTIVES

~~A. REVOCATION OF AUTHORIZATIONS TO CONDUCT BUSINESS:~~

~~If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.~~

~~B. STOP WORK ORDERS:~~

~~1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. A notice may be in any written form, including without limitation, a memo, letter, directive or citation to appear in Magistrate Court. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing~~

~~Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;~~

~~2. — For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;~~

~~3. — All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.~~

~~4. — When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued by the the Local Issuing Authority or by the Director or his or her Designee without issuing prior written notices. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.~~

~~C. — BOND FORFEITURE:~~

~~If the Local Issuing Authority determines that a person engaged in land-disturbing activities at a project where a Bond was required pursuant to Section V has failed to comply with the approved plan, the party responsible for the securing the bond shall be deemed in violation of this Ordinance and a written warning notice to comply shall be served upon that person. The warning notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, in addition to other penalties applicable under this Ordinance, he shall be deemed to have forfeited his performance bond. The Local Issuing Authority may call the bond or any part thereof to be forfeited and use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.~~

~~D. — MONETARY PENALTIES:~~

~~1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally~~

~~fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, the Magistrate Court of Richmond County is authorized under §O.C.G.A. 12-7-15 to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.~~

~~2. Under provision of this section, any person who continue to violate this Ordinance, or knowingly and intentionally becoming a habitual violator on the same or different site, will be liable for a civil penalty not to exceed \$2,500.00 per day.~~

~~3. Penalties, less court costs, shall be returned to Augusta Georgia for depositing into the NPDES account.~~

SECTION VIII

EDUCATION AND CERTIFICATION

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

SECTION IX
~~ADMINISTRATIVE APPEAL—JUDICIAL REVIEW~~

~~A. ADMINISTRATIVE REMEDIES:~~

~~The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority, or the issuance of a stop work order, or the determination to call a bond pursuant to this Ordinance upon finding that the holder is not in compliance with the approved erosion, sedimentation and Pollution control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any ordinance, shall entitle the person submitting the plan or holding the permit to a hearing before the Augusta Commission within 30 days after receipt by the Local Issuing Authority of written notice of appeal. A notice of appeal pursuant to this subsection must be delivered to the clerk of the Augusta Georgia Commission within 20 days of the denial, suspension, revocation, unilateral modification, grant with a condition of a permit, or notice of calling a bond by the Local Issuing Authority, of the issuance of a stop work order pursuant to this Ordinance.~~

~~B. JUDICIAL REVIEW:~~

~~Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal *denovo* to the Superior Court of Richmond County, Georgia.~~

SECTION X
~~EFFECTIVITY, VALIDITY AND LIABILITY~~

~~A. EFFECTIVITY:~~

~~This ordinance shall become effective on the _____ day of _____, 2010; all Ordinance or part of ordinances in conflict with this Ordinance are hereby repealed.~~

~~B. VALIDITY:~~

~~If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.~~

~~C. LIABILITY:~~

~~1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor~~

~~impose any liability upon the Local Issuing Authority, Augusta, Georgia or District for damage to any person or property.~~

~~2. The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.~~

~~3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.~~

Exhibit “B”

REPLACE WITH:

Title 4, Public Health, Section 2, Health and Sanitation, Article 7

Soil Erosion, Sedimentation and Pollution Control Ordinance

SECTION I
TITLE

This ordinance will be known as “Augusta Georgia Soil Erosion, Sedimentation and Pollution Control Ordinance.”

SECTION II
DEFINITIONS

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

A. DEFINITIONS:

1. **Best Management Practices (BMPs):**

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

(b) Best Management Practice also include, but are not limited to design specifications from the most recent publication of Georgia Stormwater Management Manual Published by Atlanta Regional Commission.

2. **Board:** The Board of Natural Resources.

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

4. **Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

5. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).

6. **City:** The Augusta, Georgia (formerly known as Augusta-Richmond County)

7. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control, Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. **Department:** The Georgia Department of Natural Resources (DNR).
10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.
11. **Developer:** Refer to the person and persons, a cooperation, or other business applying for a permit to undertake land-disturbing activity and performing development within the scope of this ordinance.
12. **Development:** Refer to any activity which would alter the elevation of the land, remove or destroy plant life, cause a structure of any kind to be installed, erected, or removed, or a change of any kind from existing condition.
13. **Director:** The Director of the Environmental Protection Division or an authorized representative.
14. **District:** The Brier Creek Soil and Water Conservation District.
15. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
16. **Drainage Structure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
17. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
18. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.D.&E. of this ordinance.
19. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

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

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

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

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

24. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

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

26. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8. The LIA in Augusta is the City Administrator or an authorized representative.

27. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et. seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

28. **Mulching:** Refers to the application of plant or other suitable materials in the soil surface to conserve moisture, hold the soil in place, and aid in establishing plant cover.

29. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

30. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

31. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.

32. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

33. **One Hundred Year Floodplain:** Land in the floodplain subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year (also referred to as “area of the 1% annual chance flood” on Augusta’s Flood Insurance Rate Maps – effective date September 25, 2009).

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

35. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

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

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

38. **Planning Commission:** The Augusta-Richmond County Planning Commission.

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

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

41. **Properly Designed:** Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

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

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

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

45. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Brier Creek Soil and Water Conservation District or LIA under MOA with Brier Creek Soil and Water Conservation District.

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

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

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

49. **Stream bank:** The confining cut of a stream channel usually identified as the point where the normal stream flow has wrested the vegetation. For non-trout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.

50. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

51. **Trout Streams:** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

52. **Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

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

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

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

54. **Water Quality:** The chemical, physical, and biological characteristics of the State's water resources.

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

SECTION III **EXEMPTIONS**

(a) This ordinance shall apply to any land-disturbing activity undertaken by any person on any land within the jurisdiction of the Local Issuing Authority except and to the extent exempted by O.C.G.A. §12-4-17 and as provided under following subsection:

1. Surface mining, as the same is defined in O.C.G.A. §12-4-72, "The Georgia Surface Mining Act of 1968".

2. Granite quarrying and land clearing for such quarrying;

3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section IV of this Ordinance O.C.G.A. §12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. §12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. §1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits

or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Section IV.E. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. §12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. §12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the

Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. §36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. §36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir:

(b) The following projects are exempt from the permit requirements of section V of this article by O.C.G.A. §12-4-17, however, any land disturbing activities conducted as part of any such project shall submit individual lot drainage plan including proposed changes in lot grade to the Augusta Engineering Department for approval prior to getting a building permit and conform to the minimum requirements as set forth in section IV of this article, including, but not limited to, the implementation of BMPs.

(1) The construction of a single-family residence or commercial lot or institutional lot, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section.

(c) The following projects are exempt from the permit requirements of section V of this article by O.C.G.A. §12-4-17, however, any land disturbing activities conducted as part of any such project shall apply the stormwater management standards for new development and redevelopment and submit stormwater quality management plan to the Augusta Engineering Department for approval prior to getting a building permit or grading permit. All stormwater runoff shall be adequately treated prior to discharge. The stormwater management system shall be designed to capture and treat the water quality treatment of volume, which is defined as the runoff volume resulting from the first 1.2 of rainfall from a site.

(1) New development that creates or adds 5,000 square feet or greater impervious surface area, or that involve land disturbing activity of 5,000 square feet of land or greater.

(2) Redevelopment that creates or adds 5,000 square feet or greater impervious surface area, or that involves land disturbing activity of 10,000 square feet of land or greater.

SECTION IV
MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND POLLUTION
CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS:

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section IV.B. D. & E. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit

B. MINIMUM REQUIREMENTS/ BMPs/MONITORING REQUIREMENTS:

1. Best management practices as set forth in Section IV.B. D. & E. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. §12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. §12-7-6 subsection (b).

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. §12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of

a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than one (1) acre.

C. VIOLATIONS:

1. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

2. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

3. Failure to perform turbidity monitoring or to submit monitoring results as required under the state general permit(s) applicable to the project shall be a violation of this article for each day on which such failure occurs or continues.

4. If any person commences any land-disturbing activity requiring a land disturbing permit as described in this article without first obtaining said permit, the person shall be in violation of this Article for each day on which such land disturbing activity occurs.

5. Conducting land-disturbing activity in any manner prohibited by or inconsistent with the requirements of this article shall constitute a separate violation of this article for each day on which such prohibited or inconsistent activity occurs or continues.

D. REQUIREMENTS:

The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter and O.C.G.A. §12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. §12-7-1 *et. seq.*;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance

E. BUFFERS:

1. Except as provided in O.C.G.A. §12-7-6(b)(16) for trout streams, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except i) where the Director determines to allow a variance that is at least as protective of natural resources and the environment, ii) where otherwise allowed by the Director pursuant to O.C.G.A. §12-2-8, iii) where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or iv) along

any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

(a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

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

2. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing

activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

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

F. LOCAL ISSUING AUTHORITY:

Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV.B. D. & E. of this ordinance.

G. LAND-DISTURBING ACTIVITY:

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

SECTION V APPLICATION/PERMIT PROCESS

A. GENERAL:

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner or operator, with owner notarized written consent, is the only party who may obtain a permit.

B. APPLICATION REQUIREMENTS:

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Local Issuing Authority without first obtaining a Land Development Permit (LDA) from the City to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable. This also applies to mass grading activities at individual lots within a common development such as subdivision and a builder shall obtain a Land Disturbing Permit as well as a building permit to commence construction.

2. The application for a permit shall be submitted to the City and must include the applicant's erosion, sedimentation and pollution control plan with a completed checklist and supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V.C. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV.B. D. & E. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by six (6) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

3. An administrative fee, in the amount of \$5.00 per disturbed acre (or portion thereof) shall be charged by the Local Issuing Authority for each project requiring a permit under this article. The administrative fee shall be paid at the time the plan is submitted to the City. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. §12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. §12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. §12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the City. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV.E. has been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the City and the District have entered into an agreement which allows the City to conduct such review and

approval of the plan without referring the application and plan to the District. The City with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the City with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. Denial of Permit: If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the City may deny the permit application.

6. Bond Requirement: The City may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

C. PLAN REQUIREMENTS:

1. Plans must be prepared to meet the minimum requirements as contained in Section IV.B. D. & E. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. §12-7-20.

2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted. These check lists are included in this Ordinance by reference. A filled copy of applicable checklist shall be submitted with the plan.

3. Maps, drawings, and supportive computations shall bear the signature/seal of certified design professional.

4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibilities of the property owner.

5. Plot plans for single family homes on individual lots shall illustrate the best management practice the contractor will implement during construction to prevent soil erosion and damage to adjoining properties as result if erosion; the plot plan shall illustrate the method for controlling onsite drainage and permanently stabilizing the disturbed soil upon completion of construction. Onsite drainage shall be away from the foundations through and towards a define drainage system. Direction of onsite flow to be indicated by arrows. Plot plans also include contractor name, street name and property address, lot dimensions drawn to scale, all easements, existing drainage features, structures footprints, building setback dimensions, BMPs to be implemented, offsite system receiving onsite drainage, 100-year floodplain, sensitive areas including wetlands, state water within 200 feet of the site, and applicable state water buffers. Aforementioned BMPs and drainage requirements also apply to plot plans for individual lots that are part of a larger common plan of development (such as residential or commercial subdivision).

D. PERMITS:

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the City of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the City unless the erosion, sedimentation and pollution control plan has been approved by the District and the City has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV.E. are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by the City shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the City, as to all or any portion of the land affected by the plan, upon finding that the land disturbing activity is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor is in violation of this ordinance. A holder of a permit shall

- notify any successor as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The City may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. §12-7-7 (f) (1).
 7. No permit shall be issued unless the applicant provides a statement by the Richmond County Tax Commissioner certifying that all ad valorem taxes levied against the property and due and owing have been paid.
 8. Approved ES&PC Plan is valid for two years from the date it was issued in conjunction with the approved Site Plan or approved Development Plan. However, any project that has not begun construction within one year of issuance of the Land Disturbing Permit shall be required to submit an updated ES&PCP Plan for review and approval. The updated ES&PCP Plan must be submitted 30 days prior to the anticipated start of construction.
 9. At completion of Land Disturbing Activities covered under this permit, the disturbed areas shall be permanently stabilized and NOT shall be submitted as soon as possible but not later than 45 days from establishment of permanent stabilization. A copy of NOT shall be provided to Augusta Engineering Department. In case of phased common development, NOT for the completed phase shall be submitted and ES&PC Plans shall be modified accordingly.

SECTION VI

INSPECTION AND ENFORCEMENT

- A. The Augusta Engineering Department, will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in

the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

1. Residential Construction of Individual Lots: The City Building Inspector will inspect for compliance with this Ordinance for residential construction on individual lots. If a project is deemed not in compliance with the approved plot plan, Augusta Engineering Department will be notified for further action. The contractor and builder will be issued a written notice to comply with the approved plan. If the contractor/builder engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

- B. The City must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. Augusta Engineering Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the City, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. §12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to §12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. §12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. §12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action

within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

SECTION VII **PENALTIES AND INCENTIVES**

A. REVOCATION OF AUTHORIZATIONS TO CONDUCT BUSINESS:

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

B. STOP-WORK ORDERS:

1. For the first and second violations of the provisions of this ordinance, the Director or the City shall issue a written warning to the violator. A notice may be in any written form, including without limitation, a memo, letter, directive or citation to appear in Magistrate Court. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the City shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the City shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the City shall issue an immediate stop-work order; and;

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the City or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the City or by the Director or his or her Designee without issuing prior written notices. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-

disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. BOND FORFEITURE:

If the City determines that a person engaged in land-disturbing activities at a project where a Bond was required pursuant to Section V has failed to comply with the approved plan, the party responsible for the securing the bond shall be deemed in violation of this Ordinance and a written warning notice to comply shall be served upon that person. The warning notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, in addition to other penalties applicable under this Ordinance, he shall be deemed to have forfeited his performance bond. The City may call the bond or any part thereof to be forfeited and use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. MONETARY PENALTIES:

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, the Magistrate Court of Richmond County is authorized under §O.C.G.A. 12-7-15 to impose penalty not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

2. Under provision of this section, any person who continue to violate this Ordinance, or knowingly and intentionally becoming a habitual violator on the same or different site, will be liable for a civil penalty not to exceed \$2,500.00 per day.

3. Penalties, less court costs, shall be returned to Augusta Georgia for depositing into the NPDES account.

SECTION VIII **EDUCATION AND CERTIFICATION**

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. §12-7-20.

- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. §12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A §12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

SECTION IX

ADMINISTRATIVE APPEAL – JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES:

The suspension, revocation, modification or grant with condition of a permit by the City, or the issuance of a stop-work order, or the determination to call a bond pursuant to this Ordinance upon finding that the holder is not in compliance with the approved erosion, sedimentation and Pollution control plan, or that the holder is in violation of permit conditions, or that the holder is in violation of any ordinance, shall entitle the person submitting the plan or holding the permit to a hearing before the Augusta Commission within 30 days after receipt by the Local Issuing Authority of written notice of appeal. A notice of appeal pursuant to this subsection must be delivered to the clerk of the Augusta Georgia Commission within 20 days of the denial, suspension, revocation, unilateral modification, grant with a condition of a permit, or notice of calling a bond by the City, of the issuance of a stop-work order pursuant to this Ordinance.

B. JUDICIAL REVIEW:

Any person, aggrieved by a decision or order of the City, after exhausting his administrative remedies, shall have the right to appeal *denovo* to the Superior Court of Richmond County, Georgia.

SECTION X
EFFECTIVITY, VALIDITY AND LIABILITY

A. EFFECTIVITY:

This ordinance shall become effective on the _____ day of _____, 20____; all Ordinance or part of ordinances in conflict with this Ordinance are hereby repealed.

B. VALIDITY:

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY:

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority, Augusta, Georgia or District for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.



AUGUSTA, GEORGIA

NO. _____ Pg-1/2

Expiration: ____ / ____ / ____

LAND DISTURBING ACTIVITY PERMIT APPLICATION

MAILING ADDRESS - Planning & Development Department

525 TELFAIR STREET

PHONE: (706)821-1796

AUGUSTA, GA 30901

FAX: (706)821-1806

Augusta Engineering Department

send a copy to:

522 Greene STREET, Augusta. GA 30901

PHONE: (706)821-1706 FAX: (706)821-1708

PROJECT
OWNER

PROJECT NAME: _____

PROJECT ADDRESS: _____ TAX MAP: _____ BLOCK: _____ LOT: _____

PROJECT TYPE: () COMMERCIAL () MULTIFAMILY () SUBDIV () GOVT/INSTITUTION () ROW ONLY () S/F () OTHER

ACTIVITY TYPE: () CLEARING & GRUBBING () GRADING () DEVELOPMENT

TOTAL & DISTURBED PROJECT ACRES: _____ PROPOSED DATE OF CONSTRUCTION: _____

PROPERTY OWNER OF RECORD: _____ PHONE NUMBER: _____

MAILING ADDRESS: _____ STATE/ZIP _____

APPLICANT & CONTACT

APPLICANT: _____ PHONE NUMBER: _____

MAILING ADDRESS: _____ STATE/ZIP _____

PHONE# & FAX# _____ EMERGENCY PHONE NUMBER: _____

ENGINEERING FIRM: _____ FIRM CONTACT PERSON: _____

24-HOUR CONTACT NAME & GSWCC CERT. #: _____ PHONE NUMBER: _____

24-HOUR CONTACT CELL # & Email: _____ FAX NUMBER: _____

Legal Authority

In accordance with Augusta Georgia Code of Ordinance "Soil Erosion, sedimentation and Pollution Control",

Sec. V(D)(6). If a permit applicant has had two or more violations of a previous permit or the Soil Erosion, Sediment & Pollution Control Ordinance, or the Georgia Erosion and Sedimentation Control Act, as amended, within three years prior to the date of filing of the application under consideration, the County may deny application for a permit.

Sec. V(B)6 . The County may require the permit application to post a Performance Bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing a permit. If the applicant does not comply with this ordinance or with conditions of the permit after issuance, the county may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. V(D)(5) The permit may be suspended, revoked, or modified by the county, as to all or any portion of the land effected by the plan, upon a finding that the land disturbing activity is not in compliance with the approved erosion, sedimentation & pollution control plan or that the holder or his successor is in violation of the Soil Erosion, Sediment & Pollution Control Ordinance . A holder of an LDA permit shall notify any successor as to all or any portion of land covered by the LDA permit about the conditions and requirements of the permit.

Certification

I hereby certify that the information provided herein is true, correct and complete to the best of my knowledge. I further certify that I have read the stipulations in this application and that I, and/or the entity I represent, as applicable, will be subject to these stipulations if a permit is issued.

Subscribed and Sworn before me on ____ day of ____ 20 ____

Date: ____ / ____ / ____

Applicant Signature: Property Owner or Owner's Authorized Representative

Notary Public

Commission Expire

FOR OFFICIAL USE ONLY

APPLICATION FEE: _____ RECEIVED BY: _____ APPLICATION DATE: ____ / ____ / ____

APPLICATION: () APPROVED () APPROVED WITH CONDITIONS* () DISAPPROVED
[Augusta Georgia ES&PC Ordinance: Sec V(B)(5)]**SPECIAL REQUIREMENTS:**

- 1- This Permit is valid only after signed by both AP&DD Director (or designee) & AED Director (or designee).
- 2- E&SC Bond Required (irrevocable letter of credit) NO () YES () Amount \$ _____
- 3- No site work shall begin until after pre-construction meeting is held by the Augusta Engineering Department
- 4- A copy of filed NOI with proof of applied payment shall be submitted to AED prior to requesting pre-construction meeting
- 5- This permit is non transferrable

*** APPROVAL CONDITIONS:**

AP&DD Director (or DESIGNEE)

Date

AED Director (or DESIGNEE)

DATE

ES&PC Plan Approval Date _____ E&S Review NO. _____

Item # 1

NOI FEE: NO () YES () PAID: YES () NO () DATE PAID: _____ RECEIVED BY: _____

REQUIRED ATTACHMENTS: Approved Erosion, Sediment & Pollution Control Plan and Approved Development Plan

AUGUSTA, GEORGIA



LAND DISTURBING ACTIVITIES PERMIT APPLICATION

Pg-2/2

General Conditions

- (i) In accordance with the provision of the Augusta Georgia Soil Erosion, Sedimentation and Pollution Control Ordinance and the Rules of the Georgia Department of Natural Resources, Chapter 391-3-7, Erosion and Sedimentation Control, both as amended, this permit is issued for the land disturbing activity as described hereon and presented in the attached Approved Erosion, Sedimentation and Pollution Control Plan.
- (ii) Projects that include the impoundment of water or the construction of a pond, the owner hereby agrees and does by these presents, indemnify and hold harmless Augusta Georgia from and against any and all claims, demands, suites. Judgments, or chooses-in-action which may be a third party against Augusta Georgia, as a result of the impoundment of water or the construction of a pond covered by this permit.
- (iii) Applicant indemnifies and holds the Augusta Georgia and its officers, agents, and employees against any and all claims, damages, demands, actions, causes of action, costs and expenses of whatsoever nature, which may result from any injury, death, loss or damage arises out of the construction, operation, maintenance, repair, removal or relocation of the facilities covered by this permit.
- (iv) Applicant is responsible for submitting all applicable plans, reports, and/or drawings.
- (v) Applicant is responsible for obtaining any additional permits required by Georgia DOT, GA EPD, GA DNR, USACE &/or other government agencies.
- (vi) This permit is subject to modification or revocation on a finding of noncompliance with any of the provision of the Augusta Georgia Soil Erosion, Sedimentation & Pollution Control Ordinance, and/or Erosion and Sedimentation Act of 1975, as amended, or any of the rules promulgated pursuant thereto; or with any representation made on the attached thereto.
- (vii) Unless otherwise exempted, person engaged in land-disturbing activities shall apply erosion, sedimentation and pollution control measures which conform to the specifications contained in the current version of the "Manual for Erosion and Sediment Control in Georgia" (also known as the "Green Book") published by State Soil and Water Conservation Commission.
- (viii) This permit is effective until completion of the aforementioned land disturbing activity. However, if the land disturbing activity does not commence within twenty-four (24) months from date issued, this permit will become null and void.
- (xiv) If land disturbing activities do not commence within sixty (60) days from date of Preconstruction Meeting held by the AED, this permit will become inactive until a new Preconstruction Meeting is arranged and conducted.

General Notes

- (i) Provide copy of NOI and associated Fee Payment proof Prior to Pre-construction meeting held by Augusta Engineering Department
- (ii) Submit Notice of Termination by State General Permit by return receipt certified mail (or similar) service) to the appropriate EPD District Office and a copy to the Augusta Engineering Department upon completion of permitted construction activities
- (iii) Lot(s) development/construction in a Common Development (Subdivision), Submit Notice of Inetent and Termination as Secondary Permittee by State General Permit by return receipt certified mail (or similar) service) to the appropriate EPD District Office and a copy to the Augusta Engineering Department.
- (iv) Provide a copy of Notice of Termination (NOT) to the Augusta Engineering Department at issuance of "Certificate of Occupancy" .
- (v) For phased Development,Provide a copy of Notice of Termination (NOT) to the Augusta Engineering Department at Platting of respective phase .



Engineering Services Committee Meeting
3/12/2012 1:00 PM
Windsor Spring Road, Phase IV and Phase V – Chg11&SA11

Department: Abie L. Ladson, PE, CPESC, Director

Caption: Approve Change Number Eleven and Supplemental Agreement Eleven (CPB #323-04-299823766& #323-04-204823786) in the amount of \$94,923.00 for the Windsor Spring Road, Section IV & Section V Reconstruction project to Jacobs Engineering Group, Inc. Funding is available in the project account for the Engineering Department.

Background: The Windsor Spring Road Ph IV & PhV project funded in SPLOST III & SPLOST IV was approved by Commission in 2001. The project is joint effort between (GDOT) and Augusta. The City is responsible for design engineering, right-of-way acquisitions and utility relocation. GDOT is responsible for the construction. The project will widen and reconstruct the road to 4 lanes with 19ft raised median and replace the bridge over Spirit Creek. Design efforts are underway to upgrade the existing roadway system. Supplemental services are needed to revise the design plan to incorporate changes per current conditions and update associated engineering and environmental studies and documents.

Analysis: Jacobs Engineering will provide supplemental services to update the road design, erosion, sedimentation & pollution Control Plan, state water restoration plan, and air quality study. These revisions are needed to incorporate current conditions and associated impacts. These services are critical to completing the ongoing design efforts.

Financial Impact: Funds are available in the project R/W account to be transferred to the Engineering account 323-041110-5212115-299823766 upon Commission approval. The fee proposal for this additional service is \$94,923.00.

Alternatives: Approve Change Number Eleven and Supplemental Agreement Eleven (CPB #323-04-299823766& #323-04-204823786) in the amount of \$94,923.00 for the Windsor Spring Road, Section IV & Section V Reconstruction project to Jacobs Engineering Group, Inc.

Inc. Funding is available in the project account for the Engineering Department. Do not approve and identify alternate plan to complete needed improvements

Recommendation: Approve Alternate 1

**Funds are Available
in the Following
Accounts:** 323-041110-5212115/299823786-5212115

REVIEWED AND APPROVED BY:

**Finance.
Procurement.
Law.
Administrator.
Clerk of Commission**

Please do not process this document. Once approved by the Commission the original will be sent to the Clerk of Commission for execution. For information reference this request, contact Engineering at ext 5070. Thanks

**CAPITAL PROJECT BUDGET
WINDSOR SPRING ROAD IMPROVEMENTS, SECTION IV
(WILLIS FOREMAN RD TO TOBACCO RD)
CHANGE NUMBER ELEVEN**

BE IT ORDAINED by the Commission-Council of Augusta-Richmond County, Georgia that the following Capital Project Budget is hereby adopted:

Section 1: This project is authorized to CPB#323-041110-299823766 and Change Number Eleven. The funding for this project in the amount of \$94,923.00 is needed for the incorporation of new developments and update plans to the current GDOT Erosion Control guidelines the Windsor Spring Road, Section IV & V project. The funding will be transferred the R/W account to the Engineering account upon Commission approval.

Section 2: The following revenues are anticipated to be available to the Consolidated Government to complete the project.

Special 1% Sales Tax, Phase III	\$ 1,560,500
Special 1% Sales Tax, Phase IV	\$ 600,000
	<u>\$ 2,160,500</u>

Section 3: The following amounts are appropriated for the project:

By Basin		By District
4th, 6th, & 8th \$	2,160,500	McBean/Spirit Crk \$
		2,160,500

Section 4: Copies of this Capital Project Budget shall be made available to the Comptroller for direction in carrying out this project.

Adopted this _____ day of _____.

Approved

Honorable, Deke Copenhaver, Mayor

Original-Commission Council Office
Copy-Engineering Department
Copy-Finance Department
Copy-Procurement Department

Commission for execution. For information reference and request, contact Engineering at ext 397 or 398

**CAPITAL PROJECT BUDGET
WINDSOR SPRING ROAD IMPROVEMENTS, SECTION IV
(WILLIS FOREMAN RD TO TOBACCO RD)
CHANGE NUMBER ELEVEN**

<u>SOURCE OF FUNDS</u>	<u>CPB AMOUNT CPB</u>	<u>CPB CHANGE</u>	<u>NEW CPB</u>
SALES TAX, PHASE III 323041110-000000-299823766	(\$1,000)		(\$1,000)
SALES TAX, PHASE III 323041110-000000-299823766	(\$1,559,500)		(\$1,559,500)
SPECIAL 1% SALES TAX, PHASE IV 324041110-000000-202824766	(\$600,000)		(\$600,000)
TOTAL SOURCES:	(\$2,160,500)		(\$2,160,500)
<u>USE OF FUNDS</u>			
ADVERTISING 323041110-5233119-299823766	\$1,000		\$1,000
ENGINEERING 323041110-5212115-299823766	\$1,248,639	\$94,923	\$1,343,562
RIGHT OF WAY 323041110-5411120-299823766 (transferred to Section V 299823786)	\$598,361	(\$94,923)	\$503,438
UTILITIES 323041110-5414510-299823766	\$50,000		\$50,000
SIGNAL 323041110-5414610-299823766	\$5,000		\$5,000
CONTINGENCY 323041110-6011110-299823766	\$4,500		\$4,500
TOTAL USES:	\$1,907,500		\$1,907,500

**AUGUSTA, GEORGIA
ENGINEERING DEPARTMENT
SUPPLEMENTAL AGREEMENT**

Augusta Richmond County Project Number(s):	323-041110-299823766 & 323-041110-299823786
GDOT Number (s):	STP00-7007-00 (006) & STP00-1105-00 (004) PI 250610 & 254320
Supplemental Agreement Number:	11
Purchase Order Number:	53296

WHEREAS, We, **Jacobs Engineering Group Inc.**, Consultant, entered into a contract with Augusta-Richmond County on June 27, 2001, for engineering design services associated with the improvements to **Windsor Spring Road Improvements Section IV & Section V**, projects STP00-7007-00 (006) & STP00-1105-00 (004), File Reference No. 12-014 (A), and

WHEREAS, certain revisions to the design requested by Augusta-Richmond County are not covered by the scope of the original contract, we desire to submit the following Supplemental Agreement to-wit:

Addition and relocation of median openings, incorporate new developments and update plans to current GDOT Erosion Control guidelines, incorporate Restoration and Revegetation Plan as mandated EPD, and update the Air Quality Impact Assessment as part of the environmental document.

It is agreed that as a result of the above described modifications the contract amount is increased by **\$94,923** from **\$2,633,170.71** to a new total of **\$2,728,093.71**.

Any modifications to submittal dates shall be as identified in the attached proposal. This agreement in no way modifies or changes the original contract of which it becomes a part, except as specifically stated herein.

NOW, THEREFORE, We, **Jacobs Engineering Group Inc.**, Consultant, hereby agree to said Supplemental Agreement consisting of the above mentioned items and prices, and agree that this Supplemental Agreement is hereby made a part of the original contract to be performed under the specifications thereof, and that the original contract is in full force and effect, except insofar as it might be modified by this Supplemental Agreement.

This _____ day of _____, 2012.

RECOMMEND FOR APPROVAL:

CITY OF AUGUSTA-RICHMOND COUNTY
AUGUSTA, GEORGIA

JACOBS ENGINEERING GROUP INC.

Mayor Deke S. Copenhaver

Approved Date: _____

Approved Date: _____

[ATTACHED CORPORATE SEAL]

ATTEST:

ATTEST:

Title: _____

Title: _____

Item # 2



6801 Governors Lake Parkway
Building 200
Norcross, Georgia 30071 USA
1.770.455.8555 Fax 1.770.455.7391

January 20, 2012

Mr. Abie Ladson, P.E.
Director of Public Works & Engineering
Augusta-Richmond County
505 Telfair Street
Augusta, Georgia 30901

RE: Windsor Spring Road – Phase IV and V
Project Nos. STP00-7007-00(006), BRSLB-7007-00(007),
STP00-1105-00(004), BHSLB-1105-00(005)
Request for Supplemental Agreement #11

Dear Mr. Ladson:

The purpose of this letter is to request the County's favorable consideration of a supplemental agreement to the Windsor Spring Road – Phase IV and V (collectively "the Project"). The rationale for the requested supplemental agreement is discussed below.

There are six items covered in this supplemental agreement request.

1. Median Opening at Windsor Plaza Shopping Center,
2. Median Opening at Whispering Pines Baptist Church,
3. GDOT Erosion Control Guidelines Update,
4. Addition of New Developments,
5. Addition of Restoration and Revegetation Plan, and
6. Addendum to Air Quality Impact Assessment

Task 1 –Median Opening at Windsor Plaza Shopping Center

The owner of the Windsor Place and Windsor Plaza Shopping Centers located respectively on the southwest and southeast corners of the Windsor Spring Road and Tobacco Road intersection has requested the addition of a median opening approximately 600 feet south of the above mentioned intersection. A traffic study has been requested by GDOT to determine the effect this median opening would have on the build and design year traffic at this intersection and along Windsor Spring Road. Upon completion of the Study and assumed approval by GDOT, Jacobs will revise the construction plans to include the requested median opening. This will include revisions to the plan sheets, drainage design, cross sections, signing and marking sheets, stage construction and erosion control design, quantities and construction cost estimate. Revisions to the Right-of-Way Plans are not anticipated.

As the proposed median opening is less than 660 feet from the intersection with Tobacco Road, a design variance will be required as well.

Windsor Spring Road – Phase IV and V
Request for Supplemental Agreement #11
January 20, 2012

Task 2 – Median Opening at Whispering Pines Baptist Church

In a letter dated August 10, 2011 from Whispering Pines Baptist Church, a request was made to move the median opening currently located at Station 215+00 to Station 210+60 to line up with the church driveway. At the time the median openings were designed, the survey showed the church had one building, no parking lot and a dirt driveway. The location of the median opening was based on a midway point between the adjacent median openings located at Patterson Bridge Road and Willis Foreman Road to equally serve properties on both sides of Windsor Spring Road. There were no significant traffic generators in this section. Since this time, the Church has constructed a new fellowship building and added a paved parking lot.

The relocating of the median opening will require revisions to the plan sheets, cross sections, signing and marking sheets, stage construction and erosion control design, quantities and the construction cost estimate. Since there are u-turn 'eyebrows' at this median opening, the Right of Way Plans will require revisions as well. Also, the current median opening is located at the juncture of Phases IV and V, so the revisions noted above will be made to both phases of the project.

Task 3 – GDOT Erosion Control Guidelines Update

GDOT released updates to their erosion control guidelines on August 24, 2011. These updates include revisions of the erosion control general notes, sediment storage calculations and the Georgia Standard Detail for sediment basins. Phase IV and Phase V do not have sediment basins, so revisions will not be required for the new detail. Jacobs will update the general notes and sediment storage calculations based on the revised GDOT guidelines. This revised storage calculations will require revisions to the erosion control BMPs used on both phases.

Task 4 – Addition of New Developments

New developments have been or are under construction along the project corridor. An IGA is under construction south of SR 88. Plan sheets of the development have been provided to Jacobs. An initial review indicates that revisions will include updates to the topography and a new driveway along with adjustments to the current drainage design along Windsor Spring Road.

A Dollar General was constructed along Tobacco Road east of Windsor Spring Road. Plan sheets of this development have been provided to Jacobs as well. The revisions to the construction plans appear to be the same as with the IGA including updates to the topography, an adjustment to the driveway location and drainage adjacent to the property. The proposed drainage outfall at this location will be revised and the roadside ditch may need to be regraded.

Survey will be conducted at these locations to determine driveway profile tie-ins and verify roadside ditch locations and grading.

Task 5 – Addition of Restoration and Revegetation Plans

On October 31, 2011, Jacobs staff met with EPD to discuss TSS (Total Suspended Solids) reduction methods currently being designed for Streams 2 and 4. According to Criteria H, 80%

Windsor Spring Road – Phase IV and V
Request for Supplemental Agreement #11
January 20, 2012

TSS reduction is required for the relocation of these two streams. The meeting was scheduled to gather input on the design changes Jacobs was recommending to meet these requirements.

Stream 2 is being relocated due to the replacement of a culvert under Windsor Spring Road and the addition of a culvert under Patterson Bridge Road. During the meeting, EPD stated that relocated streams require Restoration and Revegetation Plans to specify the reconstruction of the buffers in the construction plans.

Based on example plans from GDOT, the Restoration and Revegetation Plans will include:

- A plan sheet with the stream and limits of impacted buffers and a planting guide similar to a landscaping plan,
- Two detail sheets that list the type of plants to be used,
- A cross section of the new stream and buffer,
- A summary of quantities for this work and rock vane details, and
- Special provisions are included to identify native plants to use.

Task 6 – Addendum to Air Quality Impact Assessment

After GDOT completed their review of the environmental reevaluation for the ecological and noise study updates, they requested that the Air Quality Impact Assessment also be updated. The last air update was completed in 2006. This involves an update to the LOS at each signalized intersection and running the carbon monoxide (CO) model for any intersection that has an LOS of D, E or F for the design year. The results are documented in an Air Quality Impact Assessment Addendum and upon concurrence by GDOT, will be included in the environmental reevaluation.

Windsor Spring Road – Phase IV and V
Request for Supplemental Agreement #11
January 20, 2012

Summary of Fee

Our lump sum fee for the above tasks is as follows:

Task 1 – Windsor Plaza Shopping Center	\$ 20,685
Task 2 – Whispering Pines Baptist Church	\$ 18,102
Task 3 – Erosion Control Updates	\$ 5,920
Task 4 – New Developments	\$ 16,604
Task 5 – Restoration and Revegetation Plans	\$ 21,211
Task 6 – Addendum to Air Quality Impact Assessment	\$ 11,471
<u>Direct Costs</u>	<u>\$ 930</u>
Total	\$ 94,923

If you have any questions or concerns in regards to this supplemental agreement, please feel free to contact our office.

Sincerely,



By: Ryan W. Triick, P.E.
Project Manager

Attachments:

Summary of Tasks, Staffing and Hours

	Person (name or initials) ==> PM	Sr Eng	Eng	Cadd	Sr Traffic Planner	Traffic Planner	Sr Surveyor	Surveyor	Field Crew	Sr Planner	Planner	Environmental Scientist	
1	Task 1 - Windsor Plaza Shopping Center												
2	Traffic Studies (06)	4			8	40							
3	Plan Revisions (06)	6	40	16									52
4	Design Variance (06)	6	24	12	6								78
5	Project Mgmt & Discipline Coord	6			2								48
6													8
7	Task 2 - Whispering Pines Baptist Church (Sta 210+60)												
8	Plan Revisions (06)	6	60	24	24								
9	ROW Revisions (05)	6	16	16									114
10	Project Mgmt & Discipline Coord	4											38
11													4
12	Task 3 - Erosion Control Guidelines Update												
13	Erosion Notes (06)	1	4	4									
14	Sediment Storage Calculations (06)	4	20	16									9
15	Project Mgmt & Discipline Coord	4											40
16													4
17	Task 4 - New Developments												
18	IGA (South of SR 88) (02 - srvy; 06 - rdwy)	4	20	8	8								
19	Dollar General (Tobacco Rd) (02 - srvy; 06 - rdwy)	4	20	8	8		4	12	24				80
20	Project Mgmt & Discipline Coord	4					4	12	24				80
21							4						8
22	Task 5 - Restoration and Revegetation Plans												
23	Coordination with EPD, A-RC and GDOT (06)	6											
24	Prepare R&R Plan for Stream 2 (06)	8	40	8	24					4			10
25	Prepare R&R Details and Specs for Stream 2 (06)	8	40	8	24					4			84
26	Project Mgmt & Discipline Coord	6								2			84
27													8
28	Task 6 - Air Quality Impact Assessment												
29	Coordination with GDOT and A-RC (03)	6											
30	Update LOS and Run CO Model (03)									8		6	12
31	Address GDOT Comments (03)									6		28	36
32	Update Reevaluation (03)											16	22
33	Address GDOT Comments (03)											8	8
34	Project Mgmt & Discipline Coord	4								2		12	12
35												6	12