



Engineering Services Committee
Meeting

Commission Chamber- 4/25/2011- 1:05 PM

ENGINEERING SERVICES

1. Approve amendment for correction to the Soil Erosion, Sedimentation and Pollution Control Ordinance and adopt the corrected Ordinance. ☐ [Attachments](#)
2. Report to Augusta Commission regarding corrective actions taken in response to chlorine release of June 13, 2011. ☐ [Attachments](#)
3. Approve the Contract with (To Be Determined) in the amount of \$ (To Be Determined) for the purchase and installation of the Furniture, Fixtures and Equipment for the Webster Detention Center Expansion. ☐ [Attachments](#)
4. Discuss initiation of condemnation process for Regency Mall Structures for non-compliance with Title 7, Buildings and Construction, Section 7-1-19, Mothballing Vacant Structures. (Requested by Commissioner Lockett) ☐ [Attachments](#)
5. Consider approval of proposed consent order from Georgia EPD. ☐ [Attachments](#)
6. Motion to approve the donation of TPN 183-0-111-00-0 (aka 1768 Tamarind Way) containing 10.80 acres to the City of Augusta for its Greenspace Program and TPN 183-1-083-00-0 (aka 2002 Pondcypress Court) containing 0.20 acres to the City of Augusta to be combined with TPN 183-0-075-00-0, which is currently a detention pond owned by the City of Augusta. The property being donated is currently in the ownership of Jutco, Inc. ☐ [Attachments](#)
7. Approve Change Number One and Supplemental Agreement One (CPB #325-041120-209825201) in the amount of \$33,111.00 for the Marks Church Road Reconstruction project to W. R .Toole Engineers, Inc. Funding is available in the ☐ [Attachments](#)

project account for the Engineering Department.

8. Motion to award a planning contract to Pudar Mitigation Consulting, Inc. in the amount of \$28,297.00 for the preparation of an update to the Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe (RFP #11-086) based on the recommendation of the Hazard Mitigation Plan Update Evaluation Committee. ☐ [Attachments](#)
9. Approve an emergency award for a contract with Garnto Southern for services associated with construction of the Brown Street & Holley Street Emergency Sewer Repair Project in the amount of \$192,223.36. ☐ [Attachments](#)
10. Motion to approve road name change of Aruba Place to Trinidad Way. ☐ [Attachments](#)
11. Approve the purchase of two (2) 1000 KVA transformers from Georgia Power for the Trade, Exhibit and Event (TEE) Center in the amount of \$298,827.00. ☐ [Attachments](#)
12. Report from the Tree Commission. (Requested by Commissioner Aitken) ☐ [Attachments](#)
13. Authorize/approve CPB #14 and Supplemental Agreement #13 with PBS & J, Inc. in the amount of \$144,582 to revise the Project Concept Report, redesign 3, drainage structures to satisfy the Corps of Engineers fish passage requirements; and for additional coordination of right of way plans revisions associated with the ongoing right of way negotiations on the project to improve Wrightsboro Road from Jimmie Dyess Parkway to I-520 as requested by AED. Funding is available in the project account for AED. ☐ [Attachments](#)
14. Approve having 0.12 acre (5,372.79. sq. ft.) of right-of-way, 0.07 acre (2889.13 sq. ft.) of permanent easement, and 1,155.65 sq. ft. of temporary construction easement on Tax Map 252, Parcel 015, appraised on Youngblood Lane so that we can proceed with condemnation and pave the road on the Paving Various Roads, Phase IX Project CPB# 324-041110-208824001, as requested by Augusta Engineering Department. Funds are available in the project Right of Way ☐ [Attachments](#)

account.

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Engineering Services Committee Meeting

4/25/2011 1:05 PM

Amendment for Correction - Augusta Soil Erosion and Sedimentation Control Ordinance

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

Caption: Approve amendment for correction to the Soil Erosion, Sedimentation and Pollution Control Ordinance and adopt the corrected Ordinance.

Background: On September 16, 2009, the Georgia Environmental Protection Division (EPD) notified Augusta Georgia that the Georgia Erosion and Sedimentation (E&S) Act has been revised and that the Augusta Georgia must subsequently amend its E&S Control ordinance and include it in 2010 revision to the Augusta Municipal Separate Storm Sewer System (MS4) Stormwater Management Program (SWMP). Accordingly, the ordinance was revised and adopted on November 16, 2010 and submitted to EPD with MS4 SWMP. EPD review warranted few reference corrections.

Analysis: AED is responsible for management and compliance of Augusta Area-Wide NPDES MS4 permit. AED also manages E&SC plan review, field activities and compliance. Noted reference corrections are important for proper design and use of best management practice and control measures to control erosion and sediments at a construction site. Amendment is for reference correction and no new requirements are proposed.

Financial Impact: No direct financial impact.

Alternatives: 1) APPROVE AMENDMENT FOR CORRECTION TO THE SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE AND ADOPT THE CORRECTED ORDINANCE. 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 NA
Accounts:**

REVIEWED AND APPROVED BY:

Finance.

Law.

Administrator.

Clerk of Commission

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, GA;

THE AUGUSTA COMMISSION hereby ordains as follows:

SECTION 1. AUGUSTA, GA CODE Section §4-2-7 adopted November 16, 2010, provides in Title 4, for Public Health, Section 2, Health and Sanitation, Articles 1 – 7. It is the desire of the Augusta-Richmond County Commission that that Article 7 as set forth in “Exhibit A” hereto 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 _____, 2011.

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 Commission on _____, 2010 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.C. 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 paragraphs (15) and (16) of Section IV C. 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. & C. 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. & C. 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. & C. 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. & C. 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 C. 15. & 16. 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. & C. 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 C. 15. & 16. 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 (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 CEASURES~~

~~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.~~

**AUGUSTA-RICHMOND COUNTY, GEORGIA****LAND DISTURBING ACTIVITY PERMIT APPLICATION**

Attachment number 1

Page 28 of 55 Pg. 1/2

No. _____

Expiration: ____ / ____ / ____

MAILING ADDRESS525 TELFAIR STREET
AUGUSTA, GA 30901PHONE: (706)821-1796
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 6947,*

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 of 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 Ordinance 6947: Sec V(B)(5)]

SPECIAL REQUIREMENTS:

- 1- This Permit is valid only after signed by both ARCPD Representative & 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:

ARCPD REPRESENTATIVE

Date

COUNTY ENGINEER (or DESIGNEE)

DATE

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

NOI FEE: NO () YES () PAID: YES () NO () DATE PAID: _____ RECEIVED BY **Item # 1****REQUIRED ATTACHMENTS:** Approved Erosion, Sediment & Pollution Control Plan and Approved Development Plan

AUGUSTA-RICHMOND COUNTY, 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 6947 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.

General Notes

- (i) Provide copy of NOI and associated Fee Payment 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
- (iii) Lot(s) development/construction in a Common Development (Subdivision), Submit Notice of Intent 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.

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. **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 colloidally 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 **II SPECTIOI A I D E I FORCEMEI T**

- 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 (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 CEALTIVES

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.

**AUGUSTA-RICHMOND COUNTY, GEORGIA****LAND DISTURBING ACTIVITY PERMIT APPLICATION**

Attachment number 1

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No. _____

Expiration: ____ / ____ / ____

MAILING ADDRESS525 TELFAIR STREET
AUGUSTA, GA 30901

PHONE: (706)821-1796

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 6947,*

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 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 Ordinance 6947: Sec V(B)(5)]

SPECIAL REQUIREMENTS:

- 1- This Permit is valid only after signed by both ARCPD Representative & 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:

ARCPD REPRESENTATIVE

Date

COUNTY ENGINEER (or DESIGNEE)

DATE

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

NOI FEE: NO () YES () PAID: YES () NO () DATE PAID: _____ RECEIVED BY Item # 1**REQUIRED ATTACHMENTS:** Approved Erosion, Sediment & Pollution Control Plan and Approved Development Plan

AUGUSTA-RICHMOND COUNTY, 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 6947 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.

General Notes

- (i) Provide copy of NOI and associated Fee Payment 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
- (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.



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
AUD Chlorine Release Corrective Action Report**

Department: Utilities

Caption: Report to Augusta Commission regarding corrective actions taken in response to chlorine release of June 13, 2011.

Background: On June 13, 2011, an equipment malfunction resulted in a chlorine release at Groundwater Plant 1 on Peach Orchard Road. AUD was subject to an EPA enforcement action due to failure to provide proper notification. A meeting was held with the Augusta Fire Department and their hazmat specialists to discuss ways to improve AUD's procedures. This communication is to report corrective actions that have been taken to ensure future regulatory compliance and to protect the public and AUD staff.

Analysis: There were two primary areas that needed improvement to ensure an incident of this type does not happen again, employee training and proper notification procedures. Following are actions that have been taken in each of these areas. Training • The incident was first discovered by an operator trainee that had not yet received hazmat training. Prior to this incident, hazmat training was conducted on an annual basis. Now, operator trainees are not allowed to conduct checks on remote groundwater plants until they have completed the required 40 hour course. • Refresher training (8 hour course) was conducted for all operations and maintenance personnel. • Hazmat training had been conducted by a third party trainer. We are now coordinating with the Augusta Fire Department's certified trainers. • AFD hazmat team toured the groundwater plants to familiarize themselves with operations and plant layout. Notification Procedures • Revised and conducted training on interdepartmental emergency notification procedures • Conducted training on requirements and resources of the Local Emergency Planning Committee • Installed additional chlorine detectors at the groundwater plants. These detectors notify operators at the Hicks Plant of an incident by SCADA as well as email. Also, the 911 center is notified by a SCADA generated phone message when an incident occurs.

Financial Impact: N/A

Alternatives: N/A

Recommendation: Augusta Utilities would like to thank Chief Howard Willis and Chief Byron Taylor of the Augusta Fire Department and Earl Hinson of Olin Corporation for their cooperation and assistance in revising our departmental procedures.

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

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



Engineering Services Committee Meeting

4/25/2011 1:05 PM

CBWDC - FF&E

Department: Public Services Department - Facilities Management Division

Caption: Approve the Contract with (To Be Determined) in the amount of \$ (To Be Determined) for the purchase and installation of the Furniture, Fixtures and Equipment for the Webster Detention Center Expansion.

Background: This contact will provide the Furniture, Fixtures and Equipment for the Webster Detention Center Expansion for the Sheriff's Office staff and operation of the facility. The construction of the renovations and additions to the Webster Detention Center was approved by the Commission on November 5, 2008. The bid opening for this Contract is on April 21, 2011. This agenda item is being submitted at this time in order to be able to go before the Committee Meeting on April 25, 2011, and the Commission Meeting on May 3, 2011.

Analysis: This Contract will provide all of the furniture, fixtures and equipment for the offices, waiting areas and control room in the new Video Visitation Building; Staff Dining room in the renovated area; doctors' offices, conference rooms, nurses' stations, interview rooms and inmate waiting area in the Mental and Medical Health building addition; the Muster Room in the FC Corridor Addition; and the Control Rooms and staff offices in both the Male and Female building additions. TOTAL OF CONTRACT IS \$(To Be Determined)

Financial Impact: This Contract amount will be funded by the project's FF & E budget. The budget is adequate to cover the cost of this contract.

Alternatives: 1. Approve the Contract with (To Be Determined) in the amount of \$(To Be Determined) for the purchase and installation of the Furniture, Fixtures and Equipment for the Webster Detention Center Expansion. 2. Not approve the Contact; however the jail facility operations would be severely compromised.

Recommendation: #1. Approve the Contract with (To Be Determined) in the amount

Cover Memo

of \$(To Be Determined) for the purchase and installation of the Furniture, Fixtures and Equipment for the Webster Detention Center Expansion.

**Funds are Available
in the Following
Accounts:**

FUNDS ARE AVAILABLE IN ACCOUNT: Jail Expansion: GL
– 325-05-1130/206351101 GL - 325-05-1120/208251101

REVIEWED AND APPROVED BY:

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



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
Condemnation - Regency Mall Structures**

Department: Clerk of Commission

Caption: Discuss initiation of condemnation process for Regency Mall Structures for non-compliance with Title 7, Buildings and Construction, Section 7-1-19, Mothballing Vacant Structures. (Requested by Commissioner Lockett)

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

Lena Bonner

From: Commissioner William Lockett
Sent: Wednesday, April 20, 2011 11:56 AM
To: Lena Bonner
Subject: Agenda Items

Ms. Bonner:

Will you please add to the committee meeting agenda:

Discuss initiation of condemnation process for Regency Mall Structures for non-compliance with Title 7, Buildings and Construction, Section 7-1-19, Mothballing Vacant Structures.

Rationale: The buildings are vacant and unfit for human habitation and occupancy. The grounds are not adequately maintained and the entire area is aesthetically deficient.

Alternative: License and Inspection present documentation to show that the owners of the Regency Mall Structures are in full compliance with Section 7-1-19, Mothballing Vacant Structures, or provide explanation for non-compliance.

Recommendation: Initiate condemnation process.

Please assign to appropriate committee

Please add to the Finance Committee Agenda

General Counsel provide summary of annual legal costs to commission and propose preventative measures to put in place to reduce liability and litigation and reduce legal costs.

Rationale: Legal cost summary report agreed upon by commission at the June 9, 2010 Retreat.

Recommendation: Provide legal cost summary for FY 2010 and Calendar Year 2011 to date.

Bill

Bill Lockett, MPA
Commissioner, District 5
(706) 825-1847

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AED:104.1



Engineering Services Committee Meeting
4/25/2011 1:05 PM
EPD Consent Order – Sanitary Sewer Collection System

Department: Utilities

Caption: Consider approval of proposed consent order from Georgia EPD.

Background: Augusta Utilities has engaged in discussions with Georgia EPD regarding the maintenance of our sanitary sewer collection system. We experienced 103 sanitary sewer overflows from August 2004 to February 2011. We have negotiated a consent order with the following elements: Collection system inspection and maintenance program: Requires that we inspect and perform preventive maintenance on our entire collection system on a 5-year cycle. Root control program: Requires that we develop and implement a more robust root control program. Fats, Oils and Grease (FOG) Program: Requires that we develop and implement a formal FOG program. This will include the adoption of an ordinance that more clearly defines Augusta's authority to regulate the discharges of likely sources of grease to the collection system, and a public education program. Evaluation of areas subject to wet weather impacts: Requires that we perform an evaluation of areas of our collection system prone to wet weather impacts, particularly the former combined sewer basins, and to correct the sources of inflow. The consent order includes a fine of \$45,402; this fine has been substantially reduced because we have agreed to implement the preventive maintenance measures described above. The order also includes stipulated penalties of \$2000 per month if we do not adhere to the attached implementation schedule.

Analysis: Prior to the discussions with EPD, AUD had begun the development of a comprehensive preventive maintenance program. This shift to a preventive maintenance culture was a key driver in our departmental reorganization. While the implementation of this program will require a higher level of resources initially, our reactive maintenance will steadily decline. This program will result in fewer sewer back-ups and overflows and significantly reduced overtime requirements.

Financial Impact: The fine associated with this Consent Order is \$45,402; funds are

Cover Memo

available in 506043530-5212123. The implementation of the program described above will result in higher efficiency and lower costs.

Alternatives: The Commission could choose not to accept this order, however the fines for past overflows would be significantly higher.

Recommendation: We recommend that the Augusta Commission approve the attached Consent Order.

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

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



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
Greenspace Program Donation**

Department: Planning Commission

Caption: Motion to approve the donation of TPN 183-0-111-00-0 (aka 1768 Tamarind Way) containing 10.80 acres to the City of Augusta for its Greenspace Program and TPN 183-1-083-00-0 (aka 2002 Pondcypress Court) containing 0.20 acres to the City of Augusta to be combined with TPN 183-0-075-00-0, which is currently a detention pond owned by the City of Augusta. The property being donated is currently in the ownership of Jutco, Inc.

Background: The property owner, Steve Smithson, dba Jutco, Inc., worked with the Planning Commission during the development phase of Crosscreek Estates Subdivision to protect and preserve the vast majority of floodplain, floodway and wetlands found within the boundaries of the subdivision. Mr Smithson is now desirous of donating TPN 183-0-111-00-0 (aka 1768 Tamarind Way) containing 10.80 acres to the City of Augusta for its Greenspace Program and TPN 183-1-083-00-0 (aka 2002 Pondcypress Court) containing 0.20 acres to the City of Augusta to be combined with TPN 183-0-075-00-0, which is currently a detention pond owned by the City of Augusta.

Analysis: Acceptance of this property donation will protect approximately 10.6 acres of floodplain and floodway and 9.0 acres of wetlands located with TPN 183-0-111-00-0 in perpetuity. Acceptance of TPN 183-1-083-00-0 will protect approximately 0.1 acre of wetlands in perpetuity.

Financial Impact: There will be no financial impact to the City of Augusta. The Central Savannah River Land Trust has agreed to hold a conservation easement over TPN 183-0-111-00-0 if the property is accepted as a donation to the City of Augusta.

Alternatives: Deny the Motion. If the motion is denied, this sensitive area (floodplain, floodway and wetlands) could potentially be developed and therefore, the riparian benefits of this property could potentially be lost.

Cover Memo

Item # 6

Recommendation: Approve the motion and add TPN 183-0-111-00-0 to the City's Greenspace Program Inventory and combine TPN 183-1-083-00-0 with 183-0-075-00-0 for detention pond purposes.

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

REVIEWED AND APPROVED BY:

Clerk of Commission



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
Marks Church Road Reconstruction Project**

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

Caption: Approve Change Number One and Supplemental Agreement One (CPB #325-041120-209825201) in the amount of \$33,111.00 for the Marks Church Road Reconstruction project to W. R .Toole Engineers, Inc. Funding is available in the project account for the Engineering Department.

Background: The Marks Church Road Reconstruction Project was approved by Commission on 03/04/09; item #21, and funded in SPLOST V. Marks Church Road is currently a two-lane road with side ditches. Design efforts are underway to upgrade the existing roadway, curb and gutter, an enclosed storm drainage system, sidewalks, and the Marks Church Road Bridge. The storm drainage system design is 70% complete. However, due to the necessary size and location of the new storm sewer alignments, numerous conflicts arose with the existing 16" diameter water main located along the road. To provide a more hydraulically efficient system and minimize future damage to the roadway pavement, relocation of this water main is warranted. In addition existing Georgia Power utilities poles need to be relocated outside of the roadway section

Analysis: WR Toole Engineers (WRTE) is the design firm of record and will provide supplemental services of designing a new water main alignment and all associated connections and services, preparation of utility plans, and coordination with Georgia Power for pole relocation. These services are critical to completing the ongoing design efforts.

Financial Impact: Funds are available in the project construction account to be transferred to the engineering account 325-041120-5212115 upon Commission approval.

Alternatives: 1) Approve Change Number One and Supplemental Agreement One (CPB #325-041120-209825201) in the amount of \$33,111.00 for the Marks Church Road Reconstruction project to W. R .Toole Engineers, Inc. Funding is available in the project account for the

Engineering Department. 2) Do not approve and cancel project

Recommendation: approve alternative one

**Funds are Available
in the Following
Accounts:** 325-041120-5212115

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

SUPPLEMENTAL AGREEMENT

Augusta Richmond County Project Number(s):	325-041120-209825201
Supplemental Agreement Number:	1
Purchase Order Number:	70337

WHEREAS, We, "W.R. Toole Engineers, Inc." Consultant, entered into a contract with Augusta-Richmond County on "August 4, 2009", for the "**Marks Church Road Reconstruction**", Project No. 325-041120-209825201, File Reference No. 11-014 (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:

***Additional Engineering Services for Georgia Power Coordination
& Plan Revisions and Augusta Utility Coordination & Plan Revisions***

It is agreed that as a result of the above described modification the contract amount is increased by **\$33,111.00** from **\$589,129.00** to a new total of **\$622,240.00**.

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, "W.R. Toole Engineers, 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 _____, 2011.

RECOMMEND FOR APPROVAL:

CITY OF AUGUSTA-RICHMOND COUNTY
AUGUSTA, GEORGIA

Honorable Mayor, Deke Copenhaver

Approved: Date _____

Approved: Date _____
[ATTACHED CORPORATE SEAL]

ATTEST: _____

Title: _____ **Item # 7**

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

Augusta-Richmond County, Georgia

CPB#325-041120-209825201

**CAPITAL PROJECT BUDGET
MARKS CHURCH ROAD RECONSTRUCTION PROJECT
CHANGE NUMBER ONE**

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#325-041120-209825201 for Supplemental Agreement Number One for water main relocation plan and utility plan coordination on the Marks Church Road project. Funds in the amount of \$33,111.00 are available in the project contingency account to be transferred to the engineering account.

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

Special 1% Sales Tax, Phase V	\$ 2,500,000
	<u>\$ 2,500,000</u>

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

By Basin	By District
Raes Creek \$2,500,000	\$ 2,500,000

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

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

Augusta-Richmond County, Georgia

CPB#325-041120-209825201

**CAPITAL PROJECT BUDGET
MARKS CHURCH ROAD RECONSTRUCTION PROJECT
CHANGE NUMBER ONE**

<u>SOURCE OF FUNDS</u>	<u>CPB AMOUNT CPB</u>	<u>CPB CHANGE</u>	<u>NEW CPB</u>
SPLOST, PHASE V 325-04-1120-6011110	(\$2,500,000)		(\$2,500,000)
TOTAL SOURCES:	(\$2,500,000)		(\$2,500,000)
 USE OF FUNDS			
ENGINEERING 325-04-1120-5212115-209825201	\$589,129	\$33,111	\$622,240
CONSTRUCTION 325-04-1120-5414110-209825201	\$1,910,871	(\$33,111)	\$1,877,760
TOTAL USES:	\$2,500,000	\$0	\$2,500,000



**Engineering Services Committee Meeting
4/25/2011 1:05 PM**

Recommendation of the Hazard Mitigation Plan Update Evaluation Committee

Department: Planning Commission

Caption: Motion to award a planning contract to Pudar Mitigation Consulting, Inc. in the amount of \$28,297.00 for the preparation of an update to the Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe (RFP #11-086) based on the recommendation of the Hazard Mitigation Plan Update Evaluation Committee.

Background: Augusta, Georgia has received a HMGP Grant from the Federal Emergency Management Agency (HMGP-1858-0034). This grant provides funding, in the amount of \$39,999.00, for the update of the current Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe. The updated Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe will address various hazards that threaten the health and welfare of the citizens of Augusta, GA, and the jurisdictions of Hephzibah and Blythe, and will meet the requirements of the Disaster Mitigation Act of 2000. The Hazard Mitigation Plan Update Evaluation Committee made up of 6 team members from the Augusta-Richmond County Planning Commission, EMA and Procurement met on March 16, 2011, to review the proposals of 7 eligible firms who had responded to RFP #11-086. Of the 7 eligible firms, 3 were short-listed to present to the Evaluation Committee on March 25, 2011. Based on the extensive experience performing Hazard Mitigation Plans in Georgia, it was the recommendation of the Evaluation Committee to award the contract to Pudar Mitigation Consulting, Inc.

Analysis: Approval of funds will allow for the preparation of the updated Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe. Disapproval of funding would cause the plan to not be written and for any future funding for hazard mitigation from the state and federal government to cease. Pudar Mitigation Consulting, Inc. is owned and operated by Ranko Pudar, PE, CFM. Mr Pudar has 21 years of experience in hazard mitigation, risk assessment and floodplain management, including 13 years of experience working

Cover Memo

directly with FEMA. The team that Pudar Mitigation Consulting, Inc. has assembled is very familiar with the Georgia requirements for performing a Hazard Mitigation Plan update, having done several HM Plans within the state of Georgia and also having routinely assisted local governments in revision of ordinance updates, development and review processes, and personnel training.

Financial Impact: The amount of \$28,297.00 is available through the HMGP Grant that has previously been awarded to Augusta, GA from the Federal Emergency Management Agency (\$39,999.00), and through money earmarked in 2000 for hazard mitigation by the City (\$7,074.25 as the City's match).

Alternatives: a) Deny the request in its entirety or b) Contract with another planning firm, which could lead to undue and costly delays. This Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe must be completed in a timely fashion to avoid losing the HMGP Grant in its entirety. Accordingly, if the Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe is not completed in a timely fashion, any future funding for hazard mitigation will not be made available to Augusta, GA by the state and federal government. The current Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe expires August 24, 2011.

Recommendation: It is recommendation of the Augusta-Richmond Planning Commission, in accordance with the recommendation of the Hazard Mitigation Plan Update Evaluation Committee, to approve the awarding of the contract to Pudar Mitigation Consulting, Inc. in the amount of \$28,297.00 for the preparation of update of the Multi-Jurisdictional Hazard Mitigation Plan for the City of Augusta, Georgia and the cities of Hephzibah and Blythe subject to the DMA2K five year update requirements of FEMA, pursuant to the requirements of 44 CFR 201, and pursuant to the requirements of the Georgia Emergency Management Agency.

Funds are Available in the Following Accounts: \$39,999.00 is available through the HMGP Grant that has previously been awarded to Augusta, GA from the Georgia Emergency Management Agency; The local match of \$7,074.25 is available through money earmarked in 2000 for hazard mitigation by the City (Acct #: 220-03-9212)

REVIEWED AND APPROVED BY:

Cover Memo

Item # 8



Engineering Services Committee Meeting

4/25/2011 1:05 PM

Request emergency award for a construction contract to Garnto Southern for construction of the Brown Street & Holley Street Emergency Sewer Repair Project

Department: Augusta Utilities Department

Caption: Approve an emergency award for a contract with Garnto Southern for services associated with construction of the Brown Street & Holley Street Emergency Sewer Repair Project in the amount of \$192,223.36.

Background: The Utilities Department has identified a major problem to an existing combined sanitary/storm sewer main in the downtown area of Richmond County. In recent months there has been a lot of additional flow in the structure due to the construction of the new MCG complex. The Utilities Department is in need of relieving the sanitary sewer system of storm water to decrease the treatment plant loads and stay within the parameters of the city's discharge permit. This additional flow and the potential of increased additional flow are affecting the safe conveyance of sanitary sewer in that area and heightens the possibility of having sanitary sewer overflows. The needed repairs include removing 320 linear feet of dilapidated sewer and installing 1000 linear feet of new sewer main and new sanitary sewer services to ensure no future negative impacts to either storm sewer or sanitary sewer in that area of Richmond County. This repair project was originally awarded to Tran Construction for which Garnto Southern was their approved site subcontractor. Since the original start date of this project Tran Construction has been deemed as a non-performing contractor that is now facing action by their bonding company. Garnto Southern still has the materials on site to complete the emergency repair of the Brown & Holley Street Sewer Project.

Analysis: Garnto Southern submitted an acceptable construction proposal and was the approved utility subcontractor tasked to perform the installation. The Utilities Department desires to inform Commission of the award of this contract to construct the Brown Street & Holley Street Emergency Sewer Repair Project to Garnto Southern, Inc.

Financial Impact: \$192,223.36, under account number 507043410-5425110 / Cover Memo

80600040-5425110

Alternatives: No alternatives due to the contract being awarded under emergency conditions

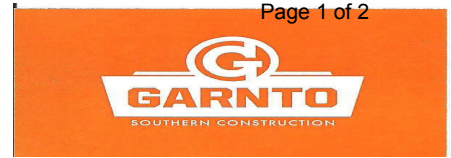
Recommendation: We are requesting the Commission approve the Department's request of a emergency award of the contract with Garnto Southern, Inc. in the amount of \$192,223.36 for the construction of the Brown Street & Holley Street Emergency Sewer Repair.

**Funds are Available
in the Following
Accounts:** \$192,223.36 from account 507043410-5425110 / 80600040-5425110

REVIEWED AND APPROVED BY:

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

Proposal



Phone: 706-814-5266
Fax: 706-814-6483

Proposal: 201035
Date:

To:	Project:
AUGUSTA UTILITIES DEPARTMENT Attn: Stanley Aye	Brown & Holly Street

Salesperson		
Jason Garnto		

Reference	Description	Quantity	UOM	Unit Price	Extended Price
-----------	-------------	----------	-----	------------	----------------

Uncoded

F.001	Sales Tax on Materials	7.0000	%	0.0000	0.00
Total:					0.00

0100 General Requirements

11	Traffic Control	1.0000	LS	5,891.1771	5,891.18
General Requirements Total:					5,891.18

0600 Sewer

01	Remove Existing Sewer	315.0000	LF	14.5032	4,568.50
02	Remove Existing Manhole	2.0000	EA	291.3999	582.80
03	Sewer Manhole	3.0000	EA	2,014.5673	6,043.70
04	12" Sewer (SDR35)	367.0000	LF	60.6356	22,253.25
05	8" Sewer (SDR35)	622.0000	LF	52.2728	32,513.69
06	Sewer Service	30.0000	EA	566.1062	16,983.19
10	Tie To Existing	2.0000	EA	459.2064	918.41
12	Conflict Structure	1.0000	EA	1,779.4261	1,779.43
13	Sewer Service W/ 6" DIP And 12" Core	12.0000	EA	2,837.8508	34,054.21
14	12" DIP Through Storm Drain	20.0000	LF	176.2742	3,525.48
Sewer Total:					123,222.66

0900 Curb

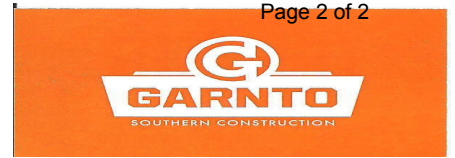
09	Curb & Gutter	200.0000	LF	15.2250	3,045.00
Curb Total:					3,045.00

1000 Paving

07	Asphalt Overlay Type F 1.5"	3,000.0000	SY	7.2975	21,892.50
08	GABC 10.5" 7' Wide Asphalt Patch 2.5"	1,140.0000	SY	33.4842	38,172.02
Paving Total:					60,064.52

Garnto Southern Construction, LLC
4573 Cox Rd Suite B
Evans, GA 30809
www.garntosouthern.com

Proposal



Phone: 706-814-5266
Fax: 706-814-6483

Proposal: 201035
Date:

To:	Project:
AUGUSTA UTILITIES DEPARTMENT Attn: Stanley Aye	Brown & Holly Street

Salesperson		
Jason Garnto		

Proposal Total:	192,223.36
------------------------	-------------------

Acceptance	
Accepted by:	_____
Title:	_____
Date:	_____



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
Road Name Change**

Department: Planning Commission

Caption: Motion to approve road name change of Aruba Place to Trinidad Way.

Background: Michele Pearman, GIS Analyst, with Augusta's IT/GIS Department initiated a request for a Road Name Change of Aruba Place to Trinidad Way. There exists an Aruba Circle in Augusta and duplication of road names is causing confusion for emergency (police, fire and EMS) and service providers.

Analysis: The existing road name of Aruba Place appears to no significance in the area and only 4 residents live on Aruba Place. It should be noted that none of the 4 properties adjacent to Aruba Place are addressed to Aruba Place.

Financial Impact: Cost of road signs

Alternatives: Change or do not change road name

Recommendation: To change name

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:

Clerk of Commission

RESOLUTION

WHEREAS: Michele Pearman, GIS Analyst, with Augusta's IT/GIS Department initiated a request for a Road Name Change of Aruba Place to Trinidad Way;

WHEREAS: The existing road name of Aruba Place appears to no significance in the area and only 4 residents live on Aruba Place. It should be noted that none of the 4 properties adjacent to Aruba Place are addressed to Aruba Place;

WHEREAS, there exists an Aruba Circle within Augusta, GA and the duplication of road names is causing confusion for emergency (police, fire and EMS) and service providers;

WHEREAS: It is proposed that the entire portion of the Aruba Place be renamed Trinidad Way;

WHEREAS: The road name change is acceptable to the minimum requirement of 66% of the adjoining property owners (75% have approved the name change) along Aruba Place.

NOW THEREFORE, BE IT RESOLVED BY THE AUGUSTA COMMISSION:

THEREFORE: Let it be known that Augusta, Georgia does hereby adopt the road name change of Aruba Place to Trinidad Way. Traffic Engineering should be notified of the road name change and road signs should be erected accordingly.

Lena Bonner, Clerk of Commission

Deke Copenhaver, Mayor

CERTIFICATE

The undersigned qualified and acting Clerk of the Augusta Commission certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Augusta Commission held on _____.

Lena Bonner, Clerk of Commission

Date



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
TEE Center Transformers**

Department: Public Services Department - Facilities Management Division

Caption: Approve the purchase of two (2) 1000 KVA transformers from Georgia Power for the Trade, Exhibit and Event (TEE) Center in the amount of \$298,827.00.

Background: Electrical power is required for the TEE Center. The existing transformers located near the Marriott Suites building do not have capacity for the TEE Center.

Analysis: The proposed network transformers are necessary for providing electrical power to all electrical components at the TEE Center site. It is recommended that approval be given for the purchase of two (2) 1000 kva transformers as outlined in Option #1 of the attached Georgia Power proposal dated February 11, 2011. This is the lowest cost alternative.

Financial Impact: The total cost for the two (2) transformers is \$298,827.00. Funding for the electrical power (transformers) was not included in the Guaranteed Maximum Price for the project.

Alternatives: 1. Approve the purchase of two (2) 1000 KVA transformers from Georgia Power for the Trade, Exhibit and Event (TEE) Center in the amount of \$298,827.00 2. Utilize power from an alternate source that exists on the site. Cost is four-fold a increase.

Recommendation: Approve the purchase of two (2) 1000 KVA transformers from Georgia Power for the Trade, Exhibit and Event (TEE) Center in the amount of \$298,827.00.

Funds are Available in the Following Accounts: FUNDS ARE AVAILABLE IN ACCOUNT: TEE Center: GL – 325-05-1120; JL – 209251104 GL - 361-06-1120 Object Code: 5413130

REVIEWED AND APPROVED BY:

Cover Memo

Item # 11

Finance.
Procurement.
Law.
Administrator.
Clerk of Commission

AUGUSTA GEORGIA CAPITAL IMPROVEMENTS
HEERY INTERNATIONAL, INC., PROGRAM MANAGER

April 13, 2011

Jim Granade
Project Manager
Georgia Power
4224 Evans to Lock Road
Evans, GA 30809

RE: TEE Center: Above Ground Vault

Dear Mr. Granade:

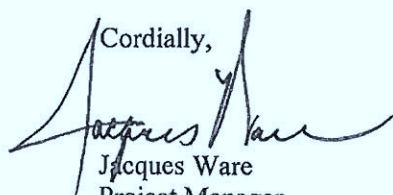
We have concluded our review of the proposals for the electrical power service to the TEE Center site. We have selected Option #1 of your cost quote dated February 11, 2011. The quote is for the following scope:

Install two (2) 1000 kva network transformers in the parking deck area to provide 480y/277 volt electric service to the Augusta TEE Center. Cost: \$298,827.00

Georgia Power will install the two (2) 1000 kva transformers in the parking deck area. Electrical power to the two transformers will be pulled from the existing transformer in the Marriott Suites vault. All concrete encased ductlines will be installed by the electrical contractor for the TEE Center project.

If there are any questions, please don't hesitate to contact me.

Cordially,



Jacques Ware
Project Manager
Augusta, Georgia
Capital Improvements Program Management

C: Fred Russell, Geri Sams, Forrest White, Jim Cely, Ronald McGee

AUGUSTA TEE CENTER

Cost Quotes Summary



2/11/2011

Scope of Work:

Option #1: Above Ground Vault in Parking Deck

Cost Quote for installing (2) 1000 kva network transformers in parking deck area to provide 480y/277 volt electric service to the Augusta TEE Center. Customer is responsible to installing a concrete encased duct line from the "Suites Vault" to the above ground vault location in the parking deck per Georgia Power Specifications.

Estimated Cost \$ 298,827 ✓

Option #2: 9th St. Vault in Sidewalk @ Harrison Bldg.

Cost Quote for installing (2) 1000 kva network transformers on 9th St. sidewalk @ Harrison Bldg. to provide 480y/277 volt electric service to the Augusta TEE Center. Add a 3rd 1000 kva transformer for the future TEE Center Addition and Future Hyatt Hotel. Customer is responsible for installing 3 concrete vaults and all duct lines to the TEE Center & future Hyatt Hotel properties now. Cost for the 3rd transformer will be determined at the time of future construction.

~~Estimated Cost \$ 124,188~~

***Additional vault specifications, equipment access, easements, and other issues must be mutually agreed to before Georgia Power will consent to the actual installation of the network transformers in the above ground parking deck location.

***Additional vault specifications, equipment access, easements, and other issues must be mutually agreed to before Georgia Power will consent to the actual installation of the network transformers @ the 9th St. location.

***Georgia Power's construction must be completed in 2011 for investment tax credits.

***Monthly Term Payments of 3, 5, or 7 years can be quoted upon request.

***Estimated Costs are based on PLL Rate-Separately Metered Facility

***This cost quote expires on 4-29-2011 at 5:00 pm EST.



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
Tree Commission**

Department: Clerk of Commission

Caption: Report from the Tree Commission. (Requested by Commissioner Aitken)

Background:

Analysis:

Financial Impact:

Alternatives:

Recommendation:

**Funds are Available
in the Following
Accounts:**

REVIEWED AND APPROVED BY:



Engineering Services Committee Meeting

4/25/2011 1:05 PM

Wrightsboro Road Improvements (Jimmie Dyess Parkway to I-520) SA13

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

Caption: Authorize/approve CPB #14 and Supplemental Agreement #13 with PBS & J, Inc. in the amount of \$144,582 to revise the Project Concept Report, redesign 3, drainage structures to satisfy the Corps of Engineers fish passage requirements; and for additional coordination of right of way plans revisions associated with the ongoing right of way negotiations on the project to improve Wrightsboro Road from Jimmie Dyess Parkway to I-520 as requested by AED. Funding is available in the project account for AED.

Background: This is a Georgia Department of Transportation (GDOT) managed project that will widen & reconstruct Wrightsboro Road from Jimmie Dyess Parkway to I-520. The Engineering Department is responsible for funding engineering activities, road design, right-of-way plans, and construction plans. GDOT is funding the right of way acquisition (\$11.9 million) and the construction (\$23 million). Recent changes in environmental regulations and realignment of Barton Chapel Road warranted redesigning of three (3) road crossings at Rae's Creek and accordingly revision to the project Concept Report and construction plans.

Analysis: Project is under design. PBS&J is the design firm of record and will provide supplemental services of redesigning the drainage structure per latest applicable environmental regulations, preparation of revised Concept Report per GDOT instructions, preparation of revised roadway design include culverts and Barton Chapel Road modifications, revision of Right of Way plans and construction plan. All these services are critical to complete ongoing design efforts, satisfy Federal Highway and GDOT latest requirements and move the project to construction phase.

Financial Impact: Funds are available in the project Right-of-Way account to be transferred to the project engineering account 323-041110-5212115 upon Commission approval of this supplemental agreement.

Alternatives:

1) Authorize/Approve CPB #14 and Supplemental Agreement #13 with PBS & J, Inc. in the amount of \$144,582 to revise the Project Concept Report, redesign 3, drainage structures to satisfy the Corps of Engineers fish passage requirements; and for additional coordination of right of way plans revisions associated with the ongoing right of way negotiations on the project to improve Wrightsboro Road from Jimmie Dyess Parkway to I-520 as requested by AED. Funding is available in the project account for AED. 2) Do not approve and delay the construction and improvements on a major transportation corridor that is vital to Augusta-Richmond County and also loose designated state and Federal funding.

Recommendation:

Approve Alternative Number One.

**Funds are Available
in the Following
Accounts:**

323-041110-5212115/2968233309-5212115

REVIEWED AND APPROVED BY:

Finance.

Procurement.

Law.

Administrator.

Clerk of Commission

Augusta-Richmond County, Georgia

CPB#323-041110-296823309

**CAPITAL PROJECT BUDGET
WRIGHTSBORO ROAD IMPROVEMENTS
CHANGE NUMBER FOURTEEN**

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

Section 1: The project change is authorized to CPB# 323-041110-296823309 Supplemental. Agreement Number Thirteen. This is for the purpose of redesigning three drainage structures to satisfy US Army Corps of Engineers fish passage requirements; and for additional coordination of right of way plan revisions. Funding is available in the amount of \$144,582 in the project Right of Way account transferred to the project Engineering account.

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

Special 1% Sales Tax, Phase III	\$ 1,984,000
	<u>\$ 1,984,000</u>

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

By Basin	By District
Raes Creek \$1,984,000	3rd \$ 1,984,000

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

Fred Russell, Administrator

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

Augusta-Richmond County, Georgia

CPB#323-041110-296823309

**CAPITAL PROJECT BUDGET
WRIGHTSBORO ROAD IMPROVEMENTS
CHANGE NUMBER FOURTEEN**

<u>SOURCE OF FUNDS</u>	<u>CPB AMOUNT CPB</u>	<u>CPB CHANGE</u>	<u>NEW CPB</u>
SPECIAL 1% SALES TAX, PHASE III 323-04-1110-6011110-296823309	(\$1,984,000)	\$0	(\$1,984,000)
TOTAL SOURCES:	(\$1,984,000)	\$0	(\$1,984,000)
<u>USE OF FUNDS</u>			
ENGINEERING 323-04-1110-5212115-296823309	\$1,472,981	\$144,582	\$1,617,563
ADVERTISING 323-04-1110-5233119-296823309	\$1,000	\$0	\$1,000
RIGHT-OF-WAY 323-04-1110-5411120/296823309	\$227,019	(\$144,582)	\$82,437
CONTINGENCY 323-04-1110-6011110/296823309	\$43,000	\$0	\$43,000
TRAFFIC SIGNAL 323-04-1110-5414610/296823309	\$40,000	\$0	\$40,000
UTILITY RELOCATION 323-04-1110-5414510/296823309	\$200,000	\$0	\$200,000
TOTAL USES:	\$1,984,000	\$0	\$1,984,000

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

AUGUSTA, GA ENGINEERING DEPARTMENT SUPPLEMENTAL AGREEMENT

Augusta Richmond County Project Number(s):	323-041110-296823309
Supplemental Agreement Number:	13
Purchase Order Number:	4471

WHEREAS, We, **PBS & J**, Consultant, entered into a contract with Augusta-Richmond County on October 19, 1999, for engineering design services associated with the widening and reconstruction of **Wrightsboro Road from Jimmie Dyess Parkway to I-520, GDOT** Project No. STP00-7001-00 (009), File Reference No. 11-014 (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:

***Revision of project Concept Report and redesign three drainage structures
and additional coordination of right of way plan revisions.***

It is agreed that as a result of the above described modification the contract amount is increased by **\$144,582** from **\$1,472,821.37** to a new total of **\$1,617,403.37**.

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, **PBS & J**, 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 _____, 2011.

RECOMMEND FOR APPROVAL:

CITY OF AUGUSTA-RICHMOND COUNTY
AUGUSTA, GEORGIA

Mayor Deke S. Copenhaver

Approved: Date _____

Approved: Date _____
[ATTACHED CORPORATE SEAL]

ATTEST:

ATTEST:

Title: _____

Title: _____



**Engineering Services Committee Meeting
4/25/2011 1:05 PM
Youngblood Lane-Condemnation of Parcel**

Department: Engineering-Abie L. Ladson, P.E., CPESC

Caption: Approve having 0.12 acre (5,372.79. sq. ft.) of right-of-way, 0.07 acre (2889.13 sq. ft.) of permanent easement, and 1,155.65 sq. ft. of temporary construction easement on Tax Map 252, Parcel 015, appraised on Youngblood Lane so that we can proceed with condemnation and pave the road on the Paving Various Roads, Phase IX Project CPB# 324-041110-208824001, as requested by Augusta Engineering Department. Funds are available in the project Right of Way account.

Background: This project was approved by the Commission on June 17, 2008, as part of the Paving Various Roads Phase IX Project. The property owner vacated the property and had not paid taxes for the last several years. The property was foreclosed on by the Tax Commissioner and put up for sale at a tax sale. To be able to get clear title on this property, we would have to get the previous owner to sign, plus the new buyer. It was decided the best way to move forward with this parcel on Youngblood Lane would be to have the property appraised and then condemn for title.

Analysis: As part of the Paving Dirt Roads Program, it was approved to require the property owners to donate the necessary right-of-way, and if they did not agree to donate, the project would not be done. All of the other property owners have donated the necessary right-of-way for this paving project. However, in this case, the property owner was not available to grant clear title, and this property owner was the only one not to donate. As the contractor is ready to pave this road, we need to receive permission to have the property appraised, then condemn the property for title and then the road can be paved.

Financial Impact: The cost would be the appraisal fee of approximately \$400.00, the appraised value of the property of approximately \$300.00, and the cost to condemn the parcel at an estimate of \$2,000.00.

Alternatives: 1. Approve having 0.12 acre (5,372.79. sq. ft.) of right-of-way, 0.07 acre (2889.13 sq. ft.) of permanent easement, and 1,155.65

Cover Memo

sq. ft. of temporary construction easement on Tax Map 252, Parcel 015, appraised on Youngblood Lane so that we can proceed with condemnation and pave the road on the Paving Various Roads, Phase IX Project CPB# 324-041110-208824001, as requested by Augusta Engineering Department. Funds are available in the project Right of Way account. 2. Do not approve and not pave Youngblood Lane.

Recommendation: Approve Alternative Number One.

**Funds are Available
in the Following
Accounts:** 324-041110-5411120/208824001-5411120

REVIEWED AND APPROVED BY:

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