

Ben A. Rozier
Mayor

J. Raymond Dickey
City Attorney

Charles D. Akridge
City Administrator



Barbara Griffin
Ernest Grizzard, Sr.
Gene Harley
Jimmy Kerby
Virginia Key
David Otakic

City Council

City of Bloomingdale

Post Office Box 216
Bloomingdale, Georgia 31302

LAND-DISTURBING ACTIVITY PERMIT PROCESS STORMWATER MANAGEMENT PLANS

Before you grade, excavate, fill, or clear land located within the City of Bloomingdale you may have to obtain a Land-Disturbing Activity Permit. Erosion and Sedimentation Control Permits and Stormwater Management Plans are required for activities outlined below disturbing one (1.0) acre of land or phased developments disturbing a total of one (1.0) acres of land or more. The City's Erosion and Sedimentation Control Ordinance, as developed by the State of Georgia and adopted by the City on June 17, 2004, defines a land disturbing activity as follows:

"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 subsection 34-163 (5).

The City of Bloomingdale is an issuing authority for LDA permits.

The following is an outline of the procedure for applying for a Land Disturbing Activity Permit for projects that require an Erosion and Sediment Control Plan and Stormwater Management Plan:

- 1) Complete the Application for Land-Disturbing Activity Permit (Form #LDPA 9/05) and submit it to the City of Bloomingdale along with:
 - (A) A check made payable to the City of Bloomingdale in the amount of \$100.00 for LDA plus \$40.00 per disturbed acre.
 - (B) Submit to the City of Bloomingdale four (4) sets of your Erosion and Sediment Control Plan which must meet the requirements of Section 34-165 of the City of Bloomingdale's Erosion and Sedimentation Control Ordinance and the Georgia Soil & Water Conservation Commission's Erosion & Sediment Control review checklist.
 - (C) Submit to the City of Bloomingdale the E & SC checklist
 - (D) Submit to the City of Bloomingdale four (4) sets of your Stormwater Management Plan

- 2) Complete the Coastal Soil & Water Conservation District Application and submit the original form along with the required payment as instructed.
(Submit a copy of the completed CSWC District Application and a copy of the check to the City of Bloomingdale)
- 3) Complete the National Pollutant Discharge Elimination System General Permit Form (Form #CLDF.2) and submit the original form and the required payment to the EPD as instructed. (Submit a copy of the completed form to the City of Bloomingdale)

Your plan will be reviewed and evaluated. If changes are required, you will be notified. A revised plan may be required.

Upon approval of the plan, you may be required to post a bond (security bond, cash escrow, letter of credit) and sign certain agreements connected with permit.

After you have met the requirements as outlined in the City of Bloomingdale's Erosion and Sedimentation Control Ordinance, your Land-Disturbing Permit can be issued.

Once your Land Disturbing Permit has been issued and the Stormwater Management Plan has been approved, building permits can be released and the approved construction may commence.

Attachments:

Application for Land-Disturbing Permit for City of Bloomingdale

E & SC Plan Review Checklist

E & SC Plan Review Checklist Detail

Coastal Soil & Water Conservation District Application

National Pollutant Discharge Elimination System General Permit Fee Form #CLDF.2

APPLICATION FOR LAND-DISTURBING PERMIT

PROJECT FILE # _____

DATE OF APPLICATION _____

PERMIT EFFECTIVE DATE _____

Applicant _____
(Full Name) (Business Phone)

(Address)

Landowner _____
(Full Name) (Phone)

(Address)

Plan prepared by _____

Project _____
(Name and Description)

Location _____

Tax Map _____ Parcel _____ Area = _____ sq. ft.

I, _____, hereby certify that I fully understand the provisions of
(signature)

the City of Bloomington's Erosion and Sediment Control Ordinance and Program, and
that I accept the responsibility for carrying out the Erosion and Sediment Control Plan for
the above referenced project as approved by the City of Bloomington.

I further grant the right-of-entry onto this property, as described above, to the City of
Bloomington's designated representative for the purpose of inspecting and monitoring for
compliance with the aforesaid Ordinance.

Approved

(Local Program Administrator) Date _____

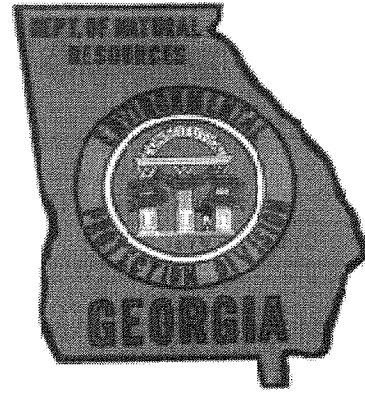
(Other Officials) Date _____

NPDES GENERAL PERMITS – FEE FORM

State of Georgia
Department of Natural Resources
Environmental Protection Division

**PLEASE PRINT OR TYPE THIS FORM.
SUBMIT ORIGINAL FORM AND PAYMENT TO:**

EPD - Construction Land Disturbance Fees
P. O. Box 932858
Atlanta, GA 31193-2858



**PLEASE MAKE CHECKS PAYABLE TO: Department of Natural Resources - EPD
(DO NOT MAIL CASH)**

COMPLETE THE FOLLOWING (do not leave any sections blank - if not applicable, mark "N/A"):

Primary Permittee's Name: _____

Project Construction Site Name: _____

Address: _____

City: _____

Construction Site Street Address: _____

State: _____ Zip Code: _____

(please provide sufficient information to accurately
locate the construction site)

Contact Telephone: _____

Is the construction site located within the city limits ?

☐ YES

☐ NO

City: _____
(applicable if the site is located within the
jurisdictional boundaries of the municipality)

County: _____

- ☐ Acres Disturbed (to the nearest tenth (1/10th) acre)
In an area with a certified Local Issuing Authority
(Do not include fees payable to the Local Issuing Authority)

_____ X \$40/acre = _____
(acres)

- ☐ Acres Disturbed (to the nearest tenth (1/10th) acre)
In an area with no certified Local Issuing Authority

_____ X \$80/acre = _____
(acres)

- ☐ Acres Disturbed (to the nearest tenth (1/10th) acre)
(By an entity exempt from a certified Local Issuing Authority's
regulation pursuant to statute)

_____ X \$80/acre = _____
(acres)

TOTAL FEE SUBMITTED = _____

CHECK NUMBER: _____

Submitted By (Printed Name): _____ Title: _____

Signature: _____ Date: _____

**ATTACH CHECK HERE
VOID IF SUBMITTED WITHOUT PAYMENT**

COASTAL SOIL AND WATER CONSERVATION DISTRICT

DATE:

TO: Applicants for Land-Disturbing Activity Permits

FROM: Coastal Soil and Water Conservation District
(Bryan, Chatham, Liberty, Long and McIntosh Counties)

SUBJECT: Erosion and Sediment Control Plan Review

A conservation education contribution of \$50.00 per Erosion and Sediment Control Plan is requested by the Coastal Soil and Water Conservation District. This is in addition to any charges by the Local Issuing Authority.

Please complete the following form and attach a check in the amount of \$50.00 payable to the Coastal Soil and Water Conservation District.

Project Name	County
--------------	--------

Application Name

Address

Phone Number

Contact the following for information where to send your \$50.00 education contribution.

State Headquarters

4310 Lexington Road

Athens, Ga. 30605

Phone: (706)552-4470

**EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN CHECKLIST
STAND ALONE CONSTRUCTION PROJECTS**

SWCD: _____

Project Name: _____ Address: _____

City/County: _____ Date on Plans: _____

Name & email of person filling out checklist: _____

Plan Page #	Included Y/N
----------------	-----------------

TO BE SHOWN ON ES&PC PLAN

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 1 The applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
(The completed Checklist must be submitted with the ES&PC Plan or the Plan will not be reviewed) **Permit IV.D.1 pg 26**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 2 Level II certification number issued by the Commission, signature and seal of the certified design professional.
(Signature, seal and Level II number must be on each sheet pertaining to ES&PC Plan or the Plan will not be reviewed)
The Level II certification must be issued to the Design Professional whose signature and seal are on the Plan.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 3 Limits of disturbance shall be no greater than 50 acres at any one time without prior written authorization from the EPD District Office. If EPD approves the request to disturb 50 acres or more at any one time, the Plan must include at least 4 of the BMPs listed in Appendix 1 of this checklist.*
(A copy of the written approval by EPD must be attached to the plan for the Plan to be reviewed.) **Permit IV.D.3 pg 27**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 4 The name and phone number of the 24-hour local contact responsible for erosion, sedimentation and pollution controls.
May be shown on ES&PC Plan sheets and/or ES&PC notes. **Permit II.B.1.c pg 12**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 5 Provide the name, address, email address, and phone number of primary permittee.
May be shown on cover sheet, ES&PC Plan or under ES&PC notes. **Permit II.B.1.b pg 12**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 6 Note total and disturbed acreage of the project or phase under construction.
Must be shown on ES&PC Plan or under ES&PC notes. **Permit IV.D.2.c pg 27**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 7 Provide the GPS location of the construction exit for the site. Give the Latitude and Longitude in decimal degrees.
GPS location of the construction exit must be shown on cover sheet and may also be shown on ES&PC Plan sheets and ES&PC notes. It must match the NOI. **Permit II.B.1.a pg 12**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 8 Initial date of the Plan and the dates of any revisions made to the Plan including the entity who requested the revisions.
The initial Plan date should be shown on all pages. With each resubmittal, the revision date and entity requesting revisions should be shown on cover sheet and each sheet that has been revised.

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 9 Description of the nature of construction activity.
Provide a description of the existing site and a description of the proposed project. These must be shown on ES&PC Plan or under ES&PC notes. **Permit IV.D.2.a pg 27**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 10 Provide vicinity map showing site's relation to surrounding areas. Include designation of specific phase, if necessary.
Site location must be delineated showing surrounding area roads and highways. If the project is being done in phases, each individual phase must be delineated and labeled. This information is important for Plan Reviewers if a site visit is needed, or if the site needs to be located on another map. **Permit IV.D.2.e pg 27**

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

- 11 Identify the project receiving waters and describe all sensitive adjacent areas including streams, lakes, residential areas, wetlands, marshlands, etc. which may be affected.
The name of the initial receiving water(s) or if unnamed, the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee's determination of whether the receiving water(s)

supports warm water fisheries or is a trout stream. Describe any neighboring area which could be affected by the post-developed runoff from the site. **Permit IV.D.2.f pg 27**

☐ ☐

- 12 Design professional's certification statement and signature that the site was visited prior to development of the ES&PC Plan as stated on **Part IV page 19** of the permit.

The following statement and the signature of the design professional must be shown on the ES&PC Plan or under ES&PC notes. "I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision."

☐ ☐

- 13 Design professional's certification statement and signature that the permittee's ES&PC Plan provides for an appropriate and comprehensive system of BMPs and sampling to meet permit requirements as stated on **Part IV page 19** of the permit.*

The following statement and the signature of the design professional must be shown on the ES&PC Plan or under ES&PC notes. "I certify that the permittee's Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of Best Management Practices required by the Georgia Water Quality Control Act and the document "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, provides for the sampling of the receiving water(s) or the sampling of the storm water outfalls and that the designed system of Best Management Practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit No. GAR 100001."

☐ ☐

- 14 Clearly note the statement that "The design professional who prepared the ES&PC Plan is to inspect the installation of the initial sediment storage requirements and perimeter control BMPs within 7 days after installation." *

The Plan must include a statement indicating that the primary permittee must retain the design professional who prepared the Plan, except when the primary permittee has requested in writing and EPD has agreed to an alternate design professional, to inspect the installation of the initial sediment storage requirements and perimeter control BMPs which the design professional designed within seven (7) days after installation. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the primary permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required. **Permit IV.A.5 pg 25**

☐ ☐

- 15 Clearly note the statement that "Non-exempt activities shall not be conducted within the 25 or 50-foot undisturbed stream buffers as measured from the point of wrested vegetation or within 25-feet of the coastal marshland buffer as measured from the Jurisdictional Determination Line without first acquiring the necessary variances and permits."

See Part IV.(i) - (iv) on pages 19-24 of the permit and show under ES&PC notes.

☐ ☐

- 16 Provide a description of any buffer encroachments and indicate whether a buffer variance is required.

When the project requires an approved buffer variance from the GA EPD, an indication shall be shown on the ES&PC Plan. A description of the encroachment activity must be shown on the ES&PC Plan or under ES&PC notes.

☐ ☐

- 17 Clearly note the statement that "Amendments/revisions to the ES&PC Plan which have a significant effect on BMPs with a hydraulic component must be certified by the design professional."*

See Part IV.C. on page 26 of the permit. This can be clarified in a narrative and shown under ES&PC notes. Revisions or amendments should be submitted to the Local Issuing Authority for review.

☐ ☐

- 18 Clearly note the statement that "Waste materials shall not be discharged to waters of the State, except as authorized by a Section 404 permit."*

The Plan must include a description of how waste materials, including waste building materials, construction and demolition debris, concrete washout, excavated sediment, etc., will be properly disposed of. Any disposal of solid waste to waters of the State is prohibited unless authorized by a Section 404 permit. **Permit IV.D.3.c.(1) pg 30**

☐ ☐

- 19 Clearly note statement that "The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to land disturbing activities."

Must be shown on ES&PC Plan or under ES&PC notes.

- ☐ ☐ 20 Clearly note statement that "Erosion control measures will be maintained at all times. If full implementation of the approved Plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."
Must be shown on ES&PC Plan or under ES&PC notes.
- ☐ ☐ 21 Clearly note the statement "Any disturbed area left exposed for a period greater than 14 days shall be stabilized with mulch or temporary seeding."
Must be shown on ES&PC Plan or under ES&PC notes. Permit IV.D.3.a.(1) pg 28
- ☐ ☐ 22 Any construction activity which discharges storm water into an Impaired Stream Segment, or within 1 linear mile upstream of and within the same watershed as, any portion of an Biota Impaired Stream Segment must comply with Part III.C. of the permit. Include the completed Appendix 1 listing all the BMPs that will be used for those areas of the site which discharge to the Impaired Stream Segment.*
If any storm water associated with construction activities discharges into an Impaired Stream Segment that has been listed for the criteria violated, "Bio F" (Impaired Fish Community) and/or "Bio M" (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either "NP" (nonpoint source) or "UR" (urban runoff), the ES&PC Plan must include at least four (4) of the BMPs listed in Part III.C.2.a. - v. of the permit. The Impaired Stream Segment(s) should be delineated on the ES&PC Plan. Georgia's most current and subsequent "305(b)/303(d) List Documents (Approved)" can be viewed on the GAEPD website (www.gaepd.org/Documents/305b.html) Permit III.C.2.a. - v. pg 15-17
- ☐ ☐ 23 If a TMDL Implementation Plan for sediment has been finalized for the Impaired Stream Segment (identified in Item 22 above) at least six months prior to submittal of NOI, the ES&PC Plan must address any site-specific conditions or requirements included in the TMDL Implementation Plan.*
List of TMDL Implementation Plans can be viewed on the GAEPD website, www.gaepd.org. The TMDL Implementation Plan for sediment should be delineated on the ES&PC Plan. Permit III.C.1 pg 15
- ☐ ☐ 24 BMPs for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of the vehicles. Washout of the drum at the construction site is prohibited.*
When the project allows the concrete washdown of tools, concrete mixer chutes, hoppers and rear of the vehicles on the project site delineate the location of the area provided for washing and provide detail of BMPs that will be used. If the project does not allow the concrete washdown on the project site, note that on the Plan. Permit IV.D.3.c.(6) pg 31
- ☐ ☐ 25 Provide BMPs for the remediation of all petroleum spills and leaks.
The Plan must provide BMPs and guidance for the prevention of spills and leaks of petroleum products from any areas where such products are stored or used as well as guidance for the proper remediation of any spills and leaks that do occur. This information can be in the form of a separate Spill Prevention/Spill Response document so long as that information accompanies the Plan. Permit IV.D.3.c.(5) pg 31
- ☐ ☐ 26 Description of the measures that will be installed during the construction process to control pollutants in storm water that will occur after construction operations have been completed.*
**The Plan must contain a description of the measures that will be installed during the construction process to control pollutants in storm water that will occur after construction operations have been completed. These may include storm water detention and retention structures, use of vegetated swales and natural depressions for flow attenuation or a combination of these practices (sequential systems). The Plan must also include a technical explanation of the basis used to select these practices where flows will exceed pre-development levels. The Plan must indicate that velocity dissipation devices will be placed at discharge locations and along the length of any outflow channel in order to provide a non-erosive flow so that the natural physical and biological characteristics and functions of the water course are maintained and protected. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act.
Note: The permittee is only responsible for the installation and maintenance of storm water management devices prior to final stabilization of the site and not the operation and maintenance of such structures after construction activities have been completed. Permit IV.D.3.b pg 29**
- ☐ ☐ 27 Description of practices to provide cover for building materials and building products on site.*

The Plan must contain a description of measures, such as plastic sheeting or temporary roofs, to cover building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials in order to minimize exposure to precipitation and to stormwater. **Permit IV.D.3.c.(2) pg 30**

☐ ☐

- 28 Description of the practices that will be used to reduce the pollutants in storm water discharges.*

The Plan must identify all potential sources of storm water pollution expected to be present on the site and provide a narrative explaining how the pollutants will be minimized in the storm water discharges. **Permit IV pg 24**

☐ ☐

- 29 Description and chart or timeline of the intended sequence of major activities which disturb soils for the major portions of the site (i.e., initial perimeter and sediment storage BMPs, clearing and grubbing activities, excavation activities, utility activities, temporary and final stabilization).

Activity schedule must be site specific. The narrative description and timeline for each phase of construction may be shown on ES&PC Plan sheet or under ES&PC notes. **Permit IV.D.2.b pg 27**

☐ ☐

- 30 Provide complete requirements of Inspections and record keeping by the primary permittee.*

The Plan must include all of the Inspections and record keeping requirements of the primary permittee as stated in **Part IV.D.4.a. on pages 31-33** of the permit. The complete Inspection and record keeping requirements shall be shown on the Plan under ES&PS notes.

☐ ☐

- 31 Provide complete requirements of Sampling Frequency and Reporting of sampling results.*

See **Part IV.D.6.d pages 35-37 Sampling Frequency** and **Part IV.E page 37 Reporting** in the permit. Complete Sampling Frequency and Reporting requirements are to be shown on the Plan under ES&PC notes.

☐ ☐

- 32 Provide complete details for Retention of Records as per Part IV.F. of the permit.*

See **Part IV.F page 38 Retention of Records** in the permit. Complete details of Retention of Records are to be shown on the Plan under ES&PC notes.

☐ ☐

- 33 Description of analytical methods to be used to collect and analyze the samples from each location.*

This narrative must is to be shown on the Plan under ES&PC notes and shall include quality control/assurance procedures and precise sampling methodology for each sampling location. **Permit IV.D.6.a. - c. pg 33-35**

☐ ☐

- 34 Appendix B rationale for NTU values at all outfall sampling points where applicable.*

When the permittee has determined that some or all outfalls will be monitored, a rationale must be shown on the Plan under ES&PC notes which includes the NTU limit(s) selected from Appendix B. This rationale must include the size of the construction site, the calculation of the size of the surface water drainage area, and the type of receiving water(s) (i.e., trout stream or supporting warm water fisheries). **Permit IV.D.6.a.(3) pg 33**

☐ ☐

- 35 Delineate all sampling locations, perennial and intermittent streams and other water bodies into which storm water is discharged.*

The Plan shall include a USGS topographic map, a topographic map or a drawing (referred to as a topographic map) that is a scale equal to or more detailed than a 1:24000 map showing the locations of the site or the common development. The map must include (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during the mandatory field verification, into which the storm water is discharged and (b) the receiving water and/or outfall sampling locations. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be hand-drawn on the USGS topographic map from where the storm water(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map. **Permit IV.D.6.a.(1) pg 33**

☐ ☐

- 36 A description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the sediment storage requirements and initial

perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase.*

The Plan must be shown in a minimum of three phases with each phase shown on a separate sheet. Initial phase of the Plan must include the required 67 cy per acre sediment storage, construction exit, tree-save fence if applicable and any other BMPs necessary to prevent sediment from leaving the site such as silt fence, inlet protection on existing storm drain structures, diversions, check dams, temporary ground cover, etc. Limits of disturbance for the initial phase are to be only the areas needed to install initial BMPs. The intermediate phase should show rough grading and utility construction. BMPs should include initial inlet protection, additional silt fence as needed, any revised sediment storage needed as drainage basins are altered, outlet protection, retrofit if applicable, matting with temporary or permanent vegetation as needed, temporary down drains, filter rings, etc. Final phase of Plan should show finished grade, curbing and paving if applicable, building construction if applicable, etc. BMPs should include permanent vegetation, appropriate inlet protection, etc. For construction sites where there will be no mass grading and the initial perimeter control BMPs, intermediate grading and drainage BMPs, and the final BMPs are the same, the Plan may combine all of the BMPs into a single phase Plan. The Plan will include appropriate staging and access requirements for construction equipment. **Permit IV.D.3 pg 27**

☐

- 37 Graphic scale and North arrow.

The graphic scale and North arrow must be clearly shown on all phases of the ES&PC Plan sheets.

☐

- 38 Existing and proposed contour lines with contour lines drawn at an interval in accordance with the following:

Map Scale	Ground Slope	Contour Intervals, ft.
1 inch = 100ft or larger scale	Flat 0 - 2%	0.5 or 1
	Rolling 2 - 8%	1 or 2
	Steep 8% +	2,5 or 10

The initial, intermediate, and final phase sheets of the Plan must show the proposed grade in bold contour lines with the above intervals overlaying the original contour lines. Elevations of both the existing and proposed contour lines must be shown.

☐

- 39 Use of alternative BMPs whose performance has been documented to be equivalent to or superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission). Please refer to the Alternative BMP Guidance Document found at www.gaswcc.org.

Please refer to the Alternative BMP Guidance Document found at www.gaswcc.org **Permit IV.D.3.a (4) pg 29**

☐

- 40 Use of alternative BMP for application to the Equivalent BMP List. Please refer to Appendix A-2 of the Manual for Erosion & Sediment Control in Georgia 2016 Edition.*

Please refer to Appendix A-2 of the Manual for Erosion & Sediment Control in Georgia 2016 Edition.

☐

- 41 Delineation of the applicable 25-foot or 50-foot undisturbed buffers adjacent to State waters and any additional buffers required by the Local Issuing Authority. Clearly note and delineate all areas of impact.

The State Law of Georgia mandates these minimum undisturbed buffers, but the Local Issuing Authorities are allowed to require more stringent buffers of State waters. The minimum undisturbed buffers required by the State and all other buffers of State waters required by the issuing authority must be delineated. Any undisturbed buffer area that is impacted by the project site must be noted on the Plan. **Permit IV.D.2.e pg 27**

☐

- 42 Delineation of on-site wetlands and all State waters located on and within 200 feet of the project site.

ALL STATE WATERS LOCATED ON AND WITHIN 200 FEET OF THE PROJECT SITE MUST BE DELINEATED ON ALL PHASES OF THE PLAN. When a project is located in a jurisdiction with a certified Local Issuing Authority and the LIA must make a determination of State waters that are not delineated on the Plan, the Plan review could be delayed for beyond the full forty-five day review time allowed to the LIA, or the full thirty-five day review time allowed to the District if the District is reviewing the Plan. For all projects in a jurisdiction where there is no certified Local Issuing Authority regulating that project, EPD is responsible for State waters determinations and there are no time limits for reviewing the Plan.

ALL WETLANDS LOCATED WITHIN THE PROJECT SITE ONLY MUST BE DELINEATED.

If the Local Issuing Authority requires an undisturbed buffer of wetlands, delineate required buffer.

☐ ☐

- 43 Delineation and acreage of contributing drainage basins on the project site.

All existing drainage basins on the project site and their acreage must be delineated on the existing conditions and/or on the initial phase of the Plan. As the basins are altered or new ones created during intermediate and final phases, the new basins and their acreage must be delineated throughout each phase of the Plan. **Permit IV.D.2.e pg 27**

☐ ☐

- 44 Provide hydrology study and maps of drainage basins for both the pre- and post-developed conditions.*

Hydrology study and drainage maps should be separate from the Plan. Maps should include each individual basin draining to, through, and from, the project site, with each one delineated, labeled and showing its total acreage.

☐ ☐

- 45 An estimate of the runoff coefficient or peak discharge flow of the site prior to and after construction activities are completed.

The Plan must provide both pre- and post-construction estimates of the runoff coefficient or peak discharge flow for the site. This can be in the form of a hydrologic study so long as that study is made a part of the Plan and accompanies the Plan. A complete hydrologic study is not a required element of the Plan, only the pre and post-construction estimates of the run-off coefficient or peak discharge flow for the site. **Permit IV.D.2.d pg 27**

☐ ☐

- 46 Storm-drain pipe and weir velocities with appropriate outlet protection to accommodate discharges without erosion. Identify/Delineate all storm water discharge points.

The storm-drain pipe and weir velocities must show the flow characteristics of the pipe at full flow including pipe diameter, flow rate (cfs), velocity (fps), and tailwater conditions. This information should be shown in a chart on the storm-drain profile sheet, ES&PC intermediate phase sheet, or on the ES&PC detail sheet that shows outlet protection.

The dimensions of the apron must include length (La), width at the headwall (W1), down-stream width (W2), average stone diameter (d50), and stone depth (D) designed in accordance with Figures 6-34.1 and 6-34.2 in the Manual. These should be shown in a chart on ES&PC intermediate and/or final phase sheet or ES&PC detail sheet with outlet protection. Velocity dissipation devices shall be placed at all discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological functions and characteristics are maintained and protected.

☐ ☐

- 47 Soil series for the project site and their delineation.

Soil series delineations are required for the Plan review and can be found on the NRCS web site. The highest level of soil survey required for the project site, such as a level three or level four survey for projects that will be using septic systems, must be delineated on the Plan. The soil series delineation should be shown on the existing site Plan or the initial phase Plan. A chart listing the soils located on the project should be shown on the sheet with their delineation.

☐ ☐

- 48 The limits of disturbance for each phase of construction.

The limits of disturbance for the initial phase should delineate only the area required to be disturbed for the installation of perimeter control and initial sediment storage. The intermediate phase should delineate the entire area to be disturbed for that phase, such as grading, drainage, utilities installed, etc. The final phase should delineate any additional areas to be disturbed such as individual lots, etc.

☐ ☐

- 49 Provide a minimum of 67 cubic yards of sediment storage per acre drained using a temporary sediment basin, retrofitted detention pond, and/or excavated inlet sediment traps for each common drainage location. Sediment storage volume must be in place prior to and during all land disturbance activities until final stabilization of the site has been achieved. A written justification explaining the decision to use equivalent controls when a sediment basin is not attainable must be included in the Plan for each common drainage location in which a sediment basin is not provided. A written justification as to why 67 cubic yards of storage is not attainable must also be given. Worksheets from the Manual must be included for structural BMPs and all calculations used by the design professional to obtain the required sediment storage when using equivalent controls. When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan.

For each common drainage location, a temporary (or Permanent) sediment basin (Sd3, Sd4, Rt, or excavated Sd2) providing at least 67 cubic yards of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. The 67cubic yards of storage per acre does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. Sediment basins may not be appropriate for some common drainage locations and a written justification explaining the decision not to use sediment basins must be included in the Plan. Worksheets from the Manual must be completed and shown on the Plan or attached to the Plan for each temporary sediment basin designed for the project. All cross sections and details required per the Manual for Sd3's must be shown on the ES&PC detail section of the Plan. Completed worksheets from the Manual must be shown on the Plan for each retrofit and excavated inlet sediment trap. When the design professional chooses to use equivalent controls the calculations used to obtain the required 67 cubic yards per acre drained must be included on the Plan. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan. Permit IV.D.3.a.(3) pg 28

☐ ☐

- 50 Location of Best Management Practices that are consistent with, and no less stringent than, the Manual for Erosion and Sediment Control in Georgia. Use uniform coding symbols from the Manual, Chapter 6, with legend.

BMPs for all phases of the Plan must be consistent with and no less stringent than the Manual and shown using uniform coding symbols from the Manual. The uniform coding symbols legend from the Manual must be included and may be shown on detail sheet or any of the ES&PC Plan sheets.

☐ ☐

- 51 Provide detailed drawings for all structural practices. Specifications must, at a minimum, meet the guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.

The erosion and sediment control detail sheet must show a detailed drawing for each structural BMP shown on the Plan. All BMPs and details shown must, at a minimum, meet the guidelines given in the Manual. Note that a worksheet is provided in the Manual for most structural BMPs that must be included on the ES&PC Plan or detail sheet.

☐ ☐

- 52 Provide vegetative plan, noting all temporary and permanent vegetative practices. Include species, planting dates and seeding, fertilizer, lime and mulching rates. Vegetative plan shall be site specific for appropriate time of year that seeding will take place and for the appropriate geographic region of Georgia.

Must be shown on ES&PC Plan, on the ES&PC detail sheet or under ES&PC notes.

*If using this checklist for a project that is less than 1 acre and not part of a common development but within 200 ft of a perennial stream the * checklist items would be N/A.

Effective January 1, 2019

EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN CHECKLIST GUIDANCE DOCUMENT

SWCD: (May be completed by ES&PC plan reviewer)

Project Name: (Noted clearly on cover sheet)

Address: (include street name/address on cover sheet)

City/County: (Noted on cover sheet-note LIA)

Date on Plans: (Initial submittal date on cover sheet)

TO BE SHOWN ON ES&PC PLAN

1 Graphic scale and north arrow.

The graphic scale and north arrow must be clearly shown on all ES&PC plan sheets.

2 Existing and proposed contour lines with contour lines drawn at an interval in accordance with the following:

Map Scale	Ground Slope	Contour Intervals, ft.
1 inch =	Flat 0 - 2%	0.5 or 1
	Rolling 2 - 8%	1 or 2
	Steep 8% +	2,5 or 10

Plan should include an existing site plan sheet or sheets with the above contour line intervals shown on plan. The initial, intermediate and final phase sheets of the plan must show the proposed grade in bold contour lines with the above intervals overlaying the original contour lines. Elevations of both the existing and proposed contour lines must be shown. Contours for infrastructure projects may be shown using criteria from infrastructure checklist or by using the criteria listed above.

3 Delineation and acreage of contributing drainage basins on the project site.

The existing site plan or the initial phase plan must show delineation of each drainage basin on the project site with the acreage of each basin noted. As the basins are altered during grading for the intermediate phase of the plan the new basins and acreage must be delineated. If the basins are changed on the final phase of the plan delineate new basins with acreage noted.

4 Delineation of on-site wetlands and all state waters located on and within 200 feet of the project site.

ALL STATE WATERS LOCATED ON AND WITHIN 200 FEET OF THE PROJECT SITE MUST BE DELINEATED ON ALL PHASES OF THE PLAN. If the plan reviewer visits the site prior to the plan review and discovers possible state waters on and within 200 feet of the site that are not delineated on the plan, the review could be delayed until a state waters determination is made by the Local Issuing Authority. ALL WETLANDS LOCATED WITHIN THE PROJECT SITE ONLY MUST BE DELINEATED.

5 Delineation of 25-foot undisturbed buffers of state waters and 50-foot undisturbed buffers along designated trout streams. Clearly note and delineate all areas of impact.

The State Law of Georgia mandates these minimum undisturbed buffers, but the Local Issuing Authorities are allowed to require more stringent buffers of state waters. The minimum undisturbed buffers required by the state and all other buffers of state waters required by the issuing authority must be delineated. Any undisturbed buffer area that is impacted by the project site must be noted on the plan.

6 Soil series and their delineation.

Soil series delineations are required for the plan review and can be found on the NRCS web site. The highest level of soil survey required for the project site, such as a level three or level four survey for projects that will be using septic systems, must be delineated on the plan. The soil series delineation should be shown on the existing site plan or the initial phase plan. A chart listing the soils located on the project site should be shown on the sheet with their delineation.

7 Revision and/or initial date.

The initial plan date should be shown on all pages. With each resubmittal the revision date and entity requesting revisions (Planning Dept., GSWCC, NRCS, etc.) should be shown on cover sheet and each sheet that has been revised.

8 Limits of disturbance for each phase of construction.

The limits of disturbance for the initial phase should delineate only the area required to be disturbed for the installation of perimeter control and initial sediment storage. The intermediate phase should delineate the entire area to be disturbed for that phase, such as grading, drainage, utilities installed, etc. The final phase should delineate any additional areas to be disturbed such as individual lots, etc.

9 Signature, seal and GSWCC Level II certification number of the qualified design professional.

The plan must include the signature, seal and GSWCC Level II certification number of the qualified design professional on each sheet of and pertaining to the ES&PC plan. ANY PLANS RECEIVED THAT DO NOT PROVIDE ANY OF THESE WILL NOT BE REVIEWED.

10 Storm-drain pipe and weir velocities with appropriate outlet protection to accommodate discharges without erosion.

The storm-drain pipe and weir velocities must show the flow characteristics of the pipe at full flow including pipe diameter, flow rate (cfs), velocity (fps), and tailwater conditions. This information should be shown in a chart shown on storm-drain profile sheet, ES&PC intermediate phase sheet or on the ES&PC detail sheet that shows outlet protection.

The dimensions of the apron must include length (La), width at the headwall (W1), down-stream width (W2), average stone diameter (d50), and stone depth (D) designed in accordance with Figures 6-24.1 and 6-24.2 in the Manual. These should be shown in a chart on ES&PC intermediate and/or final phase sheet or ES&PC detail sheet with outlet protection.

11 Provide a minimum of 67 cubic yards of sediment storage per acre drained using a temporary sediment basin, retrofitted detention pond, and/or excavated inlet sediment traps for each common drainage location. Sediment storage volume must be in place prior to and during all land disturbance activities until final stabilization of the site has been achieved. A written rationale explaining the decision not to use a sediment basin must be included in the plan for each common drainage location in which a sediment basin is not provided.

For each common drainage location, a temporary (or Permanent) sediment basin (Sd3, Rt, or excavated Sd2) providing at least 67 cubic yards of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. The 67 cubic yards of storage per acre does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. Sediment basins may not be appropriate for some common drainage locations and a written rationale explaining the decision not to use sediment basins must be included in the plan.

12 Location of Best Management Practices that are consistent with and no less stringent than the Manual for Erosion and Sediment Control in Georgia. Phase plan into initial sediment storage and perimeter control BMP's, intermediate grading and drainage BMP's and final BMP's. Use uniform coding symbols from the Manual, Chapter 6, with legend.

BMP's for all phases of the plan must be consistent with and no less stringent than the Manual and shown using uniform coding symbols from the Manual. The uniform coding symbols legend from the Manual must be included and may be shown on detail sheet or any of the ES&PC plan sheets.

The plan must be shown in a minimum of three phases with each phase shown on a separate sheet. Initial phase of the plan must include the required 67 cy per acre sediment storage, construction exit, tree-save fence if applicable and any other BMP's necessary to prevent sediment from leaving the site such as silt fence, inlet protection on existing storm drain structures, diversions, check dams, temporary ground cover, etc. Limits of disturbance for the initial phase are to be only the areas needed to install initial BMP's. The intermediate phase should show rough grading and utility construction. BMP's should include initial inlet protection, additional silt fence as needed, any revised sediment storage needed as drainage basins are altered, outlet protection, retrofit if applicable, matting with temporary or permanent vegetation as needed, temporary down drains, filter rings, etc. Final phase of plan should show finished grade, curbing and paving if applicable, building construction if applicable, etc. BMP's should include permanent vegetation, appropriate inlet protection, etc.

13 Name and phone number of 24-hour local contact responsible for erosion, sedimentation and pollution controls.

May be shown on ES&PC plan sheets and/or ES&PC notes.

14 Best Management Practices to minimize off-site vehicle tracking of sediments and the generation of dust.

The Plan must establish BMP's designed to minimize or eliminate the off-site vehicle tracking of dust, dirt, sand, soils and sediment and the generation of dust to the maximum extent practicable. The plan should indicate structural BMP's such as construction exits as well as a narrative description of the actions to be taken and/or equipment to be available and used as necessary to control dust and off-site vehicle tracking. Some requirements of the Plan may need a more detailed description of BMP's than a typical drawing can provide. These items should be clarified with a narrative description shown on the plan or in the ES&PC notes.

15 Delineate sampling locations, perennial and intermittent streams and other water bodies into which storm water is discharged.

The Plan must include a site map that shows the location of all waters of the State (including wetlands) present on the site whether or not those state waters have an associated buffer. The map must also show the location(s) of all storm water discharge points (outfalls) and indicate the location(s) of all points where storm water samples will be collected for the purposes of the permit. Storm water sampling must be conducted at all storm water outfalls (unless a representative outfall is designated) or at upstream and downstream locations in the receiving water(s). In some cases, the plan may call for sampling of a combination of storm water outfalls and receiving waters.

16 Identify/Delineate all storm water discharge points.

Any point where stormwater is discharged from the site should be clearly identified in each phase of the plan.

Narrative Notes and Other Information: (Notes or narrative should be located on the ES&PC plan or under Erosion, Sedimentation and Pollution Control notes.)

17 Provide hydrology study and maps of drainage basins for both the pre- and post-developed conditions.

Hydrology study and drainage maps should be separate from plans. Maps should include each individual basin draining to, through and from the project site, with each one delineated, labeled and showing its total acreage.

- 18 **Provide vicinity map showing site's relation to surrounding areas. Include designation of specific phase, if necessary.**
Site location must be delineated showing surrounding area roads and highways. If the project is being done in phases, each individual phase must be delineated and labeled. This information is important for plan reviewers if a site visit is needed, or if the site needs to be located on another map such as USGS quad.
- 19 **Identify the project receiving waters and describe all adjacent areas including streams, lakes, residential areas, wetlands, etc. which may be affected.**
The name of the initial receiving water(s) or if unnamed the first named blue line stream indicated on the appropriate USGS Topographic map and describe any neighboring area which could be affected by the post-developed runoff from the site.
- 20 **Plan addresses BMP's for all phases of common development including individual building lots and out-parcels, etc. regardless of who owns or operates the individual sites. Include a typical and any situational lots applicable.**
The Erosion, Sedimentation & Pollution Control plans for a common development is designed for the life of the project and must include practices to be implemented by all secondary permittees involved, whether the primary permittee relinquishes ownership of the land rights or not. This includes providing an ES&PC plan for typical and situational lots for each secondary permittee (builder) who purchases a lot from the primary permittee (developer). Situational lots may include, but are not limited to, lots adjacent to state waters buffers (in which a double row of Type C silt fence must be shown adjacent to buffer), lots adjacent to wetlands, lots with an extreme grade, etc. Not applicable for stand alone and infrastructure projects.
- 21 **Design professional's certification statement and signature that the permittee's ES&PC Plan provides for an appropriate and comprehensive system of BMP's and sampling to meet permit requirements as stated on page 15 of permit.**
Statement must be shown as worded on page 15 of GAR 100003 and include design professionals signature. The statement and signature are to be shown under ES&PC notes. This statement is found on pages 12-13 in GAR 100001 and on page 13 of GAR 100002.
- 22 **Design professional's certification statement and signature that the site was visited prior to development of the ES&PC Plan.**
Statement and signature are to be shown under ES&PC notes.
- 23 **Indication that non-exempt activities shall not be conducted within the 25 or 50-foot undisturbed stream buffers as measured from the point of wrested vegetation without first acquiring the necessary variances and permits.**
See Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN (I) and (II) of the permit and show under ES&PC notes.
- 24 **Plan describes practices used to reduce the pollutants in storm water discharges.**
In addition to erosion and sedimentation controls, the plan must identify all potential sources of storm water pollution expected to be present at the site. These will include BMPs designed to control pollutants from waste disposal practices, soil additives, remediation of spills and leaks of petroleum products, concrete truck washout, etc. The plan must also show that the site will be in compliance with all applicable State and local waste disposal, sanitary sewer or septic system regulations.
- 25 **Indication that the applicable portion of ES&PC Plan is to be provided to each secondary permittee prior to the secondary conducting any construction activity and that each secondary shall sign the Plan or portion of the Plan applicable to their site. List the names and addresses of all secondary permittees.**
The Plan must contain a list of and contact information for all secondary permittees and a statement that the primary permittee shall provide a copy of the Plan (and any subsequent revisions to the Plan) to each secondary permittee. The plan must include a section for each secondary to sign indicating that they have made a written acknowledgement of receipt of the plan and a copy of the acknowledgement must be kept in the primary's records. Not applicable for stand alone and infrastructure projects.
- 26 **Indication that the design professional who prepared the ES&PC Plan is to inspect the installation of BMP's within 7 days after initial construction activity begins.**
The Plan must include a statement indicating that the design professional must be retained by the primary permittee to conduct a site inspection within seven (7) days after initial construction begins in order to determine if the BMPs have been installed as designed and are being maintained as required by the Plan and the Green Book. The design professional must report the results of the inspection to the primary permittee within seven (7) days and the primary must correct all deficiencies identified in the report within two (2) business days after receiving the report (unless additional time is needed due to adverse weather). The primary permittee may use an alternate design professional to conduct the BMP inspection, provided that they make a written request to EPD to change from the design professional who developed the plan and EPD has agreed.
- 27 **Include certification and signature in accordance with section V.G.d. of the permit.**
See part V. G. d. of the permit. Statement must be worded as shown in permit and shown under ES&PC notes with signature.

- 28 Indication that amendments/revisions to the ES&PC Plan which have a significant effect on BMP's with a hydraulic component must be certified by the design professional.**
See part IV. C. of the permit. This can be clarified in a narrative and shown under ES&PC notes. Revisions or amendments should be submitted to the Local Issuing Authority for review.
- 29 Description of the nature of construction activity.**
Provide a description of the existing site and a description of the proposed project. These must be shown on ES&PC plans or under ES&PC notes.
- 30 Description and chart or timeline of the intended sequence of major activities which disturb soils for the major portions of the site (i.e., initial perimeter and sediment storage BMP's, clearing and grubbing activities, excavation activities, utility activities, temporary and final stabilization).**
Activity schedule must be site specific. The narrative description and timeline for each phase of construction may be shown on ES&PC plan sheet or under ES&PC notes.
- 31 An estimate of the runoff coefficient or peak discharge flow of the site prior to and after construction activities are completed.**
The Plan must provide both pre- and post-construction estimates of the runoff coefficient or peak discharge flow for the site. This can be in the form of a hydrologic study so long as that study is made a part of the Plan and accompanies the Plan. A complete hydrologic study is not a required element of the Plan, only the pre and post-construction estimates of the run-off coefficient or peak discharge flow for the site.
- 32 Description of the measures that will be installed during the construction process to control pollutants in storm water that will occur after construction operations have been completed.**
The Plan must contain a description of the measures that will be installed during the construction process to control pollutants in storm water that will occur after construction operations have been completed. These may include storm water detention and retention structures, use of vegetated swales and natural depressions for flow attenuation or a combination of these practices (sequential systems). The Plan must also include a technical explanation of the basis used to select these practices where flows will exceed pre-development levels. The Plan must indicate that velocity dissipation devices will be placed at discharge locations and along the length of any outflow channel in order to provide a non-erosive flow so that the natural physical and biological characteristics and functions of the water course are maintained and protected. The installation of these devices may be subject to Section 404 of the Federal Clean Water Act. Note: The permittee is only responsible for the installation and maintenance of storm water management devices prior to final stabilization of the site and not the operation and maintenance of such structures after construction activities have been completed.
- 33 Indication that waste materials shall not be discharged to waters of the State, except as authorized by a Section 404 permit.**
The Plan must include a description of how waste materials, including waste building materials, construction and demolition debris, concrete washout, excavated sediment, etc., will be properly disposed of. Any disposal of solid waste to waters of the State is prohibited unless authorized by a Section 404 permit.
- 34 Documentation that the ES&PC Plan is in compliance with waste disposal, sanitary sewer, or septic tank regulations.**
The Plan must provide for the proper disposal of sewage and other wastes generated during construction operations. The plan must ensure that the site complies with any applicable State or local regulations regarding waste disposal, sanitary sewer, or septic tanks.
- 35 BMP's for the remediation of all petroleum spills and leaks.**
The Plan must provide BMPs and guidance for the prevention of spills and leaks of petroleum products from any areas where such products are stored or used as well as guidance for the proper remediation of any spills and leaks that do occur. This information can be in the form of a separate Spill Prevention / Spill Response document so long as that information accompanies the Plan.
- 36 Details on required inspections and record keeping by the primary permittee, secondary permittees and tertiary permittees**
The Plan must address the specific requirements for daily, weekly and monthly inspections of the site by Qualified Personnel and the record keeping requirements for the proper documentation of the inspections. Inspection reports must include the name of the inspector(s), the date(s) of each inspection, major observations relating to the implementation of the ES&PC plan and actions taken in response to the inspection(s). The reports must identify any incidents of non-compliance or, if a report does not identify any incidents of non-compliance, the report must contain a certification that the site is in compliance with the plan. Inspection reports must be signed in accordance with Part V.G of the permit.

- 37 Description of analytical methods to be used to collect and analyze the samples from each location.**
The plan must address the monitoring of nephelometric turbidity in receiving waters and/or storm water outfalls by the primary permittee in accordance with the permit. The plan must include the following:
1. A topographic map (scale must be equal to or greater than 1:240000) showing the location of all waters of the State (both perennial and intermittent) into which storm water is discharged
 2. A detailed narrative describing the analytical method(s) that will be used to collect and analyze the samples (including quality control and assurance procedures) for each sampling location
 3. If all or some storm water outfalls will be sampled, a rationale for the selection of the appropriate NTU values from Appendix B
 4. Any additional information required in writing to the permittee by EPD
- 38 Appendix B rationale for outfall sampling points where applicable.**
See item 37 above.
- 39 Information on sampling frequency and reporting requirements.**
The Plan must clearly indicate sampling locations (all receiving waters, storm water outfalls or a combination of both), when sampling events will be conducted, and the requirements for reporting results of sample analysis to EPD.
- 40 Provide land lot and district numbers for site location. Describe critical areas and any additional measures that will be utilized for these areas.**
Land Lot and District numbers must be shown on cover sheet and may also be shown on ES&PC plan sheets and ES&PC notes.
- 41 Provide name, address and phone number of primary permittee.**
May be shown on cover sheet, ES&PC plan or under ES&PC notes.
- 42 Note total and disturbed acreage (the disturbed area shall be the total estimated disturbed area of the primary and secondary permittees) of the project or phase under construction.**
Must be shown on ES&PC plan or under ES&PC notes.
- 43 Clearly note statement in bold letters- "The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to, or concurrent with, land disturbing activities."**
Must be shown on ES&PC plan or under ES&PC notes.
- 44 Clearly note maintenance statement in bold letters - "Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."**
Must be shown on ES&PC plan or under ES&PC notes.
- 45 Clearly note the statement in bold letters - "Any disturbed area left exposed for a period greater than 14 days shall be stabilized with mulch or temporary seeding."**
Must be shown on ES&PC plan or under ES&PC notes.
- 46 Provide detailed drawings for all structural practices. Specifications must, at a minimum, meet the guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.**
The erosion and sediment control detail sheet must show a detailed drawing for each structural BMP shown on the plan. All BMPs and details shown must, at a minimum, meet the guidelines given in the Manual. Note that a worksheet is provided in the Manual for most structural BMP's that must be included on the ES&PC plan or detail sheet.
- 47 Provide vegetative plan, noting all temporary and permanent vegetative practices. Include species, planting dates and seeding, fertilizer, lime and mulching rates. Vegetative plan shall be site specific for appropriate time of year that seeding will take place and for the appropriate geographic region of Georgia.**
Provide vegetative plan, noting all temporary and permanent vegetative practices. Include species, planting dates and seeding, fertilizer, lime and mulching rates. Vegetative plan shall be site specific for appropriate time of year that seeding will take place and for the appropriate geographic region of Georgia.



STATE OF GEORGIA

COUNTY OF CHATHAM

AN ORDINANCE OF THE CITY OF BLOOMINGDALE, GEORGIA, THE GOVERNING BODY OF AN INCORPORATED MUNICIPALITY, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BLOOMINGDALE, GEORGIA, BY DELETING CHAPTER 78 - UTILITIES, ARTICLE V. STORMWATER MANAGEMENT ORDINANCE IN ITS ENTIRETY AND REPLACING IT WITH EXHIBIT "A", AN UPDATED STORMWATER MANAGEMENT ORDINANCE.

BE IT ORDAINED by the Mayor and Council of Bloomingdale, Georgia, and it is hereby ordained by the authority thereof that:

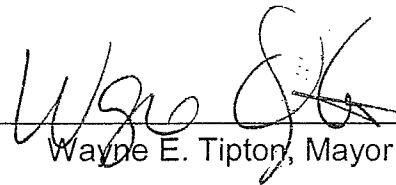
Section 78-371 entitled Article V. Stormwater Management through Section 78-408 as included in the attached Exhibit "A" is hereby adopted as the City of Bloomingdale's updated Stormwater Management Ordinance.

ADOPTED THIS 17th day of June, 2010.



Sandra Jones, City Clerk

RECEIVED AND APPROVED THIS 17th day of June, 2010.



Wayne E. Tipton, Mayor

Read first time: 5-20-2010

Read second time and adopted: 6-17-10

ARTICLE V. Stormwater Management

Sec. 78-371 Findings of Fact.

It is hereby determined that:

- (1) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases flooding, channel erosion and pollutant transport and deposition in rivers and streams;
- (2) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters water levels and fluctuations and increases pollutant transport and deposition in wetlands;
- (3) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters salinity concentrations and fluctuations and increases primary productivity and pollutant transport and deposition in estuaries;
- (4) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases bacteria transport and deposition in near coastal waters, which leads to beach contamination and poses a serious threat to human health;
- (5) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates and volumes, and decreases the amount of rainfall that is available to recharge shallow groundwater aquifers;
- (6) The negative impacts of the land development process on local aquatic resources can adversely affect the health, safety and general welfare of the general public;
- (7) The negative impacts of the land development process can be controlled and minimized through the management of stormwater runoff rates, volumes and pollutant loads;
- (8) Communities located within Georgia's Coastal Nonpoint Source Management Area and Area of Special Interest are required to comply with a number of state and federal regulations that require the adverse impacts of the land development process to be controlled and minimized;
- (9) Therefore, the (local jurisdiction) has determined that it is in the public interest to control and minimize the adverse impacts of the land development process and has established this set of local stormwater management regulations to control post-construction stormwater runoff rates, volumes and pollutant loads on development and redevelopment sites.

Sec. 78-372. Purpose and Intent.

The purpose of this ordinance is to protect and maintain the integrity of local aquatic resources and, consequently, the health, safety and welfare of the general public, by establishing local stormwater management regulations that control and minimize the adverse impacts of the land development process. The ordinance seeks to achieve these goals by:

- (1) Establishing decision-making processes that can be applied during the site planning and design process to help protect the integrity of local aquatic resources;
- (2) Establishing post-construction stormwater management and site planning and design criteria to help protect natural resources from the direct impacts of the land development process and preserve existing hydrologic conditions on development sites;
- (3) Establishing post-construction stormwater management and site planning and design criteria to help reduce flooding, channel erosion and pollutant transport and deposition in local aquatic resources;
- (4) Establishing design guidelines for green infrastructure and stormwater management practices that can be used to meet the post-construction stormwater management and site planning and design criteria;
- (5) Encouraging that green infrastructure practices, which include better site planning techniques, better site design techniques and low impact development practices, be used to the maximum extent practical on development sites;
- (6) Establishing provisions for the long-term inspection and maintenance of green infrastructure and stormwater management practices to ensure that they continue to function as designed and pose no threat to public safety; and,
- (7) Establishing administrative procedures for the submittal, review, approval and disapproval of stormwater management plans and for the inspection of approved development projects.

Sec. 78-373. Applicability and Exemptions

- (1) This ordinance shall be applied to all land disturbing activities, unless exempt pursuant to other related Sections. The stormwater management regulations presented within shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:
 - (a) New development that involves the creation of (5,000 square feet or more) of impervious cover or that involves other land disturbing activities of (one acre or more);
 - (b) Redevelopment that involves the creation, addition or replacement of (5,000 square feet or more) of impervious cover or that involves other land disturbing activities of (one acre or more).
 - (c) New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.
 - (d) New development or redevelopment, regardless of size, that involves the creation or modification of a stormwater hotspot, as defined by the (administrator).

(2) The following activities are exempt from this ordinance:

- (a) New development or redevelopment that involves the creation, addition or replacement of (less than 5,000 square feet) of impervious cover and that involves (less than one acre) of other land disturbing activities.
- (b) New development or redevelopment activities on individual residential lots that are not part of a larger common plan of development and do not meet any of the applicability criteria listed above.
- (c) Additions or modifications to existing single-family homes and duplex residential units that do not meet any of the applicability criteria listed above.
- (d) Development projects that are undertaken exclusively for agricultural or silvicultural purposes within areas zoned for agricultural or silvicultural land use;
- (e) Maintenance and repairs of any green infrastructure or stormwater management practices deemed necessary by the (administrator);
- (f) Any part of a land development project that was approved by the (administrator) prior to the adoption of this ordinance; and,
- (g) Redevelopment activities that involve the replacement of impervious cover when the original impervious cover was wholly or partially lost due to natural disaster or other acts of God occurring after (date of adoption).

Sec. 78-374. Designation of Ordinance Administrator

The Mayor or his designee is hereby appointed to administer and implement the provisions of this ordinance.

Sec. 78-375. Compatibility with Other Regulations

This ordinance is not intended to interfere with, modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 78-376. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

Sec. 78-377. Stormwater Guidance Manual

The City of Bloomingdale will utilize the information presented in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, and any relevant local addenda, to assist in the proper implementation of this ordinance. These references may be updated and expanded periodically, based on additional information obtained through scientific research, performance monitoring and local experience.

Sec. 78-378. Definitions

"Applicant" means a property owner or agent of a property owner who has submitted an application for a post-construction stormwater management permit.

"Aquatic Buffer" means an area of land located around or near a stream, wetland, or waterbody that has intrinsic value due to the ecological services it provides, including pollutant removal, erosion control and conveyance and temporary storage of flood flows.

"Aquatic Resource Protection" means measures taken to protect aquatic resources from several negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations.

"Better Site Design Techniques" means site design techniques that can be used during the site planning and design process to minimize land disturbance and the creation of new impervious and disturbed pervious cover. Better site design techniques include reducing clearing and grading limits, reducing roadway lengths and widths and reducing parking lot and building footprints.

"Better Site Planning Techniques" means site planning techniques that can be used during the site planning and design process to protect valuable aquatic and terrestrial resources from the direct impacts of the land development process. Better site planning techniques include protecting primary and secondary conservation areas.

"Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"Conservation Areas" means permanently protected areas of a site that are preserved, in perpetuity, in an undisturbed, natural state.

"Conservation Easement" means a legal agreement between a land owner and a local, state or federal government agency or land trust that permanently protects conservation areas on the owner's land by limiting the amount and type of development that can take place within them but continues to leave the conservation areas in private ownership.

"Dedication" means the deliberate appropriation of property by its owner for general public use.

"Detention" means the temporary storage of stormwater runoff in a stormwater management practice for the purpose of controlling the peak discharge rates and providing gravitational settling of pollutants.

"Developer" means a person who undertakes a land development project.

"Development Project" means a new development or redevelopment project.

"Development Site" means a parcel of land where land disturbing activities have been or will be initiated to complete a land development project.

"Drainage Easement" means a legal right granted by a land owner to a grantee allowing the grantee to convey, treat or manage stormwater runoff on the private land subject to the drainage easement.

"Easement" means a legal right granted by a land owner to a grantee allowing the use of private land for conveyance, treatment and management of stormwater runoff and access to green infrastructure and stormwater practices.

"Erosion and Sediment Control Plan" means a plan that is designed to minimize and control the accelerated erosion and increased sediment loads that occur at a site during land disturbing activities.

"Evapotranspiration" means the loss of water to the atmosphere through both evaporation and transpiration, which is the evaporation of water from the aerial parts of plants.

"Extended Detention" means the temporary storage of stormwater runoff in a stormwater management practice for an extended period of time, typically 24 hours or greater.

"Extreme Flood Protection" means measures taken to protect downstream properties from dangerous extreme flooding events and help maintain the boundaries of the existing 100-year floodplain.

"Fee in Lieu Contribution" means a payment of money in place of meeting all or part of the stormwater management criteria required by a post-construction stormwater management ordinance.

"Flooding" means a volume of stormwater runoff that is too great to be confined within the banks of a stream, river or other aquatic resource or walls of a stormwater conveyance feature and that overflows onto adjacent lands.

"Green Infrastructure Practices" means the combination of three complementary, but distinct, groups of natural resource protection and stormwater management practices and techniques, including better site planning and design techniques and low impact development practices, that are used to protect valuable terrestrial and aquatic resources from the direct impacts of the land development process, maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

"Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

"Impaired Waters" means those streams, rivers, lakes, estuaries and other water bodies that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

"Impervious Cover" means a surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

"Industrial Stormwater Permit" means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

"Infill Development" means land development that occurs within designated areas based on local land use, watershed and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

"Infiltration" means the process of allowing stormwater runoff to percolate into the underlying native soils.

"Infiltration Practice" means a green infrastructure or stormwater management practice designed to provide infiltration of stormwater runoff into the underlying native soils. These stormwater management practices may be above or below grade.

"Inspection and Maintenance Agreement and Plan" means a written agreement and plan providing for the long-term inspection and maintenance of all green infrastructure practices, stormwater management practices, stormwater conveyance features and stormwater drain infrastructure on a development site.

"Permanent Stormwater Management Practice" means a green infrastructure or stormwater management practice that will be operational after the land disturbing activities are complete and that is designed to become a permanent part of the site for the purposes of managing post-construction stormwater runoff.

"Permit" means the permit issued by a local development review authority to an applicant, which is required for undertaking any land development project or land disturbing activities.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision, any interstate body, or any other legal entity.

"Post-Development Hydrology" refers to the set of hydrologic conditions that may reasonably be expected to exist on a development site, after the completion of all land disturbing and construction activities.

"Pre-Development Hydrology" refers to the set of hydrologic conditions that exist on a development site prior to the commencement of any land disturbing activities and at the time that plans for the land development project are approved by the local development review authority.

"Receiving Stream" or "Receiving Aquatic Resource" means the body of water or conveyance into which stormwater runoff is discharged.

"Recharge" means the replenishment of groundwater aquifers.

"Redevelopment" means a change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

"Regional Stormwater Management Practice" means a stormwater management practice designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may participate in providing land, financing, design services, construction services and/or maintenance services for the practice.

"Responsible Party" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns that is named on a stormwater inspection and maintenance agreement and plan as responsible for the long-term operation and maintenance of one or more green infrastructure or stormwater management practices.

"Site" means development site.

"Stop Work Order" means an order issued that requires that all land disturbing activity on a site be stopped.

"Stormwater Hotspot" means an area where land use or pollution generating activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater runoff. Stormwater hotspots include, but are not limited to, fueling stations (including temporary fueling stations during construction), golf courses, public works yards and marinas.

"Stormwater Management" means the interception, conveyance, treatment and management of stormwater runoff in a manner that is intended to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation and to enhance and promote the public health, safety and general welfare.

"Stormwater Management Plan" means a written document that details how stormwater runoff will be managed on a development site and that shows how the stormwater management criteria that apply to the development project have been met.

"Stormwater Management Practice" means a practice or technique, either structural or nonstructural, that is used to intercept stormwater runoff and change the characteristics of that runoff. Stormwater management practices are used to control post-construction stormwater runoff rates, volumes and pollutant loads to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation.

"Stormwater Management System" means the entire suite of green infrastructure and stormwater management practices and stormwater conveyance features that are used to intercept, convey, treat and manage stormwater runoff on a development site.

"Stormwater Retrofit" means a green infrastructure or stormwater management practice designed for an existing development site that previously had no green infrastructure or stormwater management practice in place or had a practice that was not meeting local stormwater management criteria.

"Stormwater Runoff" means surface water resulting from precipitation.

"Stormwater Runoff Reduction" means providing for the interception, evapotranspiration, infiltration, or capture and reuse of stormwater runoff to help maintain pre-development site hydrology and help protect aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality.

"Subdivision" means the division of a parcel of land to create one or more new lots or development sites for the purpose, whether immediately or in the future, of sale, transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or construction of a new street or roadway or a change in the layout of an existing street or roadway.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

"Watershed Management Plan" or "Subwatershed Management Plan" means a document, usually developed cooperatively by government agencies and other stakeholders, to protect, restore and/or otherwise manage the water resources found within a particular watershed or subwatershed. Watershed or subwatershed management plans commonly identify threats, sources of impairment, institutional issues and technical and programmatic solutions or projects to protect and/or restore water resources.

"Water Quality Protection" means adequately treating stormwater runoff before it is discharged from a development site to help protect downstream aquatic resources from water quality degradation.

"Wetland Hydroperiod" means the pattern of fluctuating water levels within a wetland caused by the complex interaction of surface water, groundwater, topography, soils and geology within a wetland.

Sec. 78-379. Permit Application Requirements

No owner or developer shall undertake any development activity without first meeting the requirements of this ordinance and receiving a permit for the proposed development activity from the City of Bloomingdale, Georgia. Unless specifically exempted by this ordinance, any owner or developer proposing a development project shall submit to the City of Bloomingdale, Georgia, a permit application on a form provided by the City of Bloomingdale, Georgia. Unless otherwise exempted by this ordinance, the following items shall accompany a permit application:

- (1) Stormwater management concept plan prepared in accordance with the Stormwater Management Ordinances;
- (2) Record of a consultation meeting held in accordance with the Stormwater Management Ordinances;

- (3) Stormwater management design plan prepared in accordance with the Stormwater Management Ordinances
- (4) Stormwater management system inspection and maintenance agreement and plan prepared in accordance with the Stormwater Management Ordinances;
- (5) Permit application and plan review fees prepared in accordance with the Stormwater Management Ordinances; and,
- (6) Performance bond prepared in accordance with the Stormwater Management Ordinances.

Sec. 78-380. Stormwater Management Concept Plan

Prior to the preparation and submittal of a stormwater management design plan and permit application, the owner or developer shall submit to the City of Bloomingdale, Georgia, for review and approval, a stormwater management concept plan illustrating the layout of the proposed development project and showing, in general, how post-construction stormwater runoff will be managed on the development site.

The stormwater management concept plan shall include the following information:

- (1) Project Narrative: The project narrative shall include a vicinity map, the common address of the development site and a legal description of the development site.
- (2) Site Fingerprint: The site fingerprint shall illustrate the results of the natural resources inventory, which is used to identify and map the natural resources found on the development site, as they exist prior to the start of any land disturbing activities.
- (3) Existing Conditions Map: The existing conditions map shall include all of the information shown on the site fingerprint and shall illustrate:
 - (a) Existing roads, buildings, parking areas and other impervious surfaces;
 - (b) Existing utilities (e.g., water, sewer, gas, electric) and utility easements;
 - (c) Existing primary and secondary conservation areas;
 - (d) Existing low impact development and stormwater management practices;
 - (e) Existing storm drain infrastructure (e.g., inlets, manholes, storm drains); and,
 - (f) Existing channel modifications (e.g., bridge or culvert installations).
- (4) Proposed Conditions Map: The proposed conditions map shall illustrate:
 - (a) Proposed topography (minimum two-foot contours recommended);
 - (b) Proposed drainage divides and patterns;
 - (c) Proposed roads, buildings, parking areas and other impervious surfaces;
 - (d) Proposed utilities (e.g., water, sewer, gas, electric) and utility easements;
 - (e) Proposed limits of clearing and grading;

- (f) Proposed primary and secondary conservation areas;
 - (g) Proposed low impact development and stormwater management practices;
 - (h) Proposed storm drain infrastructure (e.g., inlets, manholes, storm drains); and,
 - (I) Proposed channel modifications (e.g., bridge or culvert installations).
- (5) Post-Construction Stormwater Management System Narrative: The post-construction stormwater management system narrative shall include information about how post-construction stormwater runoff will be managed on the development site, including a list of the low impact development and stormwater management practices that will be used. It shall also include calculations showing how initial estimates of the post-construction stormwater management criteria that apply to the development project were obtained, including information about the existing and proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics).

In accordance with the Stormwater Management Ordinances, green infrastructure practices (i.e., better site planning techniques, better site design techniques, low impact development practices) shall be used to the maximum extent practical during the creation of a stormwater management concept plan. Green infrastructure practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

Sec. 78-381. Consultation Meeting

All applicants are encouraged to hold a consultation meeting with the City of Bloomingdale, Georgia, to discuss the proposed development project, the stormwater management concept plan and the approach that was used to satisfy the post-construction stormwater management and site planning and design criteria that apply to the development site. This consultation meeting shall take place on-site after submittal, but prior to approval, of the stormwater management concept plan, for the purposes of verifying site conditions and the feasibility of the stormwater management concept plan.

Sec. 78-382. Stormwater Management Design Plan

Subsequent to approval of the stormwater management concept plan, the owner or developer shall submit to the City of Bloomingdale, Georgia, for review and approval, a stormwater management design plan that details how post-development stormwater runoff will be controlled or managed on the development site. The stormwater management design plan shall detail how the proposed development project will meet the post-construction stormwater management and site planning and design criteria that apply to the development site.

The stormwater management design plan shall include all of the information contained in the stormwater management concept plan, plus:

- (1) Existing Conditions Hydrologic Analysis: The existing conditions hydrologic analysis shall include:
- (a) Existing conditions map;
 - (b) Information about the existing conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics);
 - (c) Information about the existing conditions of any off-site drainage areas that contribute stormwater runoff to the development site (e.g., size, soil types, land cover characteristics);
 - (d) Information about the stormwater runoff rates and volumes generated, under existing conditions, in each of the drainage areas found on the development site;

- (e) Information about the stormwater runoff rates and volumes generated, under existing conditions, in each of the off-site drainage areas that contribute stormwater runoff to the development site; and
 - (f) Documentation (e.g., model diagram) and calculations showing how the existing conditions hydrologic analysis was completed.
- (2) Proposed Conditions Hydrologic Analysis: The proposed conditions hydrologic analysis shall include:
- (a) Proposed conditions map;
 - (b) Information about the proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics);
 - (c) Information about the proposed conditions of any off-site drainage areas that contribute stormwater runoff to the development site (e.g., size, soil types, land cover characteristics);
 - (d) Information about the stormwater runoff rates and volumes generated, under proposed conditions, in each of the drainage areas found on the development site;
 - (e) Information about the stormwater runoff rates and volumes generated, under proposed conditions, in each of the off-site drainage areas that contribute stormwater runoff to the development site; and
 - (f) Documentation (e.g., model diagram) and calculations showing how the proposed conditions hydrologic analysis was completed.
- (3) Post-Construction Stormwater Management System Plan: The post-construction stormwater management system plan shall illustrate:
- (a) Proposed topography;
 - (b) Proposed drainage divides and patterns;
 - (c) Existing and proposed roads, buildings, parking areas and other impervious surfaces;
 - (d) Existing and proposed primary and secondary conservation areas;
 - (e) Plan view of existing and proposed low impact development and stormwater management practices;
 - (f) Cross-section and profile views of existing and proposed low impact development and stormwater management practices, including information about water surface elevations, storage volumes and inlet and outlet structures (e.g., orifice sizes);
 - (g) Plan view of existing and proposed storm drain infrastructure (e.g., inlets, manholes, storm drains);
 - (h) Cross-section and profile views of existing and proposed storm drain infrastructure (e.g., inlets, manholes, storm drains), including information about invert and water surface elevations; and
 - (i) Existing and proposed channel modifications (e.g., bridge or culvert installations).

- (4) Post-Construction Stormwater Management System Narrative: The post-construction stormwater management system narrative shall include information about how post-construction stormwater runoff will be managed on the development site, including a list of the low impact development and stormwater management practices that will be used. It shall also include documentation and calculations that demonstrate how the selected low impact development and stormwater management practices satisfy the post-construction stormwater management criteria that apply to the development site, including information about the existing and proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics).
- (5) Certification by Plan Preparer: The stormwater management design plan shall be prepared by a certified design professional, such as a landscape architect, professional surveyor or professional engineer, who must certify that the design of the stormwater management system meets the requirements of this ordinance and the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, and any relevant local addenda.
- (6) Certification by Owner: The owner shall certify that all land disturbing and development activities will be completed in accordance with the approved stormwater management design plan.

A copy of the stormwater management concept plan shall be included with the submittal of the stormwater management design plan. The stormwater management design plan should be consistent with the stormwater management concept plan. If any significant changes were made to the plan of development, the City may ask for a written statement providing rationale for any of the changes that were made.

Sec. 78-383. Stormwater Management System Inspection and Maintenance Agreement and Plan

- (1) Prior to the issuance of a permit for any new development or redevelopment activity that requires one, the applicant or owner of the development site, if different, must execute an inspection and maintenance agreement and plan that shall be binding on all subsequent owners of the site, unless the stormwater management system is dedicated to and accepted by the (local jurisdiction).
- (2) The inspection and maintenance agreement and plan shall include the following information:
 - (a) Identification by name or official title the person(s) responsible for carrying out the inspection and maintenance;
 - (b) A statement confirming that responsibility for the operation and maintenance of the stormwater management system, unless assumed by the (local jurisdiction), shall remain with the property owner and shall pass to any successive owner;
 - (c) A provision stating that, if portions of the development site are sold or otherwise transferred, legally binding arrangements shall be made to pass responsibility for the operation and maintenance of the stormwater management system to the appropriate successors in title; these arrangements shall designate, for each portion of the stormwater management system, the person(s) to be permanently responsible for its inspection and maintenance;
 - (d) A maintenance schedule stating when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management system; and,
 - (e) Plans for annual inspections to ensure proper performance of the stormwater management system between scheduled maintenance activities.

- (3) The inspection and maintenance agreement and plan shall be approved by the City of Bloomingdale, Georgia, prior to approval of the stormwater management design plan and recorded with the deed upon approval of the stormwater management design plan.
- (4) In addition to enforcing the terms of the inspection and maintenance agreement and plan, the City of Bloomingdale, Georgia, may also enforce all of the provisions for ongoing inspection and maintenance contained in the Stormwater Management Ordinances.
- (5) The terms of the stormwater management system inspection and maintenance agreement and plan shall provide for the City of Bloomingdale, Georgia, to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. These terms include the right to enter a property when the City has a reason to believe that a violation of an approved stormwater management system inspection and maintenance agreement and plan has occurred and when necessary for abatement of a public nuisance or correction of a violation of this ordinance or an approved stormwater management system inspection and maintenance agreement and plan.

Sec. 78-384. Permit Application Procedure

- (1) Applications for permits shall be filed with the City of Bloomingdale, Georgia, on a permit application on form provided by the City of Bloomingdale, Georgia.
- (2) Permit applications shall include the items set forth in the Stormwater Management Ordinances. Two copies of the stormwater management design plan and stormwater management system inspection and maintenance agreement and plan shall be included with the permit application.
- (3) The City of Bloomingdale, Georgia, shall inform the applicant whether the application, stormwater management design plan and inspection and maintenance agreement and plan are approved or disapproved.
- (4) If the permit application, stormwater management design plan or inspection and maintenance agreement and plan are disapproved, the City of Bloomingdale, Georgia, shall notify the applicant of that fact in writing. The applicant may then revise any item not meeting the requirements of this ordinance and resubmit the application, in which event Section 78-383 shall apply to such re-submittal.
- (5) Upon a finding by the City of Bloomingdale, Georgia, that the permit application, stormwater management design plan and inspection and maintenance agreement and plan, if applicable, meet the requirements of this ordinance, the City of Bloomingdale, Georgia, may issue a permit for the development project, provided that all other legal requirements for the issuance of such permit have been met.
- (6) Notwithstanding the issuance of the permit, in undertaking the new development or redevelopment activity, the applicant or other responsible person shall be subject to the following requirements:
 - (a) The applicant shall comply with all applicable requirements of the approved stormwater management design plan and the provisions of this ordinance and shall certify that all land disturbing and development activities will be completed in accordance with the approved stormwater management design plan;
 - (b) The development project shall be conducted only within the area specified in the approved stormwater management design plan;
 - (c) The City of Bloomingdale, Georgia, shall be allowed to conduct periodic inspections of the development project in accordance with the Stormwater Management Ordinances;
 - (d) No changes may be made to an approved stormwater management design plan without review and written approval by the City of Bloomingdale, Georgia; and,

- (e) Upon completion of the development project, the applicant or other responsible person shall submit a statement certifying that the project has been completed in accordance with the approved stormwater management design plan. The applicant or other responsible person shall also submit as built plans for the stormwater management system, as required under the Stormwater Management Ordinances.

Sec. 78-385. Application Review Fees

A non-refundable permit fee shall be collected at the time the permit application is submitted to the City of Bloomingdale, Georgia. Any permit fees that are collected shall be used to support the administration and management of the plan review and approval process and the inspection of all development projects subject to the requirements of this ordinance. The City of Bloomingdale, Georgia shall develop a fee schedule based on the area of land disturbed by the project and may amend the fee schedule from time to time.

Sec. 78-386. Performance Bonds

The City of Bloomingdale, Georgia, shall require, from the applicant, a surety or cash bond, irrevocable letter of credit or other means of security acceptable to the City prior to the issuance of a permit for any new development or redevelopment activity. The amount of the security shall not be less than the total estimated construction cost of the post-construction stormwater management system to be installed on the development site. The bond shall include provisions relative to forfeiture for failure to complete the work specified in the approved stormwater management design plan, compliance with the provisions of this ordinance, other applicable laws and regulations and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the (local jurisdiction), submittal of as built plans, a recorded inspection and maintenance agreement and plan and certification by the applicant that the stormwater management system complies with the approved stormwater management design plan and the requirements of this ordinance. A procedure may be used to release parts of the bond held by the City of Bloomingdale, Georgia, after various stages of construction have been completed and accepted by the City. The procedures used for partially releasing performance bonds must be specified by the City of Bloomingdale, Georgia, in writing prior to the approval of a stormwater management design plan.

Sec. 78-387. Compliance Through Off-Site Stormwater Management Practices

All stormwater management design plans shall include on-site green infrastructure and stormwater management practices, unless arrangements are made with the City of Bloomingdale, Georgia, to manage post-construction stormwater runoff in an off-site or regional stormwater management practice. The off-site or regional stormwater management practice must be located on property legally dedicated to that purpose, be designed and sized to meet the post-construction stormwater management criteria presented in the Stormwater Management Ordinances, provide a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by on-site green infrastructure and stormwater management practices and have an associated inspection and maintenance agreement and plan. In addition, appropriate stormwater management practices shall be installed, where necessary, to protect properties and drainage channels that are located between the development site and the location of the off-site or regional stormwater management practice.

To be eligible for compliance through the use of off-site stormwater management practices, the applicant must submit a stormwater management design plan to the City of Bloomingdale, Georgia, that shows the adequacy of the off-site or regional stormwater management practice and demonstrates, to the satisfaction of the City, that the off-site or regional stormwater management practice will not result in the following impacts:

- (1) Increased threat of flood damage or endangerment to public health or safety;
- (2) Deterioration of existing culverts, bridges, dams and other structures;
- (3) Accelerated streambank or streambed erosion or siltation;

- (4) Degradation of in-stream biological functions or habitat; or,
- (5) Water quality impairment in violation of state water quality standards and/or violation of any other state or federal regulations.

Sec. 78-388. Post-Construction Stormwater Management and Site Planning and Design Criteria

The following post-construction stormwater management and site planning and design criteria shall be applied to all new development and redevelopment activities that are subject to the provisions of this ordinance. The criteria have been designed to protect valuable local natural resources from the negative impacts of the land development process.

If local natural resource protection and stormwater management goals and objectives warrant greater protection than that provided by the post-construction stormwater management and site planning and design criteria outlined below, the City of Bloomingdale, Georgia, may impose additional requirements on new development and redevelopment activities that it has determined are necessary to protect local aquatic and terrestrial resources from the negative impacts of the land development process.

Sec. 78-389. Natural Resources Inventory

Prior to the start of any land disturbing activities, including any clearing and grading activities, acceptable site reconnaissance and surveying techniques should be used to complete a thorough assessment of the natural resources both terrestrial and aquatic, found on a development site. The natural resources inventory shall be completed in accordance with the information presented within the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

The preservation and/or restoration of the natural resources found on a development site, through the use of green infrastructure practices, may, at the discretion of the City of Bloomingdale, Georgia, be assigned quantifiable stormwater management "credits" that can be used when calculating the stormwater runoff volumes associated with the post-construction stormwater management criteria outlined in the Stormwater Management Ordinances. The green infrastructure practices that qualify for these "credits," and information about how they can be used to help satisfy the post-construction stormwater management criteria outlined in the Stormwater Management Ordinances, is provided in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

Sec. 78-390. Use of Green Infrastructure Practices

Green infrastructure practices shall be used to the maximum extent practical during the creation of a stormwater management concept plan for a proposed development project. Green infrastructure practices can be used to not only help protect local terrestrial and aquatic resources from the direct impacts of the land development process, but also to help maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

Sec. 78- 391. Stormwater Runoff Reduction

The stormwater runoff volume generated by the runoff reduction storm event, as defined in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, shall be reduced on-site in order to help maintain pre-development site hydrology and help protect local aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality. A stormwater management system is presumed to comply with this criteria if:

- (1) It includes green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual and any relevant local addenda; and,

- (2) It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

The Mayor or his designee may reduce the amount of stormwater runoff reduction needed to satisfy this criteria on development sites that are considered to be stormwater hotspots or that have site characteristics or constraints, such as high groundwater, impermeable soils, contaminated soils or confined groundwater aquifer recharge areas, that prevent the use of green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff. When seeking a reduction in the amount of stormwater runoff reduction that needs to be provided in order to satisfy this criteria, applicants shall:

- (1) Use green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, to provide the minimum amount of stormwater runoff reduction specified in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual and any relevant local addenda; and,
- (2) Provide adequate documentation to the City of Bloomingdale to show that no additional runoff reducing green infrastructure practices can be used on the development site.

In accordance with Section 78-392 of this ordinance, any of the stormwater runoff volume generated by the runoff reduction storm event that is not reduced on the development site shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads and that reduce nitrogen and bacteria loads to the maximum extent practical.

Sec. 78-392. Water Quality Protection

In order to protect local aquatic resources from water quality degradation, post-construction stormwater runoff shall be adequately treated before it is discharged from a development site. Applicants can satisfy this criteria by satisfying the stormwater runoff reduction criteria. However, if any of the stormwater runoff volume generated by the runoff reduction storm event, as defined in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, cannot be reduced on the development site, due to site characteristics or constraints, it shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads and that reduce nitrogen and bacteria loads to the maximum extent practical. When seeking to satisfy this criteria through the use of one or more stormwater management practices, applicants shall:

- (1) Intercept and treat stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual and any relevant local addenda; and,
- (2) Provide adequate documentation to the City of Bloomingdale to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site.

Sec. 78-393. Aquatic Resource Protection

In order to protect local aquatic resources from several other negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations, applicants shall provide aquatic resource protection in accordance with the with the information provided in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

Sec. 78-394. Overbank Flood Protection

All stormwater management systems shall be designed to control the peak discharge generated by the overbank flood protection storm event, as defined in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, to prevent an increase in the duration, frequency and magnitude of downstream overbank flooding. A stormwater management system is presumed to comply with this criteria if it is designed to provide overbank flood protection in accordance with the information provided in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

The Mayor or his designee may modify or waive this criteria on development sites where both the on-site and downstream stormwater conveyance systems are designed to safely convey the peak discharge generated by the overbank flood protection storm event to a receiving stream, tidal creek or other aquatic resource without causing additional downstream flooding or other environmental impacts, such as stream channel enlargement or degradation of habitat.

Sec. 78.395. Extreme Flood Protection

All stormwater management systems shall be designed to control the peak discharge generated by the extreme flood protection storm event, as defined in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, to prevent an increase in the duration, frequency and magnitude of downstream extreme flooding and protect public health and safety. A stormwater management system is presumed to comply with this criteria if it is designed to provide extreme flood protection in accordance with the information provided in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual.

The Mayor or his designee may modify or waive this criteria on development sites where both the on-site and downstream stormwater conveyance systems are designed to safely convey the peak discharge generated by the extreme flood protection storm event to a receiving stream, tidal creek or other aquatic resource without causing additional downstream flooding or other environmental impacts, such as stream channel enlargement or degradation of habitat.

Sec. 78-396. Redevelopment Criteria

Development activities that are considered to be redevelopment activities shall meet at least one of the following criteria:

- (1) **Reduce Impervious Cover:** Reduce existing site impervious cover by at least 20%.
- (2) **Provide Stormwater Management:** Manage the stormwater runoff from at least 20% of the site's existing impervious cover and any new impervious cover in accordance with the post-construction stormwater management criteria outlined in the Stormwater Management Ordinances. The green infrastructure and stormwater management practices used to comply with these criteria shall be selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual and any relevant local addenda.
- (3) **Provide Off-Site Stormwater Management:** Provide, through the use of off-site stormwater management practices, a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by satisfying the post-construction stormwater management criteria outlined in the Stormwater Management Ordinances on the development site.
- (4) **Combination of Measures:** Any combination of (1) through (3) above that is acceptable to the City of Bloomingdale.

Sec. 78-397. Green Infrastructure and Stormwater Management Practices

All green infrastructure and stormwater management practices shall be selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual and any relevant local addenda. Applicants are referred to the latest edition of the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, and any relevant local addenda, for guidance on selecting green infrastructure and stormwater management practices that can be used to satisfy the post-construction stormwater management criteria outlined in the Stormwater Management Ordinances.

For green infrastructure or stormwater management practices that are not included in the Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, or for which pollutant removal and runoff reduction rates have not been provided, the effectiveness of the green infrastructure or stormwater management practice must be documented through prior studies, literature reviews or other means, and receive approval from the City of Bloomingdale before being included in a stormwater management system.

Sec. 78-398. Stormwater Conveyance Practices

Stormwater conveyance practices, which may include, but are not limited to, storm drain pipes, culverts, catch basins, drop inlets, junction boxes, headwalls, gutters, ditches, open channels, swales and energy dissipaters, shall be provided when necessary to convey post-construction stormwater runoff and protect private properties adjoining development sites and/or public rights-of-way. Stormwater conveyance practices that are used to convey post-construction stormwater runoff on development sites shall meet the following requirements:

- (1) Methods used to calculate stormwater runoff rates and volumes shall be in accordance with the information presented in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda;
- (2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the information presented in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda; and,
- (3) Planning and design of stormwater conveyance practices shall be completed in accordance with the information presented in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda.

Sec. 78-399. Notice of Construction Commencement

The applicant must notify the City of Bloomingdale, Georgia, prior to the commencement of construction on a development site. In addition, the applicant must notify the City of Bloomingdale in advance of the installation of critical components of the stormwater management system shown on the approved stormwater management design plan. The City of Bloomingdale may, at its discretion, issue verbal or written authorization to proceed with the installation of critical components of the stormwater management system, such as permanent green infrastructure and stormwater management practices, based on the stabilization of contributing drainage areas and other factors.

Sec. 78-400. Inspections During Construction

Periodic inspections of the green infrastructure and stormwater management practices shown on the approved stormwater management design plan shall be conducted by staff or representatives of the City of Bloomingdale, Georgia, during construction. Construction inspections shall utilize the approved stormwater management design plan for establishing compliance with the provisions of this ordinance. All inspections shall be documented in written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) The name of the inspector;
- (3) Whether construction is in compliance with the approved stormwater management design plan;
- (4) Violations of the approved stormwater management design plan; and,
- (5) Any other variations from the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing about the nature of the violation and the remedial measures that are required to bring the action or inaction into compliance with the approved stormwater management design plan, as described in Section 78-407 of this ordinance. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in Section 78-408 of this ordinance may be taken against the applicant.

Sec. 78-401. Final Inspection and As Built Plans

Subsequent to the final installation and stabilization of all green infrastructure and stormwater management practices shown on the approved stormwater management design plan, and before the issuance of a certificate of occupancy, the applicant is responsible for certifying that the project has been completed in accordance with the approved stormwater management design plan and submitting as built plans for all green infrastructure and stormwater management practices shown on the approved stormwater management design plan. The as built plans must show the final design specifications for all green infrastructure and stormwater management practices and must be certified by a licensed design professional such as a landscape architect, professional surveyor or professional engineer. A final inspection shall be conducted by the staff or representatives of the City of Bloomington to confirm the accuracy of the as built plans. A final inspection is required before any performance bond or other guarantee can be released.

Sec. 78-402. Maintenance Responsibility

The responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan, shall maintain in good condition and promptly repair and restore all green infrastructure and stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other protective devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance agreement and plan.

If the responsible party named in the recorded inspection and maintenance agreement and plan is a homeowner's association or other owner's association, such as a unit owner's association, the responsible party shall submit to the **City of Bloomington, Georgia**, a copy of a recorded declaration that provides:

- (1) That green infrastructure and stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system inspection and maintenance agreement and plan;
- (2) That membership in the association shall be mandatory and automatic for all homeowners or unit owners of the development site and their successors;
- (3) That the association shall have lien authority to ensure the collection of dues from all members;
- (4) That the requirements of the inspection and maintenance agreement and plan shall receive the highest priority for expenditures by the association except for any other expenditures that are required by law to have a higher priority;

- (5) That a separate fund shall be maintained by the association for the routine maintenance, reconstruction and repair of the green infrastructure and stormwater management practices, and kept in an account insured by the Federal Deposit Insurance Corporation (FDIC) or by another entity acceptable to the **City of Bloomingdale, Georgia**;
- (6) That the routine maintenance, reconstruction and repair fund shall contain at all times the dollar amount reasonably determined from time to time by the **City of Bloomingdale, Georgia**, to be adequate to pay for the probable reconstruction and repair cost (but not routine maintenance cost) of the stormwater management system for a three-year period; and,
- (7) That, to the extent permitted by law, the association shall not enter into voluntary dissolution unless responsibility for the green infrastructure and stormwater management practices is transferred to an appropriate successor.

The **City of Bloomingdale, Georgia**, in lieu of an inspection and maintenance agreement and plan, may accept the dedication of any existing or future green infrastructure or stormwater management practice for maintenance, provided that such to the **City of Bloomingdale, Georgia**, or through a fee simple dedication to the **City** practice meets all of the requirements of this ordinance, is in proper working order at the time of dedication and includes adequate and perpetual access and sufficient area for inspection and regular maintenance. Such adequate and perpetual access shall be accomplished by granting of an easement.

Sec. 78-403. Maintenance Inspections

Periodic inspections of the green infrastructure and stormwater management practices shown on an approved stormwater management design plan, and subject to the terms and conditions of an approved inspection and maintenance agreement and plan, shall be conducted by staff or representatives of the **City of Bloomingdale, Georgia**, to document repair and maintenance needs and ensure compliance with the requirements of the approved inspection and maintenance agreement and plan and provisions of this ordinance. All inspections should be documented in written reports that contain the following information:

- (1) The date and location of the inspection;
- (2) The name of the inspector;
- (3) The condition of:
 - (a) Vegetation and filter media;
 - (b) Fences and other safety devices;
 - (c) Spillways, valves and other hydraulic control structures;
 - (d) Embankments, slopes and safety benches;
 - (e) Reservoirs and permanent pools;
 - (f) Inlet and outlet channels and structures;
 - (g) Underground drainage structures;
 - (h) Sediment and debris accumulation in storage and forebay areas;
 - (I) Any other item that could affect the proper function of the stormwater management system; and,

- (4) • A description of repair, restoration and maintenance needs.

If any repair, restoration or maintenance needs are found, the responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with the approved stormwater management system inspection and maintenance agreement and plan. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in the Stormwater Management Ordinances may be taken against the responsible party named in the approved stormwater management system inspection and maintenance agreement and plan.

Sec. 78.404. Records of Maintenance Activities

The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to the City of Bloomingdale, Georgia, during inspections and at other reasonable times upon request of the City of Bloomingdale.

Sec. 78-405. Failure to Maintain

If the responsible party fails or refuses to meet the terms and conditions of an approved stormwater management system inspection and maintenance agreement and plan and/or the requirements of this ordinance, the City of Bloomingdale, Georgia, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours notice shall be sufficient), may correct a violation by performing the work necessary to place the green infrastructure or stormwater management practice in proper working condition. The City of Bloomingdale, Georgia, may assess the responsible party for the cost of the repair work, which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes by the City of Bloomingdale.

Sec. 78-406. Violations, Enforcement and Penalties

Any action or inaction that violates the provisions of this ordinance or the requirements of an approved stormwater management design plan, permit or inspection and maintenance agreement and plan, may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time may be deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

Sec. 78-407. Notice of Violation

If the City of Bloomingdale, Georgia, determines that an owner, applicant or other responsible person has failed to comply with the provisions of this ordinance, or the terms and conditions of an approved stormwater management design plan, permit or inspection and maintenance agreement and plan, it shall issue a written notice of violation to said owner, applicant or other responsible person. Where a person is engaged in a new development or redevelopment activity covered by this ordinance without having first secured a stormwater management permit, the notice of violation shall be served on the owner or the person in charge of the new development or redevelopment activity being conducted on the development site.

The notice of violation shall contain the following information:

- (1) The name and address of the owner, applicant or other responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;

- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the provisions of this ordinance, or the terms and conditions of the approved stormwater management design plan, permit or inspection and maintenance agreement and plan, and the date for the completion of such remedial measures;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is issued; and,
- (6) A statement that the determination of violation may be appealed to the City of Bloomingdale, Georgia, by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or safety, a written notice of appeal must be filed within 24 hours after the notice of violation).

Sec. 78-408. Penalties

In the event that the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was issued.

Before taking any of the following actions or imposing any of the following penalties, the (local jurisdiction) shall first notify the owner, applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours notice shall be sufficient) to correct the violation. In the event the owner, applicant or other responsible person fails to correct the violation by the date set forth in said notice, the (local jurisdiction) may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) **Stop Work Order:** The City of Bloomingdale may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by the City of Bloomingdale to enable the applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
- (2) **Withhold Certificate of Occupancy:** The City of Bloomingdale may refuse to issue a certificate of occupancy for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.
- (3) **Suspension, Revocation, or Modification of Permit:** The City of Bloomingdale may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The permit may be modified by the City of Bloomingdale to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.
- (4) **Civil Penalties:** In the event the owner, applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to correct the violation or violations described therein, by the date set forth in the notice of violation, the City of Bloomingdale may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after the date set forth in the notice of violation.

- (5) Criminal Penalties: For intentional and flagrant violations of this ordinance, the City of Bloomington may issue a citation to the owner, applicant or other responsible person, requiring said person to appear in (appropriate municipal court) court to answer to criminal charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000, imprisonment for up to 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

STATE OF GEORGIA

COUNTY OF CHATHAM

AN ORDINANCE OF THE CITY OF BLOOMINGDALE, GEORGIA, THE GOVERNING BODY OF AN INCORPORATED MUNICIPALITY, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BLOOMINGDALE, GEORGIA, BY DELETING CHAPTER 34 - ENVIRONMENT, ARTICLE III, SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE IN ITS ENTIRETY AND REPLACING IT WITH EXHIBIT "A", AN UPDATED SOIL AND SEDIMENTATION ORDINANCE.


BE IT ORDAINED by the Mayor and Council of Bloomingdale, Georgia, and it is hereby ordained by the authority thereof that:

Section 34-161 entitled Article III. Soil Erosion and Sedimentation Control through Section 34-170 as included in the attached Exhibit "A" is hereby adopted as the City of Bloomingdale's updated Soil and Sedimentation Ordinance.

ADOPTED THIS 11th day of January, 2018.


Diane Proudfoot, City Clerk

RECEIVED AND APPROVED THIS 11th day of January, 2018.


Ben Rozier, Mayor

Read first time: 1-11-18 dispensed with second

Read second time and adopted: 1-11-18

**NOW, THEREFORE, BE IT ORDAINED,
BY
CITY OF BLOOMINGDALE,
STATE OF GEORGIA,
ENVIRONMENTAL ARTICLE III.
SOIL EROSION AND
SEDIMENTATION CONTROL**

SECTION 34-161

TITLE

This ordinance will be known as "The City of Bloomingdale's Soil Erosion, Sedimentation and Pollution Control Ordinance."

SECTION 34-162

DEFINITIONS

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

1. **Best Management Practices (BMPs):**
These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
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. **Coastal Marshlands:** Shall have the same meaning as in O.C.G.A. 12-5-282.
6. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
7. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc. which is also referred to as CPESC or CPESC, Inc.
8. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
9. **Department:** The Georgia Department of Natural Resources (DNR).
10. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by

EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

11. **Director:** The Director of the Environmental Protection Division or an authorized representative.
12. **District:** The Coastal Soil and Water Conservation District.
13. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
14. **Drainage Structure:** A device composed of a virtually nonerodible 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.
15. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
16. **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 protection at least as stringent as the State General Permit, best management practices, and requirements in Section 34-164.C. of this ordinance.
17. **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.

18. **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 landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.
19. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
20. **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.
21. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

22. **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 34-163.5.
23. **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.
24. **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.
25. **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.
26. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
27. **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.
28. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
29. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
30. **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.

- 31. **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.
- 32. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- 33. **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.
- 34. **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.
- 35. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
- 36. **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.

- 37. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible 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.
- 38. **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.
- 39. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- 40. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Coastal Soil and Water Conservation District.
- 41. **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.

42. **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 Code Section 12-5-30.
43. **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.
44. **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*.

45. **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.epd.georgia.gov. 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.
46. **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*.

47. **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.

48. **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 34-163 EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following

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 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 34-164.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.

SECTION 34-164

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 34-164 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

1. Best management practices as set forth in Section 34-164 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.

3. 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.
 4. 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.
 5. The LIA may set more stringent buffer requirements than stated in C.15,16 and 17, in light of O.C.G.A. § 12-7-6 (c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to 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 34-164 B. 2. of this ordinance;

15. Except as provided in paragraph (16) and (17) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, 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 where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or 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
16. 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; and

17. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-

2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures

are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs.

Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- 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; 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

- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines

have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

- d. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

- D. 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 34-164 B. & C. of this ordinance.

- E. 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 34-165

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 and/or operator are the only parties who may obtain a permit.

B. APPLICATION REQUIREMENTS

- 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of The City of Bloomingdale without first obtaining a

permit from The City of Bloomingdale to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

2. The application for a permit shall be submitted to The City of Bloomingdale and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 34-165 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 34-164 B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) 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. 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 34-164 C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section 34-165 B.6., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority 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. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the 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. 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 34-164 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.

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 34-164 C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section 34-165 B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
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 holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA 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).

SECTION 34-166

INSPECTION AND ENFORCEMENT

- A. The City of Bloomingdale 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.

- 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 City of Bloomingdale 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, 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 Code Section 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 34-167
PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR
LAND-DISTURBING ACTIVITY

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. 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.
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 Local Issuing Authority or by the Director or his or her Designee. 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, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 34-165 B. 6. 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.

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, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

SECTION 34-168
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 34-169 ADMINISTRATIVE APPEAL JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment 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 City of Bloomingdale within 15 days after receipt by the Local Issuing Authority of written notice of appeal.

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 Chatham County.

SECTION 34-170
EFFECTIVITY, VALIDITY
AND LIABILITY

A. EFFECTIVITY

This ordinance shall become effective on the

11 day of Jan, 2018

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 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.

THE CITY OF BLOOMINGDALE, GEORGIA


BEN A. ROZIER, MAYOR


DIANE PROUDFOOT, CITY CLERK