



ENVIRONMENTAL PROTECTION DIVISION

**Richard E. Dinn, Director**

**Watershed Protection Branch**  
2 Martin Luther King, Jr. Drive  
Suite 1470A, East Tower  
Atlanta, Georgia 30334  
404-463-1511

December 20, 2022

Mr. Robert Byrd, City Manager  
City of Pooler  
100 Southwest Highway 80  
Pooler, GA 31322

RE: Phase I Municipal Separate Storm  
Sewer System (MS4)  
NPDES Permit No. GAS000209  
Compliance Inspection Report

Dear Mr. Byrd:

On December 7, 2022, the Georgia Environmental Protection Division (Division) conducted a compliance inspection of the City of Pooler's (City) stormwater management program. The purpose of the inspection was to ensure the City's administration of the program complies with the NPDES Permit requirements. We have attached a copy of the completed inspection report to this letter.

We transmitted a draft inspection form to the City on October 26, 2022. The City's consultant (EOM Operations) provided the additional information in a December 6, 2022 email. On December 7, 2022, the Division held a conference with Mr. Liberto Chacon, Mr. David Cook, Mr. Richard Cook, and Ms. Kristen Hudspeth Achtziger, all with EOM Operations, to discuss the compliance inspection form and conduct field inspections. Based on the discussion and the field inspections, it appears that the City is properly administering the stormwater program.

Thank you for your cooperation in this matter. If you have any questions, please contact me at 470-524-0608 or [miranda.knepp@dnr.ga.gov](mailto:miranda.knepp@dnr.ga.gov).

Sincerely,

Miranda Knepp  
Environmental Compliance Specialist  
Municipal Stormwater Team

cc: Mr. Liberto Chacon, PE, EOM  
Mr. David Cook, MS4CECI, EOM  
Mr. Richard Cook, EOM  
Ms. Kristen Hudspeth Achtziger, EOM

**Georgia Environmental Protection Division**  
**Municipal Separate Storm Sewer System (MS4)**  
**Phase I**  
**Compliance Inspection**

Name of MS4: City of Pooler

Responsible Official: Mr. Robert Byrd, City Manager

Mailing Address: 100 Southwest Highway 80

Pooler, GA 31322

Date of Inspection: December 7, 2022

Date of Last Inspection: November 13, 2017

Name of Inspector: Miranda Knepp

Phone Number: 470-524-0608

Name of Unit Manager: Veronica Craw, Nonpoint Source Program Manager

Signature:  \_\_\_\_\_

Name of MS4 Contact: Mr. Robert Byrd, City Manager

Phone Number: 912-748-7261

December 2019

## Annual Report Summary

**Note:** Permittees are required to submit an annual report detailing their stormwater management program activities. EPD conducts a thorough review of this report upon receipt. Below is a summary of the information obtained from the annual report addressing the main components of the program.

**Note to Inspector:** Review the annual report covering the most recent reporting period prior to conducting the field inspection.

**Reporting Period Covered:** April 1, 2021 – March 31, 2022

**Date Report Received:** June 30, 2022

### **Ordinance Adoption Status:**

Is the MS4 located within the Metropolitan North Georgia Water Planning District (District)?

Yes  No

If yes, complete Section A.

If No, skip to Section B below.

#### **A. District Ordinances**

1. Have the required District ordinances been adopted?

- Erosion and Sedimentation

Yes  No  Date adopted Enter date

- Illicit Discharge

Yes  No  Date adopted Enter date

- Post-Development Stormwater Management

Yes  No  Date adopted Enter date

Does the ordinance include the adoption of either the latest version of the Georgia Stormwater Management Manual (GSMM) or a local design manual? Yes  No

- Floodplain Management:

Yes  No  Date adopted Enter date

- Litter Control:

Yes  No  Date adopted Enter date

- Stream Buffer Protection Ordinance:

Yes  No  Date adopted Enter date

2. If the ordinances have not yet been adopted, provide the reason and the scheduled date for adoption: Click here to enter text

#### **B. Phase I ordinance adoption (MS4 located outside of District)**

1. Has the MS4 adopted the required ordinances?

- Post-Development Stormwater Management:  
Yes  No  Date adopted October 3, 2016

Note: See attachments “Article II” and “D1”

Does the Post-Development ordinance include the adoption of either the latest version of GSMM or a local design manual?  
Yes  No

- Illicit Discharge:  
Yes  No  Date adopted April 16, 2012
- Erosion and Sedimentation Ordinance:  
Yes  No  Date adopted October 3, 2016

2. If the ordinances have not yet been adopted, provide the reason and the scheduled date for adoption: n/a

### MS4 Programs

#### **A. Structural Controls**

1. Is a current inventory of MS4 structures provided? Yes  No

Note: See attachments “A1 – Pooler Pond Inventory” and “A1-pond-map”

2. Has the MS4 completed a map of the MS4 structures? Yes  No
3. Does the map show the required storm sewer system structures: catch basins, pipes, ditches, and detention/retention ponds? Yes  No
4. If additional types of structures are shown on the map, describe these types of structures: n/a
5. If the map has **not** yet been completed, then provide the percentage of the system mapped to date and the scheduled date for completion:  
Percentage mapped: n/a  
Completion date: n/a
6. What is the percentage of structural controls inspected during the reporting period?  
catch basins 25%, ditches 31%, detention/retention ponds 30%, pipes 79%

Note: During the inspection meeting it was confirmed that 501 catch basins were inspected, with a total of 1,989 catch basins and 10 detention/retention ponds on the inventory.

7. Is this inspection percentage in accordance with the Permit? Yes  No

**B. Street Maintenance**

1. Was street sweeping performed? Yes  No  NA

Note: See attachment "A4 – STREET SWEEPING 2021-2022"

2. Was another type of litter removal activity performed? Yes  No  NA

If applicable, describe the method of litter removal: Manual pickup of litter goes into bags.

Note: See attachment "A4- Pooler Litter Pickup Log 2021-2022 september"

**C. Municipal Facilities**

1. Is a current inventory of municipal facilities provided? Yes  No

2. What is the number of municipal facilities on the inventory? 10

3. What is the number of municipal facilities inspected during the reporting period? 3

4. What is the percentage of municipal facilities inspected during the reporting period?  
33%

5. Is this inspection percentage in accordance with the Permit? Yes  No

**D. Pesticide, Fertilizer, Herbicide Program**

1. Is a current inventory of pesticides, fertilizers, and herbicides stored and/or used by the MS4 provided? Yes  No  NA

2. Did the permittee ensure that employees involved in the application of pesticides, fertilizers, and herbicides participated in training to obtain or retain required Department of Agriculture certification? Yes  No  NA

**E. Illicit Discharge Detection and Elimination (IDDE) Program**

1. Is a current inventory and map of outfalls and receiving streams provided?  
Yes  No

2. If the inventory and map have not been completed, then explain why, provide the percentage mapped to date, and the projected completion date: n/a
3. What is the total number of outfalls? 17
4. What is the number of outfalls inspected during the reporting period? 6

Note: See attachment “B3- State Outfall Inspections” for an updated, accurate report of the number of publicly-owned outfalls inspected.

Note: The City/EOM defines “State Outfall” as an outfall that discharges to State waters. It does not mean that the State owns the outfall, which would be contrary to the permit requirement.

5. What is the percentage of outfalls inspected during the reporting period? 35%
6. Is this inspection percentage in accordance with the Permit? Yes  No

**F. Industrial Facility Stormwater Runoff Program**

1. Is a current inventory of industrial facilities provided? Yes  No  NA
2. What is the number of industrial facilities on the inventory? 7
3. What is the number of industrial facilities inspected during the reporting period? 3
4. What is the percentage of industrial facilities inspected during the reporting period? 42.9%
5. Is this inspection percentage in accordance with the Permit? Yes  No

**G. Construction Site Management Program**

1. Is the permittee a Local Issuing Authority (LIA)? Yes  No
2. If the permittee is a LIA, is documentation provided of the following activities:
  - a. plan reviews Yes  No
  - b. site inspections Yes  No

Note: See attachment “2021-2022 Pooler MS4 Active Construction Sites”

- c. enforcement Yes  No
3. Describe the MS4’s procedures for conducting site plan reviews: Erosion Sedimentation and Pollution Control Plans (ESPCP) are submitted to the City and

reviewed by an employee certified by GSWCC, who checks the plan for compliance with GESA, the City's Soil Erosion and Sedimentation (E&S) and Stormwater ordinances. Once approved, the City issues a Land Disturbing Activity (LDA) permit.

4. Describe the MS4's procedures for conducting site inspections, including documentation method: Construction sites are inspected after installation of construction BMPs, during construction, and at the end of LDAs. Various private companies are hired to inspect construction sites. Inspectors check for compliance with GA EPD's Construction General Permit, the approved ESPCP, the City's Soil E&S ordinance, and the illicit discharge sections of the City's Stormwater ordinance. Inspections are documented on a paper or electronic inspection form.

#### **H. Highly Visible Pollutant Sources (HVPS)**

1. Is a current inventory of HVPS facilities provided? Yes  No

Note: See attachment "E1"

2. List the types of facilities that the MS4 defines as HVPS: Automotive repair, maintenance, and carwash facilities; gasoline service stations; and landscape, nursery, and garden-related businesses
3. Provide the date the latest inventory was developed: August 12, 2021 (according to the 2021-2022 annual report)

4. What is the number of HVPS facilities included on the inventory? 64

5. What is the number of HVPS facilities inspected during the reporting period? 40

Note: See attachment "E1"

6. What is the percentage of HVPS facilities inspected during the reporting period? 63%

7. Is this inspection percentage in accordance with the Permit? Yes  No

#### **I. Public Education/ Public Involvement**

1. Briefly describe the public education program being implemented by the permittee: The City updates its (1) website and (2) Facebook page and (3) distributes brochures to houses.
2. Briefly describe the public involvement program being implemented by the permittee: The City (1) provides sanitation and recycling services, (2) has an online form for stormwater-related complaint reporting, and (3) collects Christmas trees for recycling into mulch.

**J. Impaired Waters**

1. Does the permittee have any impaired waters within its jurisdiction? Yes  No
2. Does the permittee have an approved Monitoring and Implementation Plan for each impaired water within its jurisdiction? Yes  No

**K. Green Infrastructure/Low Impact Development (GI/LID)**

1. Is the permittee currently in compliance with permit requirements regarding Green Infrastructure/Low Impact Development (GI/LID)?

Ordinance Evaluation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
GI/LID Program Development	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
GI/LID Structure Inventory	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

2. What is the number of GI/LID structures included on the inventory? 1
3. What is the number of GI/LID structures inspected during the reporting period? 1
4. What is the percentage of GI/LID structures inspected during the reporting period?  
100%
5. Is this inspection percentage in accordance with the Permit? Yes  No



## Field Inspection

### Complaint Tracking

1. Does the MS4 have procedures in place for receipt of information or complaints from the public? Yes  No
2. If yes, describe the procedures (including complaint receipt, handling, tracking): Illicit Discharge Detection and Elimination – Public Reporting Procedures and Public Involvement – Public Complaint Stormwater Reporting: Citizens can contact the City by phone or website form. A work order is generated. The City’s database is EOM’s work order system for tracking completion of complaint response. EOM responds to the complaint. The City notifies the citizen of response to their complaint when appropriate.

3. Does the MS4 maintain a database or log of these complaints? Yes  No

**NOTE:** If yes, the inspector should review the database or log for completeness of information and evidence of follow-up investigations.

4. Is the log complete? Yes  No
5. Does it appear that the MS4 is fully investigating and taking steps to resolve complaints in a timely manner? Yes  No

Comments: None

### Employee Training Program

1. Does the MS4 have a training program related to stormwater for its employees? Yes  No
2. If yes, then complete the following:

Frequency of training: Once per reporting period

Date of last training: June 24, 2021 according to 2021-2022 annual report

Note: See attachment “Pooler MS4 Training Minutes” which accurately shows that a total of 17 employees (13 City and 4 EOM) were trained.

Topic of training: Introduction to MS4 and City of Pooler MS4 Permit requirements

Next scheduled date of training: January 2023

Proposed topic of training: “Where Does Stormwater Go?” Youtube video

3. Briefly describe the training program, including who is trained, who conducts the training, method of training, etc.: During the June 2021 training, EOM trained City employees in-person using a slideshow presentation.

**Highly Visible Pollutant Sources (HVPS)**

**NOTE:** The inspector should accompany the MS4 representative to a highly visible pollutant source facility and oversee the performance of an inspection of the facility.

A. Inspection

1. Name of HVPS: Goodyear
2. Location: 20 Traders Way, Pooler, GA 31322
3. Type of facility (e.g. auto repair, car wash, etc.): Automotive repair
4. Did the MS4 representative complete an inspection form or other type of documentation during the inspection? Yes  No

Note: The MS4 representative was an employee of EOM Operations for the entirety of the inspection day.

5. Did the MS4 representative appear knowledgeable in the proper inspection of the highly visible pollutant source? Yes  No
6. Comments: The EOM inspector gave the Goodyear representative educational material in the form of a brochure.

**Municipal Facility**

Does the MS4 have municipal facilities that are not subject to the Industrial General Permit?  
Yes  No

**NOTE:** The inspector should accompany the MS4 representative to a municipal facility and oversee the performance of an inspection of the facility.

A. Inspection

1. Name or type of municipal facility: Fire Station #2
2. Location: 912 Pooler Parkway, Pooler, GA 31322
3. Did the MS4 representative complete an inspection form or other type of documentation during the inspection? Yes  No

4. Did the MS4 representative appear knowledgeable in the proper inspection of the municipal facility? Yes  No
5. Comments: The EOM inspector left educational material in the form of a brochure on a desk since no fire station employees were present.

**Illicit Discharge Detection and Elimination (IDDE) Program**

A. IDDE Program Responsibility

1. Does the MS4 perform outfall screening as a part of its IDDE program?  
Yes  No
2. Does the MS4 perform stream walks as a part of its IDDE program?  
Yes  No
3. Does the MS4 perform stream walks for a reason other than IDDE?  
Yes  No
4. Does the MS4 conduct its own IDDE program, or does another entity conduct the task for the MS4 on its behalf? MS4  Other entity
5. If another entity conducts the IDDE program on behalf of the MS4, provide the name: EOM Operations

**NOTE:** For stream walks performed as a component of the IDDE program, the inspector should review the latest stream walk records. For MS4s performing outfall screening, the inspector should accompany the MS4 representative to at least 3 outfalls and oversee the performance of dry weather screening procedures at each outfall.

B. Stream Walk

1. Did the MS4 perform a stream walk during the past 12-month period?  
Yes  No  NA
2. Was the stream walk performed as part of the IDDE program? Yes  No
3. If yes, provide the name(s) of the stream walked, the distance and any noted problems related to illicit discharges: n/a
4. If the stream walk is to be performed as part of the IDDE program, but the stream walk was not performed as required, then provide the reason: n/a

C. Outfall Screening

1. First Outfall  
Outfall ID: 6

Outfall Receiving Waters: Pipe Makers Canal

Flow Present: Yes  No

If flow is present, which parameters did the MS4 representative test for:

Temperature: Yes  No  pH: Yes  No   
Conductivity: Yes  No  Surfactants: Yes  No   
Fluoride: Yes  No  Other: Add text

2. Second Outfall

Outfall ID: 22

Outfall Receiving Waters: Pipe Makers Canal

Flow Present: Yes  No

Note: Standing, not flowing, water was present. The outfall discharges directly into the canal. An upstream-on-the-conveyance-system structure, which was an entrance into a pipe (inlet), was inspected. This procedure is in accordance with the City's dry weather screening procedures. The pipe that led to the outfall was intaking water from a swampy area in a low-lying spot in the woods. No illicit discharge was suspected.

If flow is present, which parameters did the MS4 representative test for:

Temperature: Yes  No  pH: Yes  No   
Conductivity: Yes  No  Surfactants: Yes  No   
Fluoride: Yes  No  Other: Add text

3. Third Outfall

Outfall ID: 23

Outfall Receiving Waters: Pipe Makers Canal

Flow Present: Yes  No

If flow is present, which parameters did the MS4 representative test for:

Temperature: Yes  No  pH: Yes  No   
Conductivity: Yes  No  Surfactants: Yes  No   
Fluoride: Yes  No  Other: Add text

6. Did the MS4 representative calibrate the field-testing equipment prior to the field inspection? Yes  No

Note: Equipment is calibrated once per year or according to the manufacturer's direction.

7. Does MS4 representative appear knowledgeable in proper field-testing techniques? Yes  No

- F. Does the MS4 have procedures for the follow-up identification of potential illicit discharge sources? Yes  No

If yes, describe the method and time frames for investigation: A secondary structure is screened along with any outfalls labelled as "wet." If dry weather flow is observed, the inspector checks: the rate of flow, color, odor, oil sheen, floatables, stains, and the presence/absence of vegetation, algae, and aquatic life. Anything that indicates an illicit discharge triggers source tracing. During source tracing the inspector tests the flow's pH, temperature, and conductivity, and takes a sample to the laboratory for analysis of fluoride and surfactants/detergents. Then, if conductivity and/or surfactants/detergents are above allowable limits a sample is taken for fecal coliform analysis at a laboratory. Also during source tracing the inspector may walk and sample the conveyance system upstream, inspect a private facility, and perform dye testing.

- G. Does the MS4 have procedures for ensuring any illicit discharges or connections are eliminated? Yes  No

If yes, describe the procedures, including time frames and enforcement actions available: After the Public Works department identifies the source of illicit discharge the City Administrator/designee is notified. It is the Administrator's responsibility to enforce the Stormwater Management Ordinance, which allows City employees to enter the property that is the source of the discharge, command the cease of the discharge, and pay any applicable fines or suffer penalties. The City also abides by the Enforcement Response Plan.

Comments: The EOM inspector completed an inspection form.

### **Structural Control Inspection and Maintenance**

#### A. Inspection and Maintenance Responsibility

1. Does the MS4 perform its own inspection and maintenance program on the storm sewer system, or does another entity perform the tasks on behalf of the MS4?  
MS4  Other entity
2. If another entity performs the inspection and maintenance activities on behalf of the MS4, then provide the name of the entity: The City maintains most of its own

structures but hires Georgia Plantation Solutions to maintain the detention/retention ponds.

**NOTE:** The inspector should accompany the MS4 representative to each type of storm sewer system component and oversee the inspection of the structure.

B. Catch Basin

1. Catch Basin ID: 3855
2. Date of last inspection: February 8, 2022
3. Frequency of inspection: Once every 5 years
4. Date of last cleaning/maintenance: unknown/as needed
5. Frequency of cleaning/maintenance: In response to the inspection and citizen complaints
6. Is the catch basin being properly inspected and maintained? Yes  No

Comments: None

C. Ditch

1. Ditch location or ID: 942
2. Date of last inspection: In the 2020-2021 reporting period
3. Frequency of inspection: Once every 5 years
4. Date of last cleaning/maintenance: unknown/as needed
5. Frequency of cleaning/maintenance: In response to the inspection and citizen complaints
6. Is the ditch being properly inspected and maintained? Yes  No

Comments: None

D. Detention Pond

1. Detention pond location or ID: Fire Station #2 retention pond
2. Date of last inspection: February 9, 2022

3. Frequency of inspection: Once every 5 years
4. Date of last cleaning/maintenance: Unknown
5. Frequency of cleaning/maintenance: In response to the inspection and citizen complaints; an herbicide treatment is applied once per year or more frequently if need; and the grass is routinely cut during the growing season
6. Is the detention pond being properly inspected and maintained? Yes  No

Comments: None

2021-2022 MS4

Active Construction Sites

Project	Status
Drayton Park Phase 2	Active
East Haven Blvd Ext	Active
Ellis Park Phase 3	Active
Pooler III	Active
Costco 21004	Active
Bassford Hunter Parcel	Active
Triple B Trail Warehouse	Active
Blakely Commons Phase 1	Active
Telfair Park Phase 1 & 2	Active
Queensborough National Bank	Active
Memorial Blvd	Active
116 West 2A PH 2	Active
Savannah River Logistics	Active
MSI 676,800sf Warehouse	Active
Southern Pipe	Active
Harmony PH VI	Active
Hunt Vlub	Active
Somerby PH VI	Active
JCB Industrial Tract	Active
Westbrook Villas Phase 3	Active
Aloft Hotel	Active
Town Center Parcel 6	Active
Forest Lakes Phase 9	Active
Davenport	Active
Reunion Phase 2	Active
Pooler Fire Station 5	Active
Westbrook Phase 2	Active
Westwood Reserve	Active





### City of Pooler Pond Inventory

Location	Address	Type	City Owned	Privately Owned
Woodland Drive Pond #1	(Middle of circle) Woodland Dr	Retention	x	
Woodland Drive Pond #2	(Behind) 1052 Woodland Drive	Retention	x	
Woodland Drive Pond #3	(Behind) 1064 Woodland Drive	Retention	x	
Pooler Recreation Dept Pond #1	200 Preston Stokes Drive	Retention	x	
Pooler Recreation Dept Pond #2	200 Preston Stokes Drive	Retention	x	
Pooler Recreation Dept Pond #3	200 Preston Stokes Drive	Retention	x	
Pooler Fire Station #2	912 Pooler Parkway	Dry Retention	x	
Pooler Police Firing Range	560 Winskie Road	Dry Retention	x	
Pooler Public Works	1095 S Rodgers Street	Dry Retention	x	
Memorial Park	US Hwy 80 @ Pooler Parkway	Retention	x	

Added During Reporting Year	Existing
	x
	x
	x
	x
	x
	x
	x
	x
	x
	x

## City of Pooler 2021-2022 Litter Pi

Street Name	Litter Removal Frequency	Amount of debris r					
		April	May	June	July	August	Sept
Pooler Parkway	Once A Week	4	5	5	7	15	13
Highway 80	Once A Week	6	7	5	6	8	7
Pine Barren Road	Once A Week	3	1	2	3	10	8
S Rodgers Street	Once A Week	2	2	3	1	2	2
Quacco Road	Once A Week	1	3	3	4	2	2
Memorial Blvd	Once A Week	1	1	1	1	1	1
Old Quacco Road	Once A Week	0	1	2	1	1	1
Bourne Avenue	Once A Week	2	1	2	2	1	1
Benton Blvd	Once A Week	3	3	3	3	2	3
Jimmy Deloach Pkwy	Once A Week	2	4	5	6	15	14
Pine Meadow Drive	Once A Week	0	1	1	1	1	1
Total:		24	29	32	35	58	53



## STREET SWEEPING 2019

### Street Sweeping 2021-2022

DATE	LOCATION	TOTAL MILES
11-May	Memorial, village green, 1-16 bridge, hamilton grove	10.2
12-May	Davenport, whitaker park, easthaven, village green	9.2
13-May	Blue moon xing@pooler pwy, mrogan pines, cheval ln	8.2
17-May	sommersby, parkway islands, SH-morgan, pwy bridge	12
	pooler pwy @80 islands	
18-May	pipemakers circle, durham park, preston strokes dr,	12
	parkway islands, grand central blvd, canal st, traders way,	
	sandy hanks, southern junction blvd	
13-Jul	East Haven	11.8
	Davenport	
	Hamilton Grove	
14-Jul	Park Ave	12
	canal st	
	grand central	
	pipepmakers circle	
	traders way	
	sandy hanks	
	southern junction	
	tanger outlet blvd	
		9.8
15-Jul	Mill creek circle	
	s godley station nlvd	
	n godley station blvd	
	herbert drive	
	Towne center dr	
	forest lakes dr	
	copper village ln	
	silver brook cir	
16-Jul	pine meadow drive	7.8
	SH-morgan	
21-Jul	Arbors	13.7
	pampas dr	
	chinese fir cir	
	caroline cherry circle	
	white dogwood ln	
	pink dogwood ln	
	magnollia dr	
	redbud ln	
	tea oliver cir	
	fire thorn Ln	
	arbor village	
	godley way	
22-Jul	Nadina way	12.1

## STREET SWEEPING 2019

	pampas dr	
	woods way	
	masters way	
	serengeti blvd	
	wynfield ln	
	beneli dr	
	tigers paw dr	
	grassland dr	
	water buck ct	
	remington pl	
23-Jul	Grasslands dr	10.4
	winchester dr	
	lions den dr	
	southwilde way	
	viceroi dr	
	royal palm circle	
	tanzania trail	
	safari trail	
	gazelle ln	
	savannah dr	
	west wind dr	
	westside blvd (spankys)	
	Timberland Gap	
	stoney hill road	
	Stone Water	
	silverton road	
	silverton ct	
	platinum ct	
26-Jul	Hunters Ridge	11.2
	longleaf circle	
	chamios ct	
	browing dr	
	redfield dr	
	cassidy way	
	cassidy ct	
	Ashwood	
	Ashwood dr	
	rockwood ct	
	cypress ct	
	ashwood ct	
	Greystone Estates	
	Greystone rd	
	Deer walk rd	
	pebble rd	
	The Legends	
	Legends rd	
	RainDance	
	Raindance Rd	
	Sundance rd	
	Sundance ct	

## STREET SWEEPING 2019

29-Jul parkway islands parkway on-ramps blue moon xing islands islands (quacco road) pwky- bridge 1-16 southernland dr creekside dr barrington rd gentry st barrington ct foxhound ct tappan zee dr throgs neck way	10.1
30-Jul Harmony blvd Armonia Ln Tranquil Pl symphony ct melody dr harmony ct brooklyn way london tower ct coalbrookdale ct scott key ct golden gate dr minato ct mackinac ct coronado ct tatara ct rialto ct	10
30-Jul Night sweeping- Public works shop/parking lot employee parking lot city hall parking lot benton blvd US-highway 80	19.2
2-Aug Harmony blvd tranquil pl armonia ln harmony green symphony ct melody dr memorial blvd st. joseph candler dr cheveral ln merlot Ln	9.2
3-Aug East haven blvd Hamilton Grove	10.4



**STREET SWEEPING 2019**

	cottiingham way	
	bainebridge way	
	Gables dr	
	braicliff way	
	glenwood ct	
	gateway dr	
	cottage creek rd	
	martello rd	
	banayrd st	
	rosamund rd	
	McQueen dr	
	Meribee Ln	
	Oldwood rd	
	Fern Rd	
		11.2
4-Aug	Brighton woods dr	
	Brighton woods ct	
	Haydens Dr	
	Haydens ct	
	Brighton way	
	grove ct	
	somersby Blvd	
	Pineland way	
	Pine view crossing	
	Lake house road	
	moss creek ct	
	rolling springs ln	
	casey dr	
	riverwood rd	
	horncastle ct	
	cherian ct	
	marshland point	
	sand valley ct	
9-Aug	Ashwood	12.3
	Cypress Ct.	
	Rockwood Ct	
	Timberland Gap	
	Stone Water	
	Cross Creek	
	Hunters Ridge	
10-Aug		6.9
	Pine Barren Rd Bridge	
	Pine Meadow Dr.	
11-Aug		
	Distribution Drive	9.6
12-Aug		
	Greystone Estates	11.2
	The Legends	
	Raindance	

**STREET SWEEPING 2019**

	<p>Southerland          Creekside  <b>BRIDGE WATER</b>          Brooklynway          London Ct          Golden Gate Dr.          Coal Brookdale Ct.          Minato Ct.          Mackinac Ct.          Coronado Ct.          Tappan Zee Dr.          Throgs Neck Way          Barrington Estates</p>	
29-Sep		10.6
	<p>Tappan Zee Dr.          Throgs Neck Way          Harmony Blvd.          Armonia Ln.          Tranquil Pl          Symphony Ln          Barrington Rd          Fox Hound Ct          Gentry St.          Barrington Ct          Pine Barren Bridge at I95</p>	
30-Sep		10.1
	<p>St.Joseph Chandler          Cheval Ln          Merlot          Hamilton Grove</p>	
1-Oct		
	<p>Pooler Pkwy&amp; I16 Island          Pooler Pkwy&amp; I16 Bridge          Pooler Pkwy&amp; I16 Islands to Pine Barren          Mosaic Circle          Quacco Rd. Islands          East Haven Rd</p>	
4-Oct		11.2
	<p><b>MORGAN PINES</b>          Majestic Pine Ct.          Great Pine Ln.          Quiet Pine Cir          Morgan Pine Dr.          PineForest Ln          Standing Pine Cir          Parkside Ln  <b>SOMERSBY</b></p>	

## STREET SWEEPING 2019

	Pineland Way Pineview Crossing Lakehouse Rd Somesby Blvd <b>S H MORGAN PKWY</b>	
5-Oct	Pooler Pkwy Islands Pooler Pkwy Islands & Hwy 80 Bridge Merlot Ln	6.3
7-Oct	Preston Stokes Dr. Durham Park Blvd. Pipemakers Cir Canal St. Park Ave. Grand Central Nancy Hanks Tanger Outlet Blvd. Herbert Dr. Traders Way S.Godley Station Blvd.	
11-Oct	<b>TOWNE LAKE</b> Village Towne Dr. Towne Lake Ct. Manor Row <b>COOPER VILLAGE</b> Cooper Brooke Ln. Silver Brook Cir Raven Wood Way Silver Oak Ct. N Godley Station Blvd.	8.2           296.9

## **ARTICLE II. SOIL EROSION AND SEDIMENTATION CONTROL<sup>1</sup>**

### **Sec. 42-31. Definitions.**

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

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

*Board:* The board of natural resources.

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

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

*Coastal marshlands:* Shall have the same meaning as in O.C.G.A. § 12-5-282.

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

*CPESC:* Certified professional in erosion and sediment control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

*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.

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

*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.

*Director:* The director of the environmental protection division or an authorized representative.

*District:* The Coastal Soil and Water Conservation District.

*Division:* The environmental protection division (EPD) of the department of natural resources.

*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.

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

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<sup>1</sup>Ord. of 10-3-2016(2) , § II, adopted amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 42-31—42-39, pertained to similar subject matter, and derived from Ord. of 7-6-2010, § II.

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*Erosion, sedimentation and pollution control plan:* A plan required by the Erosion and Sedimentation Act, O.C.G.A. ch. 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in section 42-33(c) of this article.

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

*Final stabilization:* All soil disturbing activities at the site have been completed, and 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 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent 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.

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

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

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

*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 subsection 42-32(5).

*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.

*Local issuing authority:* The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

*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.

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

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

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

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

*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

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site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

*Outfall:* The location where stormwater 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.

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

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

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

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

*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.

*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.

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

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

*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.

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

*State general permit:* The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater 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 O.C.G.A. § 12-5-30(f).

*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.

*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.

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

*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.

*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.

*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.

( Ord. of 10-3-2016(2) , § II; Ord. of 1-2-2018, § II )

## **Sec. 42-32. Exemptions.**

This article 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 acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this 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

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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 subsections 42-33(c)(15) and (16) of this article, 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 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 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 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 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



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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.

( Ord. of 10-3-2016(2) , § II)

**Sec. 42-33. 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 article 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 subsections (b) and (c) of this section. 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 article and the NPDES general permit.
- (b) *Minimum requirements/BMPs.*
- (1) Best management practices as set forth in subsections (b) and (c) of this section 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 O.C.G.A. § 12-5-30(f), 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(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 O.C.G.A. § 12-5-30(f), 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 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten 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 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 O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

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- (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 subsection (c)(15), (16) and (17) of this section, 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 subsection 42-33(b)(2) of this article;
  - (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

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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

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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 O.C.G.A. § 12-2-8, where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 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.

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- 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 [EPD Rule] 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 subsections (b) and (c) of this section.
  - (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 article or the terms of the permit.

( Ord. of 10-3-2016(2) , § II)

### **Sec. 42-34. 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, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, 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 Pooler without first obtaining a permit from the soil erosion, sedimentation and pollution control coordinator 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 soil erosion, sedimentation and pollution control coordinator 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 subsection (c) of this section. 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 subsections 42-33(b) and (c) of this article will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the

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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 O.C.G.A. § 12-5-23(a)(5), 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 O.C.G.A. § 12-7-8(a) 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 O.C.G.A. § 12-7-17(9) or (10) 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 subsection 42-33(c)(15), (16) and (17) have been obtained, all fees have been paid, and bonding, if required as per subsection (b)(6) of this section, 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 article 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 subsection 42-33(b) and (c) of this article, 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 article. 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 stormwater 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

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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 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 article, any variances required by subsection 42-33(c)(15), (16) and (17) are obtained, bonding requirements, if necessary, as per subsection 42-34(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 article, 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 article. 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).

( Ord. of 10-3-2016(2) , § II)

### **Sec. 42-35. Inspection and enforcement.**

- (a) The city inspections department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to

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comply with the approved plan, with permit conditions, or with the provisions of this article, 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 article.

- (b) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- (c) The inspections department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (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 O.C.G.A. § 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.

( Ord. of 10-3-2016(2) , § II)

### **Sec. 42-36. 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 article 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 article, 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



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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 article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 42-34(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 article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, 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 article under county ordinances approved under this article 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.

( Ord. of 10-3-2016(2) , § II)

### **Sec. 42-37. 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.

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

( Ord. of 10-3-2016(2) , § II)

### **Sec. 42-38. 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 mayor and city council within ten 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.

( Ord. of 10-3-2016(2) , § II)

### **Sec. 42-39. Effectivity, validity and liability.**

- (a) *Effectivity.* This article shall become effective on the 3rd day of October, 2016.
- (b) *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.
- (c) *Liability.*
  - (1) Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the 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 article or the terms of the permit.
  - (3) No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

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( Ord. of 10-3-2016(2) , § II)

**Secs. 42-40—42-70. Reserved.**

Structure	Material	Damage	Sedimenta	Debris	Inspection	Inspector	Illicit Disch	Ownership	Water
Outlet Control	Structure				#####	Other	No	City of Pooler	
Outlet Cor	HDPE	None	Minor	Minor	#####	Other	No	City of Poc	None
Outlet Cor	Pre-Cast C	None	None	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Minor	None	#####	Other	No	City of Poc	None
Outlet Cor	Pre-Cast C	None	None	None	#####	Other	No	City of Poc	None
Outlet Cor	Pre-Cast C	None	Minor	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Moderate	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Minor	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	None	None	#####	Other	No	City	None
Outlet Cor	Pre-Cast C	Minor	None	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Minor	None	#####	Other	No	City of Poc	None
Outlet Cor	Pre-Cast C	None	None	Severe	#####	Karl Hall	No	City of Poc	None
Outlet Cor	Pre-Cast C	None	None	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Moderate	Minor	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Moderate	Moderate	#####	Other	No	City of Poc	None
Outlet Cor	Pre-Cast C	None	Minor	None	#####	Other	No	City of Poc	None
Outlet Cor	HDPE	None	Minor	Minor	#####	Other	No	City of Poc	None

Drain	Sten	Maintenar	Notes	Gopro	Vid	Checked	ID	GlobalID
			Could not locate outf:	Unable to				8 {0163A542-1177-4ED9-B42B-1A7EF3807FF}
No	No	No	dry weather flow	Yes				23 {7C75104C-EEC9-4078-8B7A-3CF73FCE936E}
No	No	No	dry weather flow	Yes				21 {91032E9E-05B4-4B1E-AFC2-ED6441DE528}
No	No	No	dry weather flow	Yes				1 {FEB24BC6-569B-4082-B177-ED8A3D9D6CC}
No	No	No	dry weather flow	Yes				20 {C27057CA-BE72-4483-895A-E9605DE54A4}
No	No	No	dry weather flow	Yes				19 {ED353EB6-44F8-4E22-A2E5-06C02AA15DA}
No	No	No	dry weather flow	Yes				17 {37D9017D-A1F3-434D-9A4F-0065E75CC6B}
No	No	No	dry weather flow	Yes				5 {7BDE877E-7E4B-40D1-8F3F-47A02C151E7}
No	No	No	dry weather flow	Yes				9 {52DF345B-CD43-4B07-97DA-9F8BE494899}
No	No	No	dry weather flow	Yes				15 {1FE824FD-FC7E-4FA0-B19B-015ADF7E014C}
No	No	No	dry weather flow	Yes				16 {4BD62EE7-BB10-4759-992B-43F42597464C}
No	Yes	Debris	needs to be re	Yes				2 {6803BFB6-38F6-4B4A-827A-EE875C2B4DD}
No	No	No	dry weather flow	Yes				18 {F3B82403-F2C5-40DF-9318-C7A9F028A03E}
No	No	No	dry weather flow	Yes				3 {C3DA5A1C-2EBB-49B5-87CA-07D1145B5C6}
No	Yes	No	dry weather flow	Yes				7 {FOCD1835-667E-4703-8D3C-2F286139970}
No	No	No	dry weather flow	Yes				22 {11FB6C17-0EE7-4C30-B2D1-3594DE4F74E}
No	No	No	dry weather flow	Yes				4 {204403F8-F17D-4FCF-A850-C5357A348E9}

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**AN ORDINANCE TO AMEND CHAPTER 42, ARTICLE II, SECTIONS 42-31 THROUGH 42-39 OF THE CODE OF ORDINANCES OF THE CITY OF POOLER; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**THE MAYOR AND COUNCILMEMBERS OF THE CITY OF POOLER** do hereby ordain as follows:

I.

Chapter 42, Article II, Sections 42-31 through 42-39 are hereby amended by deleting the sections in their entirety and replacing in lieu thereof the following:

II.

Sec. 42-31. 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 protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.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 equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees,

- shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
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 III, Paragraph 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.gaepd.org](http://www.gaepd.org). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
  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.

#### Sec. 42-32. 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 42-33 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.

Sec. 42-33. 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 42-33 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 42-33 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 runoff 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 42-33 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 42-33 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.

#### Sec. 42-34. 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 Pooler without first obtaining a permit from the soil erosion, sedimentation and pollution control coordinator 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 soil erosion, sedimentation and pollution control coordinator 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 42-34 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 42-33 B. & C. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four 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 IV C. 15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section V B.6., have been obtained. Such review will not be required if the 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 42-33 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 42-33 C. 15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section V B. 6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
  3. Any land-disturbing activities by 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).

Sec. 42-35. Inspection and enforcement.

- A. The city inspections department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- 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 inspections department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the 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.

#### Sec. 42.36 – 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 42-34 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.

**Sec. 42-37. 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.

Sec. 42-38. 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 mayor and city council within ten 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.

Sec. 42-39. Effectivity, validity and liability.

- A. EFFECTIVITY  
This ordinance shall become effective on the 30 day of Oct, 20  .
- 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.

III.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

IV.

This ordinance shall become effective upon its approval by the Mayor and Councilmembers of the City of Pooler.

SO ORDAINED this 3<sup>rd</sup> day of Oct., 2016.

Michael F. Lamb  
Michael F. Lamb, Mayor

ATTEST:

Maibeth Lindler  
Maibeth Lindler, City Clerk



**Pooler: Highly Visible Pollutant Inventory**

Name	Address	SIC Code	SIC Industry Title	Inspection Date	Inspection Year
Carroll Tire Company	260 Pine Barren Rd / Pooler, GA 31322	3011	Tires and Inner Tubes	3/5/2021	
Walmart	160 Pooler Pkwy / Pooler, GA 31322	3011	Tires and Inner Tubes	3/5/2021	
Home Depot	190 Pooler Pkwy / Pooler, GA 31322	5261	Retail Nurseries, Lawn and Garden Supply	3/5/2021	
Lowe's	1565 Pooler Pkwy / Pooler, GA 31322	5261	Retail Nurseries, Lawn and Garden Supply	3/20/2019	
Walmart	160 Pooler Pkwy / Pooler, GA 31322	5261	Retail Nurseries, Lawn and Garden Supply	3/5/2021	
Rodgers Street Convenience	1111 S Rogers St / Pooler, GA 31322	5541	Gasoline Service Stations	3/4/2021	
Circle K	1080 Hwy 80 East / Pooler, GA 31322	5541	Gasoline Service Stations	3/8/2021	
Food Mart	990 Pine Barren Rd / Pooler, GA 31322	5541	Gasoline Service Stations	3/8/2021	
Murphy Express #8603	1555 Pooler Pkwy / Pooler, GA 31322	5541	Gasoline Service Stations	3/5/2021	
Murphy USA #6515	120 Pooler Pkwy / Pooler, GA 31322	5541	Gasoline Service Stations	3/5/2021	
Chevron Food Mart	235 Hwy 80 West / Pooler, GA 31322	5541	Gasoline Service Stations	3/8/2021	
Shell Pooler	50 Tanger Outlet Blvd / Pooler, GA 31322	5541	Gasoline Service Stations	3/5/2021	
Dozier Crane	155 Pine Barren Rd / Pooler, GA 31322	7533	Heavy Construction Equipment Rental and	3/8/2021	
Clem Burnsed's Paint/Body Shop	320 Old Pine Barren Rd / Pooler, GA 31322	7532	Automotive Body, Paint, and Interior Repair	3/8/2021	
Rainbows Paint & Body Shop	1288 US Hwy 80 East / Pooler, GA 31322	7532	Automotive Body, Paint, and Interior Repair	3/8/2021	
Auto Perfection	1523 US Hwy 80 East / Pooler, GA 31322	7538	General Automotive Repair Shops	3/8/2021	
Auto Zone	1005 US Hwy 80 West / Pooler, GA 31322	7538	General Automotive Repair Shops	3/4/2021	
Car Care Center	224 US Hwy 80 East / Pooler, GA 31322	7538	General Automotive Repair Shops	3/4/2021	
Dorsey Tire & Auto	1284 US Hwy 80 East / Pooler, GA 31322	7538	General Automotive Repair Shops	3/8/2021	
Goodyear Auto Services Center	20 Traders Way / Pooler, GA 31322	7538	General Automotive Repair Shops	3/5/2021	
Home Town Auto Repair, Inc.	305 US Hwy 80 West / Pooler, GA 31322	7538	General Automotive Repair Shops	3/4/2021	
Pooler Tire and Auto Center	135 US Hwy 80 East / Pooler, GA 31322	7538	General Automotive Repair Shops	3/4/2021	
Truck Maintenance (Trinity, B&B)	138 Pine Meadow Rd / Pooler, GA 31322	7538	General Automotive Repair Shops	3/8/2021	
Car Wash Express	214 Grand Central Blvd / Pooler, GA 31322	7542	Car Washes	3/5/2021	
Absolute Acura Honda Services	105 Canal Bank Rd / Pooler, GA 31322	7538	General Automotive Repair Shops	7/12/2021	
Trinity Automotive	1545 Dean Forest Rd / Pooler, GA 31408	7538	Automobile Dealers	7/12/2021	
Triple X Truck & Trailer Repair	124 Eason Dr / Pooler, GA 31322	7538	General Automotive Repair Shops	7/12/2021	
Smitty's Collision Center	1709 Dean Forest Rd / Pooler, GA 31408	7532	Automotive Body, Paint, and Interior Repair	7/12/2021	
<b>C &amp; P Interstate Tires</b>	<b>134 Raymond Rd / Pooler, GA 31322</b>	<b>3011</b>	<b>Tires and Inner Tubes</b>	<b>Business no longer open.</b>	
Paradise Bay Express Car Wash	1545 Pooler Pkwy / Pooler, GA 31322	7542	Car Washes	10/20/2021	
<b>MUSU Truck Tires &amp; Service</b>	<b>1554 US Highway 80 E / Pooler, GA 31322</b>	<b>7538</b>	<b>General Automotive Repair Shops</b>	<b>Business no longer open.</b>	
Mavis Discount Tire	1511 Pooler Pkwy / Pooler, GA 31322	3011	Tires and Inner Tubes	10/21/2021	
<b>Snider Fleet</b>	<b>176 Pine Barren Rd / Pooler, GA 31322</b>	<b>7538</b>	<b>General Automotive Repair Shops</b>	<b>Business no longer open.</b>	
Battery Warehouse Savannah	63 Columbia Dr / Pooler, GA 31322	7538	General Automotive Repair Shops	10/11/2021	
Extreme Truck & Trailer Repair Specialis	2101 Dean Forest Rd / Pooler, GA 31408	7538	General Automotive Repair Shops	10/22/2021	
O'Reilly Auto Parts	1020 West Highway 80 / Pooler, GA 31322	7538	General Automotive Repair Shops	10/13/2021	
Advance Auto Parts	1131 US Highway 80 W / Pooler, GA 31322	7538	General Automotive Repair Shops	10/13/2021	

Trinity Motorsports	122 Pipemakers Cir Ste 201 / Pooler, GA 31322	7538	General Automotive Repair Shops	10/25/2021
VADEN CHEVROLET POOLER	300 Outlet Pkwy S / Pooler, GA 31322	7538	General Automotive Repair Shops	10/25/2021
Batteries Plus Bulbs	201 Tanger Outlets Blvd Ste 610 / Pooler, GA 31322	7538	General Automotive Repair Shops	10/11/2021
Valvoline	141 Tanger Outlets Blvd / Pooler, GA 31322	7538	General Automotive Repair Shops	10/22/2021
Savannah Car Wash & Detail Center	420 Pooler Pkwy / Pooler, GA 31322	7542	Car Washes	10/20/2021
Castrol Premium Lube Express	418 Pooler Pkwy / Pooler, GA 31322	7538	General Automotive Repair Shops	10/20/2021
Mavis Discount Tire	820 Towne Center Blvd / Pooler, GA 31322	3011	Tires and Inner Tubes	10/21/2021
Mavis Discount Tire	120 Foxfield Way / Pooler, GA 31322	3011	Tires and Inner Tubes	10/21/2021
Yancey Bros CAT Rental Equipment of S	1465 US Hwy 80 E / Pooler, GA 31322	7553	Heavy Construction Equipment Rental and Leasing	10/22/2021
Hendrix Machinery	1724 Old Dean Forest Rd / Pooler, GA 31322	7553	Heavy Construction Equipment Rental and Leasing	10/22/2021
John Deerc	122 Eason Dr / Pooler, GA 31322	7553	Heavy Construction Equipment Sales	10/25/2021
Komatsu	1200 US Hwy 80 / Pooler, GA 31322	7553	Heavy Construction Equipment Sales	10/25/2021
Border Equipment	109 Sharon Ct / Pooler, GA 31322	7553	Heavy Construction Equipment Rental and Leasing	No longer open at this location
Enmarket	1264 Highway 80 East / Pooler, GA 31322	5541	Gasoline Service Stations	10/15/2021
Sunoco	1715 Dean Forest Rd / Pooler, GA 31322	5541	Gasoline Service Stations	10/18/2021
Parker's Corp	1275 E US Hwy 80 / Pooler, GA 31322	5541	Gasoline Service Stations	10/15/2021
Strickland Oil	142 Pine Baren Rd / Pooler, GA 31322	5541	Gasoline Service Stations	10/22/2021
Gate	418 US Hwy 80 / Pooler, GA 31322	5541	Gasoline Service Stations	10/18/2021
Enmarket	907 US Hwy 80 E / Pooler, GA 31322	5541	Gasoline Service Stations	10/11/2021
Enmarket	830 Highway 80 West / Pooler, GA 31322	5541	Gasoline Service Stations	10/12/2021
Parker's Corp	10 N Godley Station Blvd / Pooler, GA 31322	5542	Gasoline Service Stations	10/19/2021
BP	100 Moonlight Ln / Pooler, GA 31322	5543	Gasoline Service Stations	10/19/2021
Sunoco	110 Foxfield Way / Pooler, GA 31322	5544	Gasoline Service Stations	10/19/2021
Chevron	221 Tanger Outlets Blvd / Pooler, GA 31322	5545	Gasoline Service Stations	10/18/2021
Sam's Club Fuel Center	15 Mill Creek Cir / Pooler, GA 31322	5546	Gasoline Service Stations	10/10/2021
Marathon	231 E US Hwy 80 / Pooler, GA 31322	5547	Gasoline Service Stations	10/15/2021
Shell Oil	1024 Hwy 80 E / Pooler, GA 31322	5548	Gasoline Service Stations	10/11/2021
Parker's Corp	1601 Dean Forest Rd / Pooler, GA 31322	5549	Gasoline Service Stations	10/18/2021
Chevron	1507 Quacco Rd / Pooler, GA 31322	5550	Gasoline Service Stations	10/10/2021
Parker's Corp	2111 Pooler Pkwy / Pooler, GA 31322	5551	Gasoline Service Stations	10/18/2021
Enmarket	1601 Pooler Pkwy / Pooler, GA 31322	5552	Gasoline Service Stations	10/10/2021

# MS4 MEETING MINUTES



Location: Pooler City Hall

Date: 6/24/21

Time: 11:30

Facilitator: EOM Operations – Kristen Ahtziger, Liberto Chacon, David Cook

## Agenda Items

1. Introduction to Municipal Separate Storm Sewer Systems
2. Stormwater Management Program
3. Structure and Source Control Measures
4. Illicit Discharge Detection and Elimination Program
5. Industrial Facility Stormwater Discharge Control
6. Highly Visible Pollutant Sources
7. Impaired Waterbodies
8. Construction Site Management
9. Post Construction
10. Green Infrastructure / Low Impact Development
11. Enforcement Response Plan
12. Public Education & Involvement
13. Discussion
  - a. Enforcement procedures and the responsible party need to be evaluated.
  - b. EOM will conduct monthly updates for each department to collect/transfer relevant data
  - c. Quarterly in person meetings will be conducted to review the current data and discuss any necessary modifications needed.
  - d. Canal inspections are performed by staff on a weekly basis. This will be incorporated into the maintenance records.
  - e. GIS updates are ongoing



- f. Stormwater agreements are located in the Public Works files. These should be incorporated into parcel files as parcels are combined or divided.

<b>Action Items</b>	<b>Owner(s)</b>	<b>Deadline</b>	<b>Status</b>
Monthly Updates	EOM Operations	July 9 <sup>th</sup>	Monthly reporting information will be sent by COB July 9 <sup>th</sup> for
Enforcement Procedures / Party	All Departments	July 31 <sup>st</sup>	Follow up discussion with Pooler administration after review of task listings

**Attendees:**

Kristen Achtziger, EOM Operations  
 Liberto Chacon, EOM Operations  
 Srikar Velagapudi, EOM Operations  
 David Cook, EOM Operations  
 Mark Williams, Water Department  
 Shawn McNelly, Streets Superintendent  
 Kiley Fusco, City Clerk  
 Phillip Claxton, City Planner  
 Kimberly Classen, Zoning Administrator  
 Shannon Kirby, Building Inspector  
 Tarra Duff, Public Works  
 Scott MacPherson, Building Inspector  
 Steven Moody, Code Enforcement  
 Amanda Cook, Code Enforcement  
 John Winn, Public Works Director  
 Chris Costa, Stormwater Department  
 Sanford Elton, Stormwater Department

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Amanda Cook, Code Enforcement  
John Winn, Public Works Director  
Chris Costa, Stormwater Department  
Sanford Elton, Stormwater Department

**Georgia Environmental Protection Division**  
**Municipal Separate Storm Sewer System (MS4)**  
**Phase I**  
**Compliance Inspection**

Name of MS4: City of Pooler

Responsible Official: Mr. Robert Byrd, City Manager

Mailing Address: 100 Southwest Highway 80

Pooler, GA 31322

Date of Inspection: December 7, 2022

Date of Last Inspection: November 13, 2017

Name of Inspector: Miranda Knepp Phone Number: 470-524-0608

Name of Unit Manager: Veronica Craw, NonPoint Source Program Manager

Signature: \_\_\_\_\_

Name of MS4 Contact: Mr. Robert Byrd, City Manager

Phone Number: 912-748-7261

December 2019

**Annual Report Summary**

**Note:** Permittees are required to submit an annual report detailing their stormwater management program activities. EPD conducts a thorough review of this report upon receipt. Below is a summary of the information obtained from the annual report addressing the main components of the program.

**Note to Inspector:** Review the annual report covering the most recent reporting period prior to conducting the field inspection.

**Reporting Period Covered:** April 1, 2021 – March 31, 2022

**Date Report Received:** June 30, 2022

**Ordinance Adoption Status:**

Is the MS4 located within the Metropolitan North Georgia Water Planning District (District)?

Yes  No

If yes, complete Section A.

If No, skip to Section B below.

**A. District Ordinances**

1. Have the required District ordinances been adopted?

- Erosion and Sedimentation  
Yes  No  Date adopted Enter date
- Illicit Discharge  
Yes  No  Date adopted Enter date
- Post-Development Stormwater Management  
Yes  No  Date adopted Enter date  
Does the ordinance include the adoption of either the latest version of the Georgia Stormwater Management Manual (GSMM) or a local design manual? Yes  No
- Floodplain Management:  
Yes  No  Date adopted Enter date
- Litter Control:  
Yes  No  Date adopted Enter date
- Stream Buffer Protection Ordinance:  
Yes  No  Date adopted Enter date

2. If the ordinances have not yet been adopted, provide the reason and the scheduled date for adoption: Click here to enter text

**B. Phase I ordinance adoption (MS4 located outside of District)**

1. Has the MS4 adopted the required ordinances?

- **Post-Development Stormwater Management:**  
Yes  No  Date adopted October 3, 2016

Does the Post-Development ordinance include the adoption of either the latest version of GSMM or a local design manual?  
Yes  No

- **Illicit Discharge:**  
Yes  No  Date adopted April 16, 2012
- **Erosion and Sedimentation Ordinance:**  
Yes  No  Date adopted October 3, 2016

2. If the ordinances have not yet been adopted, provide the reason and the scheduled date for adoption: n/a

**MS4 Programs**

**A. Structural Controls**

1. Is a current inventory of MS4 structures provided? Yes  No
2. Has the MS4 completed a map of the MS4 structures? Yes  No
3. Does the map show the required storm sewer system structures: catch basins, pipes, ditches, and detention/retention ponds? Yes  No
4. If additional types of structures are shown on the map, describe these types of structures: n/a
5. If the map has **not** yet been completed, then provide the percentage of the system mapped to date and the scheduled date for completion:  
Percentage mapped: n/a  
Completion date: n/a
6. What is the percentage of structural controls inspected during the reporting period?  
catch basins: 25% ditches: 31% detention/retention ponds: 30% pipes: 79%
7. Is this inspection percentage in accordance with the Permit? Yes  No

**B. Street Maintenance**

1. Was street sweeping performed? Yes  No  NA
2. Was another type of litter removal activity performed? Yes  No  NA

**Commented [KM1]:** The AR form states that the ordinance was adopted or updated on October 3, 2016, but the ordinance attached is dated April 16, 2012. Provide the updated ordinance or otherwise explain the discrepancy in the dates.

**Commented [DC2R1]:** The updated ordinance is provided along with the official signed version of the 2016 update.

**Commented [KM3]:** The annual report form says that there are 10 ponds, but the map appears to show 9. No inventory was included. Submit the missing detention/retention pond inventory.

**Commented [DC4R3]:** Map and inventory attached.

**Commented [KM5]:** The annual report form says that 297 catch basins were inspected, but the A2 attachment shows 501 catch basins were inspected. Explain the discrepancy and verify the number of catch basins inspected during the reporting period.

The annual report form says that 10.04 miles of ditches and 36.3 miles of pipes were inspected, but the A2 attachments do not include any dates. If ditches and/or pipes were inspected, provide the dates in an updated spreadsheet. (Is the A2 spreadsheet linked to another database that shows the mileage inspected in the reporting period ... [1])

**Commented [DC6R5]:** The number of inspected catch basins reported on the annual report was incorrect. The total inspected was 501. ... [2]

**Commented [KM7]:** The annual report form says that 945.7 miles were swept. The total form column C of the A4 attachment shows 857.4 miles. Also, attachment A4 is labelled for ... [3]

**Commented [DC8R7]:** The form that was provided had dates from the previous reporting year. An updated form is provided. The total ... [4]

**Commented [KM9]:** The annual report form says that a litter removal log is attached for the 231 bags of litter removed. I did not see it. Submit the attachment.

**Commented [DC10R9]:** Litter pickup log is provided.

If applicable, describe the method of litter removal: Manual pickup of litter goes into bags.

**C. Municipal Facilities**

1. Is a current inventory of municipal facilities provided? Yes  No
2. What is the number of municipal facilities on the inventory? 10
3. What is the number of municipal facilities inspected during the reporting period? 3
4. What is the percentage of municipal facilities inspected during the reporting period? 33%
5. Is this inspection percentage in accordance with the Permit? Yes  No

**D. Pesticide, Fertilizer, Herbicide Program**

1. Is a current inventory of pesticides, fertilizers, and herbicides stored and/or used by the MS4 provided? Yes  No  NA
2. Did the permittee ensure that employees involved in the application of pesticides, fertilizers, and herbicides participated in training to obtain or retain required Department of Agriculture certification? Yes  No  NA

**E. Illicit Discharge Detection and Elimination (IDDE) Program**

1. Is a current inventory and map of outfalls and receiving streams provided?  
Yes  No   
receiving streams - yes
2. If the inventory and map have not been completed, then explain why, provide the percentage mapped to date, and the projected completion date: n/a
3. What is the total number of outfalls? 18
4. What is the number of outfalls inspected during the reporting period? 6
5. What is the percentage of outfalls inspected during the reporting period? 33.3%
6. Is this inspection percentage in accordance with the Permit? Yes  No

**F. Industrial Facility Stormwater Runoff Program**

1. Is a current inventory of industrial facilities provided? Yes  No  NA

**Commented [KM11]:** The outfall inventory includes private structures. The permit requires the City to include "outfalls from the MS4" and defines the MS4 as "...owned or operated by a municipality..." Also, it appears that the City removed the private outfalls from the inventory that is reported to EPD in the SWMP in response to EPD's May 5, 2020 letter.

Explain if the City owns and/or operates the privately-owned outfalls and confirm the total number of outfalls currently on the inventory that is reported to EPD.

**Commented [DC12R11]:** The old inventory that included the privately-owned outfalls was attached with the annual report. The updated inventory excluding privately-owned outfalls is provided.



2. What is the number of industrial facilities on the inventory? 7
3. What is the number of industrial facilities inspected during the reporting period? 3
4. What is the percentage of industrial facilities inspected during the reporting period? 42.9%
5. Is this inspection percentage in accordance with the Permit? Yes  No

**G. Construction Site Management Program**

1. Is the permittee a Local Issuing Authority (LIA)? Yes  No
2. If the permittee is a LIA, is documentation provided of the following activities:
 

a. plan reviews	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
b. site inspections	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
c. enforcement	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Describe the MS4's procedures for conducting site plan reviews: Erosion Sedimentation and Pollution Control Plans (ESPCP) are submitted to the City and reviewed by an employee certified by GSWCC, who checks the plan for compliance with GESA, the City's Soil Erosion and Sedimentation (E&S) and Stormwater ordinances. Once approved, the City issues a Land Disturbing Activity (LDA) permit.
4. Describe the MS4's procedures for conducting site inspections, including documentation method: Construction sites are inspected after installation of construction BMPs, during construction, and at the end of LDAs. Various private companies are hired to inspect construction sites. Inspectors check for compliance with GA EPD's Construction General Permit, the approved ESPCP, the City's Soil E&S ordinance, and the illicit discharge sections of the City's Stormwater ordinance. Inspections are documented on a paper or electronic inspection form.

**Commented [KM13]:** Provide copies of the GSWCC semi-annual reports that were prepared during the reporting period and the dates they were submitted to GSWCC.

**Commented [DC14R13]:** The City does not have a semi-annual report to provide. Going forward the City will submit semi-annual reports to GSWCC.

**Commented [KM15]:** Also provide a list of the 28 active construction sites.

**Commented [DC16R15]:** Spreadsheet showing active construction sites during the 2021-2022 reporting period attached.

**H. Highly Visible Pollutant Sources (HVPS)**

1. Is a current inventory of HVPS facilities provided? Yes  No
2. List the types of facilities that the MS4 defines as HVPS: Automotive repair, maintenance, and carwash facilities; gasoline service stations; and landscape, nursery, and garden-related businesses
3. Provide the date the latest inventory was developed: August 12, 2021 (according to the 2021-2022 annual report)
4. What is the number of HVPS facilities included on the inventory? 64



5. What is the number of HVPS facilities inspected during the reporting period? 40
6. What is the percentage of HVPS facilities inspected during the reporting period? 62.5%
7. Is this inspection percentage in accordance with the Permit? Yes  No  Yes for 21-22 AR

**I. Public Education/ Public Involvement**

1. Briefly describe the public education program being implemented by the permittee: The City updates its (1) website and (2) Facebook page and (3) distributes brochures to houses.
2. Briefly describe the public involvement program being implemented by the permittee: The City (1) provides sanitation and recycling services, (2) has an online form for stormwater-related complaint reporting, and (3) collects Christmas trees for recycling into mulch.

**J. Impaired Waters**

1. Does the permittee have any impaired waters within its jurisdiction? Yes  No
2. Does the permittee have an approved Monitoring and Implementation Plan for each impaired water within its jurisdiction? Yes  No

**K. Green Infrastructure/Low Impact Development (GI/LID)**

1. Is the permittee currently in compliance with permit requirements regarding Green Infrastructure/Low Impact Development (GI/LID)?
 

Ordinance Evaluation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
GI/LID Program Development	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
GI/LID Structure Inventory	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. What is the number of GI/LID structures included on the inventory? 1
3. What is the number of GI/LID structures inspected during the reporting period? 1
4. What is the percentage of GI/LID structures inspected during the reporting period? 100%
5. Is this inspection percentage in accordance with the Permit? Yes  No

**Commented [KM17]:** An inspection form shows that Mavis Discount Tire at 120 Fox Field Way was inspected but no date was on the form, while the Mavis Discount Tire at 820 Towne Center Boulevard inspection form has a date. The inspection database shows an inspection date for Mavis Discount Tire at 120 Fox Field Way, but no date for the Mavis Discount Tire at 820 Towne Center Boulevard.

Provide the date of inspection for whichever Mavis Discount Tire is missing a date to demonstrate that all facilities were inspected within the 5-year permit term.

**Commented [DC18R17]:** The inspection for all Mavis Discount Tires were performed on the 10/21/21. An updated spreadsheet showing the missing date is provided.

**Commented [KM19]:** 39 rows of the HVPS inventory have an inspection date in the reporting period. From the comment below it appears that one date was accidentally omitted from the inventory. If the date of inspection is resolved there will be 40 rows with an inspection date in the reporting period to match the annual report form.

However, one of the 40 inspection forms for the 21-22 reporting period was for Snider Fleet which is no longer in business, while no inspection form was submitted for the Extreme Truck & Trailer Repair Specialists. Submit the missing inspection form if available to show that all HVPS facilities were inspected in the 5-year permit term.

**Commented [DC20R19]:** The paper inspection forms were scanned in to the computer and then disposed of. The inspection form is not in the scanned documents. I suspect it got stuck to another inspection document as they were being scanned in together and I did not catch that prior to disposing of the paper documents.

**Commented [KM21]:** Per the SWMP also provide the weight of recyclables collected.

**Commented [DC22R21]:** Recycling services are provided by Atlantic Waste. After contacting Atlantic Waste we were told that they could not provide a weight of recyclables. This BMP was replaced on the updated SWMP to avoid future issues.

**Field Inspection**

**Complaint Tracking**

1. Does the MS4 have procedures in place for receipt of information or complaints from the public? Yes  No
2. If yes, describe the procedures (including complaint receipt, handling, tracking): Illicit Discharge Detection and Elimination – Public Reporting Procedures and Public Involvement – Public Complaint Stormwater Reporting: Citizens can contact the City by phone or website form. A work order is generated. The Public Works Department responds to the work order within three business days and maintains a database of completed work orders. The City notifies the citizen of response to their complaint when appropriate.

3. Does the MS4 maintain a database or log of these complaints? Yes  No

**NOTE:** If yes, the inspector should review the database or log for completeness of information and evidence of follow-up investigations.

4. Is the log complete? Yes  No
5. Does it appear that the MS4 is fully investigating and taking steps to resolve complaints in a timely manner? Yes  No

Comments: [Click to enter text](#)

**Employee Training Program**

1. Does the MS4 have a training program related to stormwater for its employees? Yes  No
2. If yes, then complete the following:  
Frequency of training: Once per reporting period  
Date of last training: June 24, 2021 according to 2021-2022 annual report  
Topic of training: Introduction to MS4 and City of Pooler MS4 Permit requirements  
Next scheduled date of training: January 2023  
Proposed topic of training: Where Does Stormwater Go? - Youtube
3. Briefly describe the training program, including who is trained, who conducts the training, method of training, etc.: EOM trained City employees in-person using a slideshow presentation.

**Commented [KM23]:** The annual report says that 10 employees were trained.

The City included a sign-in sheet from March 2, 2021 that lists 10 employees. This date not match the June 24, 2021 training.

The City also included minutes with a list of attendees for the June 24, 2021 training, but more than 10 City employees were listed.

Clarify how many City employees attended the June 24, 2021 training and provide documentation.

**Commented [DC24R23]:** The March 2, 2021 list was from the previous report years documentation and should have been removed from the 2021-2022 reporting years documentation.

The 17 employees listed on the last page of the minutes attended the training on June 24, 2021. The minutes were provided as documentation of the training.

**Commented [KM25]:** Please provide this information.

**Commented [DC26R25]:** <https://www.youtube.com/watch?v=wdcXmerZWDe>

**Highly Visible Pollutant Sources (HVPS)**

**NOTE:** The inspector should accompany the MS4 representative to a highly visible pollutant source facility and oversee the performance of an inspection of the facility.

A. Inspection

1. Name of HVPS: Good Year Auto Services
2. Location: 20 Traders Way, Pooler, Ga 31322
3. Type of facility (e.g. auto repair, car wash, etc.): Auto Repair
4. Did the MS4 representative complete an inspection form or other type of documentation during the inspection? Yes  No
5. Did the MS4 representative appear knowledgeable in the proper inspection of the highly visible pollutant source? Yes  No
6. Comments: Click here to enter text

**Municipal Facility**

Does the MS4 have municipal facilities that are not subject to the Industrial General Permit?  
Yes  No

**NOTE:** The inspector should accompany the MS4 representative to a municipal facility and oversee the performance of an inspection of the facility.

A. Inspection

1. Name or type of municipal facility: Fire Station #2
2. Location: 912 Pooler Parkway, Pooler, Ga 31322
3. Did the MS4 representative complete an inspection form or other type of documentation during the inspection? Yes  No
4. Did the MS4 representative appear knowledgeable in the proper inspection of the municipal facility? Yes  No
5. Comments: Click here to enter text

**Illicit Discharge Detection and Elimination (IDDE) Program**

A. IDDE Program Responsibility

1. Does the MS4 perform outfall screening as a part of its IDDE program?  
Yes  No
2. Does the MS4 perform stream walks as a part of its IDDE program?  
Yes  No
3. Does the MS4 perform stream walks for a reason other than IDDE?  
Yes  No
4. Does the MS4 conduct its own IDDE program, or does another entity conduct the task for the MS4 on its behalf? MS4  Other entity
5. If another entity conducts the IDDE program on behalf of the MS4, provide the name: EOM Operations

**NOTE:** For stream walks performed as a component of the IDDE program, the inspector should review the latest stream walk records. For MS4s performing outfall screening, the inspector should accompany the MS4 representative to at least 3 outfalls and oversee the performance of dry weather screening procedures at each outfall.

**Commented [KM27]:** Do City employees inspect outfalls or does the City hire someone else?  
If someone else is hired, please provide the name of the company.

**Commented [DC28R27]:** The City contracts EOM Operations to perform outfall inspections.

**B. Stream Walk**

1. Did the MS4 perform a stream walk during the past 12-month period?  
Yes  No  NA
2. Was the stream walk performed as part of the IDDE program? Yes  No
3. If yes, provide the name(s) of the stream walked, the distance and any noted problems related to illicit discharges: n/a
4. If the stream walk is to be performed as part of the IDDE program, but the stream walk was not performed as required, then provide the reason: n/a

**C. Outfall Screening** *do this even if it's raining or recently rained to verify the location of the outfalls*

**I. First Outfall**

Outfall ID: 6

Outfall Receiving Waters: Pipe Makers Canal

Flow Present: Yes  No

If flow is present, which parameters did the MS4 representative test for:

Temperature: Yes  No  pH: Yes  No

Conductivity: Yes  No  Surfactants: Yes  No   
Fluoride: Yes  No  Other: Add text

2. Second Outfall

Outfall ID: 22

Outfall Receiving Waters: Pipe Makers Canal

Flow Present: Yes  No

If flow is present, which parameters did the MS4 representative test for:

Temperature: Yes  No  pH: Yes  No   
Conductivity: Yes  No  Surfactants: Yes  No   
Fluoride: Yes  No  Other: Add text

3. Third Outfall

Outfall ID: 23

Outfall Receiving Waters: Pipe Makers Canal

Flow Present: Yes  No

If flow is present, which parameters did the MS4 representative test for:

Temperature: Yes  No  pH: Yes  No   
Conductivity: Yes  No  Surfactants: Yes  No   
Fluoride: Yes  No  Other: Add text

6. Did the MS4 representative calibrate the field-testing equipment prior to the field inspection? Yes  No

7. Does MS4 representative appear knowledgeable in proper field-testing techniques?  
Yes  No

F. Does the MS4 have procedures for the follow-up identification of potential illicit discharge sources? Yes  No

If yes, describe the method and time frames for investigation: A secondary structure is screened along with any outfalls labelled as "wet." If dry weather flow is observed, the inspector checks: the rate of flow, color, odor, oil sheen, floatables, stains, and the presence/absence of vegetation, algae, and aquatic life. Anything that indicates an illicit discharge triggers source tracing. During source tracing the inspector tests the flow's pH.

temperature, and conductivity, and takes a sample to the laboratory for analysis of fluoride and surfactants/detergents. Then, if conductivity and/or surfactants/detergents are above allowable limits a sample is taken for fecal coliform analysis at a laboratory. Also during source tracing the inspector may walk and sample the conveyance system upstream, inspect a private facility, and perform dye testing.

- G. Does the MS4 have procedures for ensuring any illicit discharges or connections are eliminated? Yes  No

If yes, describe the procedures, including time frames and enforcement actions available: After the Public Works department identifies the source of illicit discharge the City Administrator/designee is notified. It is the Administrator's responsibility to enforce the Stormwater Management Ordinance, which allows City employees to enter the property that is the source of the discharge, command the cease of the discharge, and pay any applicable fines or suffer penalties. The City also abides by the Enforcement Response Plan.

Comments: [Click here to enter text](#)

### **Structural Control Inspection and Maintenance**

#### A. Inspection and Maintenance Responsibility

1. Does the MS4 perform its own inspection and maintenance program on the storm sewer system, or does another entity perform the tasks on behalf of the MS4?  
MS4  Other entity
2. If another entity performs the inspection and maintenance activities on behalf of the MS4, then provide the name of the entity: The City maintains most of its own structures but hires Georgia Plantation Solutions to maintain the detention/retention ponds.

**NOTE:** The inspector should accompany the MS4 representative to each type of storm sewer system component and oversee the inspection of the structure.

#### B. Catch Basin

1. Catch Basin ID: 3855
2. Date of last inspection: 2/8/22
3. Frequency of inspection: Once every 5 years
4. Date of last cleaning/maintenance: Unknown

**Commented [KM29]:** Please provide this information.

**Commented [DC30R29]:** 2/8/22

**Commented [KM31]:** Please provide this information if known.

**Commented [DC32R31]:** Unknown



5. Frequency of cleaning/maintenance: In response to the inspection and citizen complaints
6. Is the catch basin being properly inspected and maintained? Yes  No

Comments: [Click here to enter text](#)

C. Ditch

1. Ditch location or ID: 942
2. Date of last inspection: 2020-2021
3. Frequency of inspection: Once every 5 years
4. Date of last cleaning/maintenance: Unknown
5. Frequency of cleaning/maintenance: In response to the inspection and citizen complaints
6. Is the ditch being properly inspected and maintained? Yes  No

**Commented [KM33]:** Please provide this information.

**Commented [DC34R33]:** This segment of ditch was inspected during the 2020-2021 inspection year. The exact date of inspection is unknown.

**Commented [KM35]:** Please provide this information if known.

**Commented [DC36R35]:** Unknown

Comments: [Click here to enter text](#)

D. Detention Pond

1. Detention pond location or ID: Memorial Park
2. Date of last inspection: Unknown
3. Frequency of inspection: Once every 5 years
4. Date of last cleaning/maintenance: May 10 2021
5. Frequency of cleaning/maintenance: In response to the inspection and citizen complaints
6. Is the detention pond being properly inspected and maintained? Yes  No

**Commented [KM37]:** Please provide this information.

**Commented [DC38R37]:** Unknown

**Commented [KM39]:** Please provide this information if known.

**Commented [DC40R39]:** May 10, 2021

**Commented [KM41]:** Is there also another schedule for maintenance like routine grass cutting or herbicide treatment as indicated by the A2 maintenance documentation?

**Commented [DC42R41]:** The grass is cut on a routine basis during the mowing season. The herbicide treatment is completed once per year unless a need occurs more frequently.

Comments: [Click here to enter text](#)

**Page 3: [1] Commented [KM5] Knepp, Miranda 10/24/2022 8:51:00 AM**

The annual report form says that 297 catch basins were inspected, but the A2 attachment shows 501 catch basins were inspected. Explain the discrepancy and verify the number of catch basins inspected during the reporting period.

The annual report form says that 10.04 miles of ditches and 36.3 miles of pipes were inspected, but the A2 attachments do not include any dates. If ditches and/or pipes were inspected, provide the dates in an updated spreadsheet. (Is the A2 spreadsheet linked to another database that shows the mileage inspected in the reporting period?)

Note - the Checked column says "yes" for all.

**Page 3: [2] Commented [DC6R5] David Cook 12/6/2022 9:30:00 AM**

The number of inspected catch basins reported on the annual report was incorrect. The total inspected was 501.

The mileage of pipe and ditches was calculated with column O in the spreadsheet. 100% of the pipe and ditch inspections were completed between the 2020-2021 and 2021-2022 inspection years. We took the mileage from 2020-2021 inspection year and subtracted that from the total mileage of pipes and ditches to determine the total mileage inspected during the 2021-2022 reporting year.

The inspection layer in the GIS platform for pipes and ditches does not provide an option to include the dates. We are currently working with the City of Pooler and the Cities GIS partner to create new inspection layers for MS4 inspections.

**Page 3: [3] Commented [KM7] Knepp, Miranda 10/24/2022 9:46:00 AM**

The annual report form says that 945.7 miles were swept. The total form column C of the A4 attachment shows 857.4 miles. Also, attachment A4 is labelled for 2021, with the months going from August to December, then January to October. It is unclear in which year(s) the street sweeping occurred. It appears some of the spreadsheet was copied from the 2020-2021 annual report.

Verify the number of miles swept during the reporting period of April 1, 2021 - March 31, 2022 and provide documentation.

**Page 3: [4] Commented [DC8R7] David Cook 12/6/2022 9:33:00 AM**

The form that was provided had dates from the previous reporting year. An updated form is provided, The total miles swept during the 2021-2022 reporting year was 269.9 miles.