COUNTY DEPARTMENT AGENDA REQUEST

Department:	Stormwater Management	Presenter(s):	Vanessa Birrell/Bryan Keller
Meeting Date:	Thursday, May 27, 2010	Type of Request:	Consent

Wording for the Agenda:

Approval of amendments to ARTICLE IX. SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE of the Fayette County Development Regulations with revisions as mandated by the Georgia Environmental Protection Division and Georgia Soil and Water Conservation Commission.

Background/History/Details:

In 1992 the Fayette County Board of Commissioners and the Towaliga Soil and Water Conservation District entered into a Memorandum of Agreement for Fayette County to conduct technical review, approval and enforcement of erosion and sediment control plans in accordance with state standards required by the Erosion and Sedimentation Act of 1975, O.C.G.A. 12-7-1 et seq., as amended.

Proposed revisions to the Article IX reflect updates from the state model ordinance that incorporate changes made in 2008 to the state land disturbance permit. Noted changes to the ordinance include language clarifying exemptions to waters requiring state buffers, certification requirements and addition to definitions. Other housekeeping revisions include grammatical corrections to state-mandated language and changing Engineering Department references to Stormwater Management Department.

What action are you seeking from the Board of Commissioners?

Adoption of Article IX Erosion, Sedimentation and Pollution Control Ordinance to become effective July 1, 2010.

If this item requires funding, please describe:

None.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

Georgia Department of Natural Resources

Environmental Protection Division, Watershed Protection Branch
4220 International Parkway, Suite 101, Atlanta, Georgia 30354
Linda MacGregor, P.E., Branch Chief
404/675-6232

Reply To:
NonPoint Source Program
404/675-6240
FAX: 404/675-6245

September 16, 2009

Honorable Jack Smith, Chairman
Fayette County
140 Stonewall Avenue West
Fayetteville, GA 30214

RE: Continuing Certification of a Local Issuing Authority pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. § 12-7-1, et seq.)

Dear Chairman Smith:

As per the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-8(a)(2)), Local Issuing Authorities must amend their ordinances within 12 months of any amendment to the Act. Therefore, the deadline for Local Issuing Authorities to amend their local erosion and sedimentation ordinances to reflect the 2009 and earlier amendments to the Georgia Erosion and Sedimentation Act is ***July 1, 2010***.

The Georgia Environmental Protection Division (EPD) and the Georgia Soil and Water Conservation Commission (GSWCC) believe that it is in the best interest of local governments to retain their Local Issuing Authority status. A model erosion and sedimentation ordinance is available on the GSWCC website at http://gaswcc.georgia.gov to assist Local Issuing Authorities in revising their ordinances. Continuing the certification of a Local Issuing Authority is conditioned upon the implementation and utilization of an ordinance that meets or exceeds the standards, requirements and provisions of the Act.

We suggest that you address this matter at your earliest convenience. Should you have any questions, please contact Frank Carubba of my staff at (404) 675-1634.

Sincerely,

Lawrence W. Hedges

Lawrence W. Hedges
Program Manager
NonPoint Source Program

LWH/fmc

GEORGIA SOIL AND WATER CONSERVATION COMMISSION

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J.M. "Bob- PLEMONS
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F. GRAHAM LILES. JR.
Executive Director

A B.C "Brad" DORMIN Y. JR
Fitzgerald, Georgia

GAf1LANO THOMPSON
Douglas, Georgia

July 28, 1992

Honorable George Patton
Chairman
Fayette County Board of Commissioners
140 Stonewall Avenue, West
Fayetteville, GA 30214

Dear Chairman Patton:

Enclosed for your files is a signed memorandum of agreement between the Towaliga Soil and Water Conservation District and Fayette County. You will note that the State Soil and Water Conservation Commission has given concurrence for this type of memorandum on July 12, 1992.

You are to be commended for this type of memorandum and the State Soil and Water Conservation Commission wishes you continued success with your erosion and sediment control program.

.If the Conservation Commission's staff can be of assistance to you, please do not hesitate to call.

Sincere1y,

F. Graham Liles, Jr.
Executive Director

FGLjr:kp

Enclosure

cc: Rex Yerkes
Stephen Martin
David Bennett

c. .j"

MEMORANDUM OF AGREEMENT

BETWEEN

TOWALIGA SOIL AND WATER CONSERVATION DISTRICT

AND

THE COUNTY OF FAYETTE

This Memorandum of Agreement entered into between the Towaliga Soil and Water Conservation District, hereinafter referred to as the "Distrlct" and the County of Fayette, hereinafter referred to as the "County'";

WHEREAS, the County has adopted an erosion and sedimentation contr-ol ordinance governing land-disturbing activities, which ordinance meets or exceeds the standards, requirements and provisions of the Erosion and Sedimentation Act of 1975, O.C.G.A. 12-7-1 et seq., as amended.

WHEREAS, the County has been certified by the Director of the Environmental Protection Division as an issuing authority for purposes of the Erosion and Sedimentation Act of 1975, as amended; and

WHEREAS, the County has demonstrated to the District its capabilities to review and approve erosion and sediment control plans and has requested an agreement with the District to conduct such review and approval; and

WHEREAS, the District enters into this Agreement with the intent of allowing the County to conduct the review and approval of erosion and sediment control plans without referring the applications and plans to the District, in compliance with section 7{b) of the Erosion and Sedimentation Act of 1975, as amended; and

WHEREAS, both parties to this Agreement, the District and the County, understand that this Agreement cannot be effective until the State Soil and Water Conservation Commission gives its written concurrence hereto, as indicated by execution of this document;

NOW THEREFORE, the parties to this Agreement, the District and the County, based on the mutual considerations as set forth below, hereby agree as follows:

I. 1. The County shall conduct technical review and approval of erosion and sediment control plans in accordance with standards set forth in the ordinance of the County.

2. The County shall submit to the District on a quarterly basis a report of the erosion and sediment control proqrarn. Such report shall contain the number of plans reviewed and the overall program status.

3. The County shall keep the District informed of land-disturbing plans that might affect soil and water conservation.

4. The County shall maintain a system of records, plans, applications, etc. of all actions taken under this Agreement, and shall make such records available to the District of its representative upon request.

II. 1. The District will allow the County to conduct the review and approval of erosion and sediment control plans without the necessity of referring the application and plan to the District, so long as the County complies with the conditions specified in this Agreement.

2. The District will periodically review and carefully consider the reports submitted by the County and shall make recommendations with regard to the adequacy of the program and its compliance with the Erosion and Sedimentation Act of 1975, as amended.

3. The District shall provide the County with expertise available through the District and through memoranda of agreement between the District and other agencies.

4. The District assures that erosion and sediment control assistance shall continue to be a priority item of the District program.

5. The District shall, upon request, provide or conduct informational and educational programs to train individuals charged with review of erosion and sediment control plans, manpower and funding perrnlttlnq.

6. The District shall provide to the County an annual evaluation of the effectiveness of its erosion and sediment control program.

Ill. It is mutually understood and agreed as follows:

1. This memorandum shall not be amended without consent of both parties and concurrence of the State Soil and Water Conservation Commission.

2. The County's files or erosion and sediment control plans and actions shall' remain accessible to the District.

3. The District may secure additional review services before making recommendations on the adequacy of the program of the County.

4. This memorandum may be terminated at any time by either party, upon sixty (60) days written notice. It will terminate automatica rly and without written notice if the Environmental Protection Division revokes the certification of the County program pursuant to section 12(b) of the Erosion and Sedimentation Act of 1975, as amended.

5. This memorandum shall be effective on the date of the concurrence herewith by the State Soil and Water Conservation Commission.

Sworn to and subscribed before me this 3 day of June, 1992

Mary R. Walker
Notary Public

My commission expires: Notary Public, Clayton County, Georgia My Commission Expires Sept. 9, 1995

County of Fayette

By: George Patton

Title: Chairman

Sworn to and subscribed before me this 3rd day of June, 1992.

Linda Rizzotto
Notary Public

My commission expires: Notary Public, Fayette County, Georgia My Commission Expires June 20, 1993

Towaliga Soil and Water Conservation District

By: Ralph Yerton

Title: Chairman

This memorandum is hereby concurred in by the State Soil and Water Conservation Commission this 12th day of July, 1992.

Sworn to and subscribed before me this 12th day of July, 1992.

Kristin E. Jensen
Notary Public

My commission expires: Notary Public, Clarke County, Georgia My Commission Expires June 10, 1996

State Soil & Water Conservation Commission

By: F. Graham Lee

Title: Executive Director