

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA
WITH RESPECT TO **SOIL EROSION, SEDIMENTATION AND POLLUTION
CONTROL**; AND FOR OTHER PURPOSES

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 8-3-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, the definition therein entitled “*CPESC*” is hereby amended by deleting therefrom the words “Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina” and adding thereto the words “EnviroCert, Inc.” so that the definition of *CPESC* in Section 8-3-2 is:

Sec. 8-3-2. - Definitions.

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

SECTION 2. Section 8-3-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, the definition therein entitled “*Design Professional*” is hereby amended by deleting therefrom the words “Certified Professional in Erosion and Sediment Control, Inc.” and adding thereto the words “EnviroCert, Inc.. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.” so that the definition of *Design Professional* in Section 8-3-2 is:

Sec. 8-3-2. - Definitions.

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.

SECTION 3. Section 8-3-2 entitled “*Definitions*” of the Code of Athens-Clarke County, Georgia, the definition therein entitled “*Final Stabilization*” is hereby amended by deleting therefrom the words “or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geo-textiles) 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.” and adding thereto the words “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).” so that the definition of *Final Stabilization* in Section 8-3-2 is:

Sec. 8-3-2. - Definitions.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

SECTION 4. Section 8-3-6 entitled “*Inspection and compliance.*” of the Code of Athens-Clarke County, Georgia, subsection (a) thereof is hereby amended by adding thereto the words “of best management practices” and “Additional reporting requirements: Applicants/owners/operators shall provide the Director of Athens-Clarke County Transportation and Public Works Department, or his or her designee with a copy of any monitoring results submitted to the Division regarding National Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as prescribed by the Division.” so that subsection (a) of section 8-3-6 is:

Sec. 8-3-6. - Inspection and Compliance.

- (a) The Director of the Athens-Clarke County Public Works Department, or his or her designee, 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 both 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 of best management practices 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 chapter, he shall be deemed in violation of this chapter and subject to the penalties for violation of this chapter, a stop work order, and/or other enforcement action provided for in this chapter.

Additional reporting requirements: Applicants/owners/operators shall provide the Director of Athens-Clarke County Transportation and Public Works Department, or his or her designee with a copy of any monitoring results submitted to the Division regarding National Pollutant Discharge Elimination System (NPDES). Reports shall be in a format as prescribed by the Division.

SECTION 5. Section 8-3-7 entitled “*Enforcement and penalties.*” of the Code of Athens-Clarke County, Georgia, subsection (b) thereof entitled “*Notice of Violation; Stop work orders.*” is hereby amended by deleting from item (2) thereof entitled “*Stop Work Orders*” the words “and shall mean that all land disturbance activity and construction activity on the project must stop unless the work pertains to correcting the violation or installing/maintaining erosion control best management practices in accordance with applicable local ordinances and state law. The stop work order shall remain” and by adding thereto the words “upon issuance and shall apply to all activity on the site, including but not limited to land disturbance activity, construction, architecture, landscape, electric, plumbing and any other work at the site. It shall remain” so that item (b)(2) of section 8-3-7 is:

Sec. 8-3-7. – Enforcement and penalties.

(b) *Notice of Violation; Stop work orders.*

- (2) Stop Work Orders. The Local Issuing Authority may issue a stop work order which shall be served on the applicant or other responsible person. A stop work order shall be effective immediately upon issuance and shall apply to all activity on the site, including but not limited to land disturbance activity, construction, architecture, landscape, electric, plumbing and any other work at the site . It shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the stop work order or has otherwise cured the violation or violations described therein and the stop work order has been released by the LIA in writing, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations. Issuance of a stop work order is not a prerequisite to taking any other enforcement action.

SECTION 6. All ordinances or parts of ordinance in conflict herewith are hereby repealed.