

**Responses to Comments Received During the Public Comment Period March 14, 2007 to April 13, 2007  
Proposed Amendments to Rules for Environmental Planning Criteria, Chapter 391-3-16**

<b>Summarized Comments</b>	<b>EPD Response</b>
Grandfathering language too vague	Grandfathering language revised
Changes to monitoring procedures were suggested	Most changes incorporated
The requirements for monitoring of streams needs to be clarified as to the number, type and timing of samples required	EPD will publish guidance and work with affected communities to develop a monitoring plan.
Option 4 restates other paragraphs of the rule	Option 4 is deleted because it is redundant
Keep stream buffer protection at the forefront because adequate stream buffers may be the single best way to protect drinking water quality	The proposed rule provides alternate buffer widths with increasingly more stringent best management practices corresponding to decreased buffer width and thereby protect water quality.
The main problem with stream pollution is enforcement	EPD, DCA, and local governments are responsible for various aspects of enforcement. EPD agrees that adequate enforcement is an important component of public health and water quality protection.
Remove the 10% EIA requirement on the 75' buffer option (Option 2) and add requirement for mandatory inspections of septic systems	Option 2 is revised as suggested.
Concerns about the definition of effective impervious cover, recommend removal of this requirement	This has been revised in Option 2, but remains a requirement in Option 1 for a 50 –foot buffer. Effective impervious cover will be further clarified in guidance.
Effective impervious area should be limited to 5 percent	This suggestion is not included.
Low impact development practices should be used to reduce effective impervious area	Low impact development is one of the tools available to reduce effective impervious area. EPD encourages its use.
Concerns about these rules infringing on private property rights	The proposed rule is consistent with the statutory requirements of the State of Georgia with regard to the state’s regulatory authority.

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Allowing local governments authority for ensuring water quality on a county by county basis is fraught with the potential for abuse and should not be allowed	Current state law assigns various responsibilities to state and local governments. These rules are in accordance with applicable state law.
There are concerns about the connotation of the word "lot"	The word "lot" has been replaced by "parcel"
The hardship variance condition in 391-3-16.01(10)(a)(8)(i)(V) causes an unreasonable restraint on long-term property owners	This condition has been deleted.
The proposed rule amendment will deny any economically viable use of some properties	The proposed rule provides for hardship variances in such cases.
Rules are arbitrary and are not substantially related to the public health goals of protecting water supply reservoirs or drinking water quality	The rules are based on the best information currently available about protecting public health and water quality. The rules also include provisions for continued data gathering that may allow adjustments to the rules in the future.
Please designate the headwaters of some of our most breathtaking rivers as Outstanding Natural Resource Waters to provide them with some of the highest level of protection possible under the Clean Water Act	Outstanding Natural Resource Waters designations are outside the scope of this rulemaking. EPD does have a procedure for such designation if local governments and stakeholders are interested.