

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S
RULES AND REGULATIONS FOR EROSION AND SEDIMENT CONTROL
CHAPTER 391-3-7**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to the Georgia Rules for Erosion and Sedimentation Control, Chapter 391-3-7 (hereinafter, "the proposed Rule Amendments").

The proposed rule amendments include revisions to Chapter 391-3-7 "**Rules for Erosion and Sedimentation Control**" as follows:

- **Rule 391-3-7-.01 Definitions** is proposed for amendment by adding a new definition (k) "Infrastructure", associated with the amendment of rule 391-3-7.05. The remaining definitions will be re-lettered accordingly.
- **Rule 391-3-7-.05 Buffer Variance Procedures and Criteria (1)** is proposed for amendment by removing exemption (a) because the general variance for small trout streams do require approval from either the local issuing authority or EPD. The remaining exemptions will be re-lettered accordingly. Exemption (d) is being added to reflect language passed in HB 1359 earlier this year to exempt seawall construction on Lake Oconee and Lake Sinclair. Exemption (e) is being added to exempt the construction of public water system reservoirs in order to be consistent with the Georgia E&S Act and the NPDES General Permits for Construction Activity.
- **Rule 391-3-7-.05 Buffer Variance Procedures and Criteria (2)** is proposed for amendment by adding a new criteria (k) to allow EPD to require mitigation for certain projects that cannot qualify for a buffer variance under criteria (h).
- **Rule 391-3-7-.05 Buffer Variance Procedures and Criteria (10)** is proposed for amendment by adding language to clarify that EPD is the regulating entity when there is no local issuing authority dealing with a general variance.

This notice, together with an exact copy of the proposed rule Amendments and a synopsis of and statement of rationale for the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://www.gaepd.org/environet/7> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Watershed Protection Branch, NonPoint Source Program, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354. Copies may also be requested by contacting the Watershed Protection Branch, NonPoint Source Program at 404/675-6240 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed rule, a public hearing will be held on September 29, 2010 at the following location:

Environmental Protection Division Training Center, Atlanta Tradeport, 4244 International Parkway, Suite 114, Atlanta, Georgia 30354.

September 29, 2010 (10:00 am- 12:00 pm) Environmental Protection Division Training Center, Atlanta Tradeport, 4244 International Parkway, Suite 114, Atlanta, Georgia 30354.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business (4:30 pm) on October 6, 2010. Comments may be sent via regular mail addressed to: Branch Chief, Watershed Protection Branch, 4220 International Parkway – Suite 101, Atlanta, Georgia 30354. Comments may be emailed to EPDComments@dnr.state.ga.us. If you choose to email your comments, please be sure to include the words "Erosion and Sedimentation Control Rules" somewhere in the subject line to help ensure that your comments will be forwarded to the correct staff.

The proposed rule amendments will be considered for adoption by the Board of Natural Resources at its meeting on October 27, 2010 at 9:00 a.m., at the Holiday Inn Express, 199 East Bay Street, Savannah, GA 30401. The meeting is open to the public.

The proposed rule amendment is proposed for adoption pursuant to authority contained in the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1, et seq.

For further information, please contact Watershed Protection Branch, NonPoint Source Program at (404) 675-6240.