SECTION 6

Recommended Policies and Changes to Laws, Regulations, and Ordinances

This section identifies recommendations for changes to state and local laws, regulations, and ordinances that would help facilitate implementation of the District–wide Watershed Management Plan (WMP) and result in improved water quality and watershed integrity.

Review of Adopted Model Stormwater Management Ordinances

Local ordinances are an important implementation vehicle for achieving the objectives of stormwater and nonpoint source pollution control programs. They can include provisions for stormwater management requirements (both water quantity and quality) for development activities, prohibition of non-stormwater discharges to municipal/county storm sewers, and other nonpoint source pollution prevention measures. Senate Bill (SB) 130 and Georgia Environmental Protection Division (GAEPD) Planning Standards provide for the immediate development of a suite of Model Stormwater Management Ordinances for the District in addition to the review task under the District-wide WMP. The District Planning staff prepared the following draft model ordinances for this purpose:

- Model Ordinance for Post-Development Stormwater Management for New Development and Redevelopment
- Model Floodplain Management/Flood Damage Prevention Ordinance
- Model Conservation Subdivision/Open Space Development Ordinance
- Model Illicit Discharge and Illegal Connection Ordinance
- Model Litter Control Ordinance

The Draft Model Stormwater Management Ordinances were presented to the District Board at their May 2, 2002, meeting and released for a formal public comment period. The District Board adopted the final versions of the Model Ordinances on October 3, 2002. Local governments in the District will be expected to adopt these models or alternatives that are at least as effective. Based on the recommendations for watershed management discussed in Section 5, there is no need for modifications to the model ordinances at this time.

The most critical ordinance for watershed protection will be the Post-Development Stormwater Management Ordinance, as it will address on-site hydrologic and water quality controls as new development and redevelopment occur. In addition, as re-development occurs, this ordinance will require implementation of stormwater controls. This aspect of the ordinance will, over time, address the need for watershed improvements in many of the existing highly developed areas within the District. As required in this ordinance, new developments will have to apply the criteria for stormwater management and design included in the Georgia Stormwater Management Manual. The anticipated pollutant efficiencies associated with the manual were incorporated into the evaluation of the District-wide WMP.

Recommended Additional Model Stormwater Management Ordinances

Based upon the review of the District Model Stormwater Management Ordinances, the Model Stream Buffer Protection Ordinance prepared by the District Planning staff is recommended as part of the District-wide WMP and for inclusion into the Local Stormwater Program Management Activities. In addition, two optional example model ordinances for local governments are described below: a stormwater good housekeeping ordinance and a stormwater utility ordinance.

Model Stream Buffer Protection Ordinance

The preservation of stream buffers, when applied with other protection measures throughout a watershed, can help protect streams and preserve water quality. Buffers can provide a filter for pollutants, help slow runoff (which in turn reduces erosion and sedimentation), help stabilize stream banks, preserve vegetation, and provide both aquatic and land habitat.

A draft Model Stream Buffer Protection Ordinance was prepared and reviewed as part of the development of the Model Stormwater Ordinances in 2002. However, the District Board postponed adoption of the Model Buffer Ordinance pending further discussion and resolution of outstanding issues as part of the development of the District-wide WMP.

In early 2003, the District Technical Coordinating Committee (TCC) expressed strong support for District staff to continue developing and presenting alternatives for a proposed buffer width and a proposed definition of "stream," the two unresolved issues concerning the draft ordinance. The TCC chose the alternative of a 50-foot undisturbed streamside buffer and an additional 25-foot impervious surface setback. For the definition of "stream," the TCC expressed a preference for the "rebuttable presumption" currently being used by Gwinnett and Hall Counties, which establishes a drainage basin size (20 to 25 acres) above which it was presumed a stream is present unless evidence is provided to the contrary.

The recommended model ordinance has the following key points:

- It requires a 50-foot undisturbed streamside buffer and an adjacent 25-foot impervious surface setback, for a total of 75 feet, on all streams.
- It defines a stream as beginning at:
  - The location of a spring, seep, or groundwater outflow that sustains stream flow; or
  - A point in the stream channel with a drainage area of 25 acres or more; or
  - Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the (local government permitting authority) may require field studies to verify the existence of a stream.
- It provides for exemptions for transportation and utility crossings, paralleling sewer lines up to 25 feet from a stream bank, footpaths, public access to the water, and other uses that need to be in the buffer.
- It provides variance procedures for properties platted prior to ordinance adoption and for other hardships.
- It provides violation procedures and penalties.

The Model Stream Buffer Protection Ordinance is included in Appendix C.

All local governments in the District must adopt a Stream Buffer Protection Ordinance by April 3, 2005. Adopted stream buffer protection ordinances must be at least as protective as the Model Stream Buffer Protection Ordinance.

Stormwater Utility Example Ordinance

Local governments in the District are increasingly looking to stormwater utilities to fund stormwater maintenance and improvement projects. The process used to establish a stormwater utility and specific recommendations on their implementation are discussed in Section 9. Under a stormwater utility, stormwater infrastructure and programs are considered a public service or utility similar to wastewater and water programs that are funded on a similar basis. Stormwater fees are assessed on users of the system based on average conditions for groups of customers. Typically, fees are based on some measure of a property's impervious area, with rates assessed on equivalent dwelling unit or unit area. Implementation of a stormwater utility fee will require that local governments establish an ordinance giving them the authority to collect the new services fee. Appendix E provides the DeKalb County ordinance as an example for other local governments in the District should they decide to pursue implementing a utility.

Stormwater Good Housekeeping Example Ordinance

The District will develop a Model Stormwater Good Housekeeping Example Ordinance during the first years of implementation of the District-wide WMP. After this Model Ordinance is developed, local governments must implement the Model Ordinance or another ordinance that is at least as effective.

Local Policy Recommendations

During the process of developing the District Model Stormwater Ordinances, a number of other topics and measures were discussed. The sections below represent topics that were reviewed and discussed with both the TCC and the Basin Advisory Councils (BACs). This discussion provides additional detail on each topic and potential strategies for addressing issues across the District. Each of the local governments in the District influences the character of new development in slightly different ways. The land use based strategies discussed in Section 5 provide a variety of methods for integrating these resource protection practices into future developments.

Resource Protection

The loss of vegetation results in increases in impervious surface and increases in stormwater runoff associated with urbanization. Such losses can also have severe impacts on streams, including scouring, bank collapse, increased erosion and sedimentation, loss of habitat, and reduced water quality.

It is recommended that local governments in the District consider the following policies and measures for tree protection:

Tree Protection

Trees serve many important functions, such as reducing erosion, securing water supplies, improving air quality, removing water quality pollutants, sequestering carbon, cooling urban areas, and conserving energy (TreesAtlanta, 2003). The unprecedented growth experienced by communities in the District over the past 20 years has resulted in a significant loss of tree cover and its associated benefits. This has prompted many of the governing entities in the District to adopt some type of tree protection ordinance. However, for effective stormwater management, the use of conservation design as well as better site design practices that limit clearing and grading can be equally effective in protecting tree cover and natural hydrologic conditions to the fullest extent possible.

Jurisdictions should consider the following policies and measures to implement a tree protection strategy for watershed protection:

- Focus on planning for “tree save” areas at the earliest stages of the development process, not as an afterthought. A tree plan should be submitted at the same time as the development plan.
- Require planting of shade trees in parking lots and along streets to the maximum extent possible. Parking lots contribute greatly to the "heat island effect" and should be planted with shade trees to offset this problem. These shade trees should be used in concert with best management practices (BMPs) such as infiltration trenches and pervious paving blocks to “disconnect” as much impervious area as possible.
- Protect trees from unnecessary damage during construction, either from direct physical injury or from compaction of soil around tree roots.
- Require sufficient replanting when trees must be cut down.
- Require that trees along public streets be pruned in a healthy and aesthetic manner.

While tree protection ordinances are an effective way to encourage the development community to ensure that watersheds are developed in a sustainable manner. The two primary long-term drivers for tree protection are public opinion and the value of forested land for water quality protection. This strategy is consistent with the Georgia stormwater management manual technical standards and design criteria. The strategies outlined in the education and public awareness section (Section 7) will be essential to help focus the public on the benefits of tree protection. Additionally, training efforts by District staff after the adoption of the District-wide WMP will help educate developers about the water quality benefits of conserving trees during the development process.

Clearing and/or Grading Limitations

Clearing and grading are regulated in Georgia by the Erosion and Sedimentation Control Act established by the General Assembly in 1975. As noted in Section 2, persons and firms engaged in land-disturbing activities on more than 1.1 acres are required by the Act to obtain a permit. They are also required to implement procedures for preventing and/or minimizing erosion and the resultant sedimentation. Additional requirements governing erosion and sedimentation were established in August 2000 by the General Stormwater Permit for Construction Activities issued by GAEPD in compliance with the federal Clean Water Act. Under the terms of the permit, persons and firms engaged in land-disturbing activities on 5 or more acres (up to 250 acres) are required to file a Notice of Intent with GAEPD, implement erosion and sedimentation control procedures, and conduct monitoring and record-keeping activities to document the amount of sediment entering the State's waters.

In 1993, the Georgia General Assembly created the original "Dirt Committee" to study the impacts of sedimentation on Georgia's waterways. "Dirt 2", the Erosion and Sedimentation Control Technical Study Committee, was established in 1996. Dirt 2 identified the following three strategies for improving erosion and sedimentation control in Georgia:

- Thoughtful integration of erosion control into a construction project,
- Thoughtful design of a coherent system of controls by qualified design professionals, and
- Monitoring the system to assure performance in protecting water quality.

In addition to the work done by Dirt 2, an audit by the Georgia State Attorney General in 2001 found that the current process and resources devoted to the enforcement of the Erosion and Sedimentation Control Act are insufficient to meet the intent of the Act. House Bill (HB) 285, discussed below under "Erosion and Sedimentation Control Act Enforcement," was passed during the 2003 legislative session and will provide additional resources for enforcement. However, the audit also noted that developers should be required to meet certain minimum standards to receive a permit. These minimum standards could include training on alternative site development methods. For example, terracing and contour strips can help in reducing erosion and sediment production, thus decreasing the transport of sediment and related pollutants to receiving waters. An alternative approach is the phasing of development so a tract is not entirely cleared until construction is ready to begin.

Forestry Activities

Forestry activities typically involve reduction in vegetative cover and potential exposure of significant areas of cleared soils. Without proper BMPs, there is potential for substantial erosion and sedimentation. Forestry practices are exempt from the Georgia Erosion and Sedimentation Control Act and local regulation. Forestry land management practices, as identified in that Act, are not subject to the requirements of the Act. In addition, the Georgia Timber Act exempts forestry practices from local regulation, so long as they are not incidental to other uses and are on land zoned for forestry, agricultural, or silvicultural purposes.

Local governments should identify all areas zoned or classified as forestry or agriculture in their land use plans. Additionally, local governments should develop and implement a process for tracking forestry activities and encourage local forestry practices to comply with the Georgia Forestry Manual and the Georgia Erosion and Sedimentation Control Act. To comply with the Act, local governments should require applicants for land disturbance permits or zoning variances to document that the property was not cleared under forestry exemption within 3 years of the date of application.

Strategies for Reducing Impervious Cover

These strategies address a variety of policies that can be established to reduce the amount of surface area directly connected to the storm drainage system by minimizing or eliminating traditional curb and gutter systems. Lower imperviousness leads to reduced stormwater volume and velocity.

Disconnecting impervious areas involves a variety of practices designed to limit the amount of stormwater runoff that is directly connected to the storm drainage system. Practices for reducing the connection between the impervious areas include replacing street curb and gutter systems with grassed swales and pervious street shoulders, and redirecting runoff from impervious surfaces such as rooftops, driveways, and parking lots to flow over vegetated areas before entering a storm sewer system. It is recommended that local governments revisit their land development codes and ordinances and integrate strategies for reducing impervious cover whenever possible.

Cool Communities is a new national program sponsored by the Department of Energy and the EPA to promote the reduction of heat island effects in urban areas. The recommended measures for reduction of urban heat effects are complementary to many efforts to prevent degradation of water quality, such as reduced impervious surfaces and greater tree cover in urban landscapes. The Cool Communities initiative offers local governments another opportunity to coordinate planning efforts and maximize resource use.

Establishment of Maximum Roadway Widths

This practice involves promoting the use of narrower streets to reduce the amount of impervious cover created by new residential development, and in turn, reduce the stormwater runoff and associated pollutant loads. Currently, many communities require wide residential streets that are 32, 36, and even 40 feet wide. These wide streets provide two parking lanes and two moving lanes, but provide much more parking than is

actually necessary. In many residential settings, streets can be as narrow as 22 to 26 feet wide without sacrificing emergency access, on-street parking, or vehicular and pedestrian safety. Even narrower access streets or shared driveways can be used when only a few homes need to be served. Developers, however, often have little flexibility to design narrower streets, as most communities require wide residential streets as a standard element of their local road and zoning standards. Revisions to current local road standards are often needed to promote more widespread use of narrower residential streets (SMRC, 2003).

Since streets constitute the largest share of impervious cover in residential developments (about 40 to 50 percent), a shift to narrower streets could result in a 5 to 20 percent overall reduction in impervious area for a typical residential subdivision (Schueler, 1995). In spite of these potential benefits, there are a number of real and perceived barriers to wider acceptance of narrower streets at the local level. Also, advocates for narrower streets will need to respond to the concerns of many local agencies and the general public. Typical concerns relate to:

- Inadequate On-street Parking
- Car and Pedestrian Safety
- Emergency Access
- Large Vehicles
- Utility Corridors

Maximum Parking Ratios

Parking can represent a large portion of the total impervious surface associated with many commercial and industrial developments. While adequate parking can be essential to the success of an enterprise, often too much parking is developed for the number of customers or employees, creating unnecessary impervious surface. This provision is intended to require that no more parking be installed than actually needed for specific land uses.

Pervious Overflow Parking

Many businesses such as large shopping centers and concert venues often have to accommodate large numbers of vehicles during short, infrequent special events such as holiday shopping and popular concerts. One option is to use an alternative parking surface, such as porous pavers, that allow at least some infiltration. Porous pavers are typically hollow structural units made of concrete that are filled with pervious materials such as sand or grass turf. Porous paver systems provide water quality benefits in addition to groundwater recharge and a reduction in stormwater volume. Porous paver systems can reduce the effective impervious area on a site.

Higher maintenance requirements to ensure proper functioning is one of the drawbacks of installing pervious surfaces. Modular porous pavers are typically placed on a gravel (stone aggregate) base course. Runoff infiltrates through the porous paver surface into the gravel base course, which acts as a storage reservoir as it exfiltrates to the underlying soil. The infiltration rate of the soils in the subgrade must be adequate to support drawdown of the entire runoff capture volume within 24 to 48 hours.

Septic System Management Measures

The recommendations for septic system maintenance were developed under the Long-term Wastewater Management Plan (JJG, 2003a). Implementation of these recommendations is considered part of the Local Stormwater Program Management Activities of the District-wide WMP, as they directly address nonpoint source pollutant loadings.

These measures are designed to protect critical areas from septic system impacts through development of inspection and maintenance programs focusing on:

- Design, siting, and construction of septic systems
- Inspection of septic systems
- Maintenance and proper operation of septic systems
- Monitoring and documenting contamination of surface waters by septic systems

Local governments can use existing State Department of Human Resources (DHR) regulations for design, siting, and construction with modifications, some of which are described below The Long-term Wastewater Management Plan (JJG, 2003a) should be consulted for additional detail on these measures.

Require Pumping of Septic Tanks Every 5 Years

The most effective method for extending the life of a septic system and ensuring its proper operation is to pump out the settled solids from the septic tank before excessive amounts accumulate. Pumping tanks every 5 years is the accepted general recommendation for system maintenance.

Establish a Minimum Lot Size Requirement for Placement of Septic Systems

If a lot is too small and there is no access to public sewer, the property would have to be abandoned if the system fails. A half-acre lot size is the minimum, both physically and technically, possible to provide for construction of a home or building, installation of a tank and absorption field, and provision for a second absorption field as a future replacement should the first one fail.

Provide Public Education About Septic System Operation and Maintenance

Most septic system owners are unaware of proper operation and maintenance procedures and generally do not even think about their septic system until a major failure has occurred. A public education campaign and development of an informational website can be used to increase the awareness of issues related to septic systems and generate interest in performing proper maintenance.

Establish a Database of the Location and Maintenance of Septic Systems

This database would contain information on septic system locations, septage pumping, and repairs. This information would allow identification of septic systems causing quality problems in surface waters and allow tracking of septic tank maintenance requirements.

State Policy Recommendations

Interjurisdictional Coordination

Interjurisdictional coordination between adjacent Counties and Cities is one of the major challenges to the successful implementation of the District-wide WMP strategies. The County governments or water and sewer authorities in the District, which are largely responsible for implementation, will have to coordinate many of their management activities, especially in watersheds that overlap jurisdictional boundaries (County and City borders). Coordination will be particularly important for implementation of the TMDL plans, source water protection, and watershed improvement strategies.

Strategies for facilitating better interjurisdictional coordination within the District were developed with input from:

- Georgia Department of Community Affairs
- Association of County Commissioners of Georgia
- Georgia Municipal Association
- GAEPD
- District Planning Staff
- Members of the TCC and BACs

It should be noted that in spite of the diverse group of participants included in the development of these strategies, interjurisdictional coordination continues to be a challenging topic. The following sections describe existing and emerging strategies for facilitating coordination. It is assumed that a mix of these strategies will be necessary. Some traditional methods such as memorandums of agreement are not discussed due to the amount of existing information already available on their application and because of general skepticism on the part of the TCC regarding their successful implementation.

Georgia Department of Community Affairs

Chapter 110-12-5 of the Georgia Planning Act calls on governments to mediate or otherwise resolve certain interjurisdictional conflicts. If the entities are unable to reach agreement themselves, the Act authorizes the Department of Community Affairs (DCA) to establish procedures and guidelines for the mediation process and maintain a list of mediators to be made available to local governments and Regional Development Centers (RDCs).

Four types of intergovernmental conflicts are subject to mediation under the Georgia Planning Act and the Comprehensive Solid Waste Management Act:

(a) Conflicts related to preparation or implementation of local, multi-jurisdictional, and/or regional comprehensive plans

(b) Conflicts related to preparation or implementation of local, multi-jurisdictional, and/or regional solid waste management plans

(c) Actions or conflicts related to regionally important resources

(d) Actions or conflicts related to developments of regional impact

Local governments are encouraged to participate in good faith mediation or risk losing their Qualified Local Government (QLG) certification, which would result in that entity being ineligible to receive certain state funds. Under the Act, RDCs are charged with reviewing local comprehensive plans for regional consistency and for reviewing actions that could affect Regionally Important Resources. During this process, the RDCs are in a position to identify potential interjurisdictional conflicts at an early stage. The Planning Act requires the RDCs to notify the entities of any conflict between plans and encourages the RDCs to provide assistance in resolving the conflict.

Use of GAEPD NPDES Permits

Permits administered by GAEPD (NPDES discharge and stormwater, and water supply withdrawal) are primary mechanisms for requiring interjurisdictional coordination. Documentation illustrating an entity's interjurisdictional coordination should be required as part of its Annual Reporting requirements, with GAEPD having the ultimate responsibility for enforcement.

Service Delivery Act, HB 489 Approach

Another option discussed by the TCC is an approach similar to HB 489 (The Service Delivery Law), which was adopted to help facilitate efficient delivery of local government services. One of the benefits of this approach is that it provides for a mandatory arbitration process should the two entities not reach a mutually acceptable agreement. Passed during the 1997 legislative session, HB 489 requires each County and the Cities within the County to adopt a Service Delivery Strategy (SDS).

The intent of HB 489 is for local governments to review the services they provide and identify overlaps or gaps in service. The SDS should identify a rational approach to allocating delivery and funding of these services among the various local governments and authorities in each County. The legislation also directs local governments to review their land use plans in order to minimize conflicts between the City and County plans. There is potential to either amend this law to specifically address stormwater and watershed protection or to model new legislation after HB 489.

If a County and its Cities cannot reach agreement on the SDS, the law requires that they attempt to resolve their differences through some method of alternative dispute resolution. In the case of HB 489, "alternative dispute resolution" refers to mediation, whereby a neutral third party is used to help find a resolution. If alternative dispute resolution is unsuccessful, the neutral party is required to prepare a report and provide it to each local government within the County. The report will be considered a public record (DCA, 2003).

Escherichia coli Standards and Guidance

Georgia EPD is drafting a new standard based on *Escherichia coli*. This change is being made because studies have shown a stronger relationship between the presence of *E. coli* and the occurrence of human illness than between the presence of fecal coliform bacteria and human illness. This standard would provide an appropriate measure of the potential health risk related to exposure to human-related waste products and should be

implemented by GAEPD as soon as the *E. coli* standards and analysis methods have been finalized.

Since most TMDLs within the District (76 percent) are for fecal coliforms, the primary focus for TMDL implementation will be on fecal coliform bacteria. Therefore, local governments, as part of the environmental monitoring plan, should implement the appropriate *E. coli* sampling in conjunction with fecal coliform sampling when the new standard is implemented. The local TMDL implementation plans should be revised accordingly as the standard is implemented.

Department of Transportation Compliance

Water quality issues resulting from the significant amount of impervious surface associated with major roads across the District were noted during the Characterization and Modeling tasks of the District-wide WMP. In addition, members of both the TCC and BACs expressed concern over the exemption given to the Georgia Department of Transportation (GDOT) from having to apply for a land disturbance permit (O.C.G.A. Section 12-7-17(a) (9)). The primary regulatory authority for GDOT stormwater activities is the Georgia Water Quality Control Act and Phase II of the Municipal Separate Storm Sewer System (MS4) NPDES permit system, both enforced by GAEPD. GDOT will be required to meet the six minimum measures that local governments must address. The MS4 program will require GDOT to revise its road design standards to ensure that post-construction stormwater controls and BMPs are installed. The District recommends that GDOT develop technical standards and criteria for stormwater management on GDOT projects that meet the same design criteria for stormwater management included in the Georgia Stormwater Management Manual and the District Model Ordinance for Post-Development Stormwater Management.

It is also recommended that GAEPD include retrofit schedule development in its MS4 permit requirements for GDOT. Retrofit requirements for GDOT projects should focus primarily on on-site retrofits for drainage areas directly connected to GDOT rights-of-way. GDOT should coordinate with local governments within the District on individual watershed improvement projects.

Erosion and Sedimentation Control Act Enforcement

The Erosion and Sedimentation Control Act, Section 2-6-27 of the Official Code of Georgia, was amended during the 2003 legislature in the form of House Bill (HB) 285. The goal of these amendments is to better protect Georgia's streams and rivers from erosion and sedimentation through increased financial resources, additional certification/training and the potential to use stop work orders to encourage compliance. Effective July 1, 2003, highlights of HB 285 are as follows:

- By December 31, 2003 – Establish a fee system (not to exceed $80/acre) to offset costs of statewide implementation;
- By December 31, 2003 – Establish requirements and standards for certification and procedures for decertification of a local issuing authority;

- Failure to comply shall result in an immediate stop work order which shall be effective until necessary corrective actions or mitigation has occurred;
- After December 31, 2006, all persons involved shall meet education and training certification requirements, dependent on their level of involvement with the process; and,
- Establishment of a 16-member panel to study the controls implemented as part of the Act; the turbidity standards in place in the state; and any standards or indicators other than turbidity that might be more appropriate to assess the effectiveness and cost-effectiveness of these controls.

Fertilizer Nutrient Content

The composition and concentration of certain nutrients in residential and commercial fertilizers can contribute to elevated amounts of these nutrients in stormwater runoff due to the amount of connected imperviousness and the high clay content of local soils. Recent studies show that lawn fertilizer can be a significant source of nutrients in stormwater runoff. One strategy to address this issue is to pass state legislation requiring fertilizer sold within the District to be formulated for local conditions.

Within the District, existing information on soil conditions may be adequate to identify the appropriate nutrient content for lawn fertilizers. In that case, legislation should be introduced recommending a specific nutrient content for all fertilizer sold within the District. It is recommended that additional research be completed by the District during the implementation of the District-wide WMP to determine specific recommendations for legislation.

Stormwater Authority Enabling Legislation

To address the interjurisdictional considerations regarding implementation of stormwater utilities, enabling legislation for County-wide stormwater authorities may be useful. In many cases, local Cities (e.g., the Cities of Conyers, Decatur, and Gainesville) are implementing their own stormwater utilities to assist with funding needed to support implementation of their stormwater programs. Others may rely on the Counties to meet their stormwater management requirements. Implementation of a County-wide (or multi-County) stormwater authority may help facilitate stormwater utility implementation. Creation of a stormwater authority requires enabling legislation.

Municipal Separate Storm Sewer System Phase II Compliance

The majority of jurisdictions within the District fall under either the MS4 Phase I or II programs and are required to have a comprehensive stormwater management program in place as per EPA guidance. However, a few of the local governments within the District currently are not included in the MS4 program. It is recommended, to meet the goals for water quality management in the District, that the entire area of all jurisdictions within the District be required to be included in the MS4 program. The recommendations in the District-wide WMP assume that all of the areas within the District are included under the MS4 program to ensure consistency in implementation of the

recommended watershed management strategies. The GAEPD should designate all areas of jurisdictions in the District as MS4 communities.

River Corridor Protection

The Chattahoochee River corridor receives protection under the Metropolitan River Protection Act. At present, other rivers in the District do not receive similar protection. Consideration should be given to special protection for other rivers in the District.

Funding for Adequate Enforcement

Lack of adequate financial resources to support implementation and enforcement of current laws, regulations, and ordinances was one of the most frequently cited comments from the BACs and GAEPD. The problem is also often cited in other studies across the nation. For example, a review of Georgia's Erosion and Sedimentation Control Program by the State Auditor in 2001 noted that the current provisions of the Erosion and Sedimentation Control Act and the NPDES General Stormwater Permit could be effective if they were fully implemented. However, they are only effective if local governments (certified by GAEPD to issue land-disturbing action permits) have the resources and political will to inspect project sites on a routine basis and take enforcement action as necessary when violations are found. In those Cities and Counties (certified as issuing authorities) that do not conduct routine inspections or take enforcement action as necessary, the state's waters are not protected from ongoing sedimentation.

Analysis of reviews conducted by the Soil and Water Conservation Commission found that some local governments were doing a good job of managing their erosion and sedimentation control programs, while others were allowing construction projects to operate without the required erosion and sedimentation controls.

Local governments should review their budgets and programs and develop a funding mechanism to ensure adequate implementation of the District-wide WMP requirements.

Summary

Implementation of the policy recommendations identified above will help move watersheds in the District toward achievement of water quality goals. Table 6-1 provides a summary of the recommended additional policies and identifies the entity or entities responsible for advancing each policy recommendation. A discussion of the tasks associated with implementing the policy recommendations is provided in Section 9. The adopted model stormwater ordinances were discussed in Section 5 and are not included in this table.

TABLE 6-1
Summary of Policy Recommendations
Metropolitan North Georgia Water Planning District Watershed Management Plan

Policy Recommendation	Local Government	District	State Agency
Recommended Additional Stormwater Management Ordinances			
Model Stream Buffer Protection Ordinance	X		
Stormwater Utility Ordinance	X	X	
Stormwater Good Housekeeping Ordinance	X	X	
Resource Protection			
Tree Protection	X		
Clearing Grading Limitations	X		
Reducing Directly Connected Impervious Cover	X		
Maximum Roadway Widths	X		
Maximum Parking Ratios	X		
Pervious Overflow Parking	X		
Septic System Management Measures	X		
Interjurisdictional Coordination	X	X	X
***Escherichia coli* Standards and Guidance**			X
Department of Transportation Compliance			X
Erosion and Sedimentation Control Act Enforcement	X		X
Fertilizer Nutrient Content		X	X
Stormwater Authority Enabling Legislation		X	X
MS4 Phase II Compliance			X
Funding for Adequate Enforcement	X		X