

Enforceable Policies  
Updated 4/17/17

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## **Air Quality**

### **O.C.G.A. 12-9-1. General Description**

The Georgia Air Quality Act provides authority to the Environmental Protection Division to promulgate rules and regulations necessary to abate or to control air pollution for the State as a whole or from area to area, as may be appropriate. Establishment of ambient air quality standards, emission limitations, emission control standards, and other measures are necessary to provide standards that are no less stringent than the federal Clean Air Act are mandated. The Act also requires establishment of a program for prevention and mitigation of accidental releases of hazardous air contaminants or air pollutants, training and educational programs to ensure proper operation of emission control equipment, and standards of construction no less stringent than the federal Act. The Environmental Protection Division administers the Georgia Air Quality Act throughout the State. The Memorandum of Agreement between the Georgia Coastal Resources Division and the Environmental Protection Division ensures cooperation and coordination in the achievement of the policies of the Program.

## **Aquaculture Development**

### **O.C.G.A. 27-4-251 General Description**

The Georgia Aquaculture Development Act was enacted in 1992 to study aquaculture development in Georgia. A 14-member Aquaculture Development Commission composed of industry representatives, scientists, agency representatives, and others is created. The Department of Natural Resources, with assistance from the Department of Agriculture and the Department of Industry, Trade, and Tourism provides staff support for the Commission.

## **Boat Safety**

### **O.C.G.A. 52-7-1 General Description**

The Georgia Boat Safety Act provides enforceable rules and regulations for safe boating practices on Georgia's lakes, rivers, and coastal waters. This Act establishes boating safety zones for a distance of 1,000 feet from the high-water mark on Jekyll Island, Tybee Island, St. Simons Island, and Sea Island. All motorized craft, including commercial fishing vessels, jet skis, and power boats, are prohibited from these waters, except at certain pier and marina access points. This Act defines "abandoned vessels" as any left unattended for five days and provides for their removal. The Law Enforcement Section of the Georgia Department of Natural Resources, Wildlife Resources Division and the Georgia Bureau of Investigation enforces these regulations.

## **Coastal Management**

### **O.C.G.A. 12-5-320 General Description**

The Coastal Management Act provides enabling authority for the State to prepare and administer a coastal management program. The Act does not establish new regulations or laws; it is designed to establish procedural requirements for the Department of Natural Resources to develop and implement a program for the sustainable development and protection of coastal resources. It establishes the Department of Natural Resources as the State agency to receive and disburse federal grant monies. It establishes the Governor as the approving authority of the program and as the person that must submit the program to the federal government for approval under the federal Coastal Zone Management Act. It requires other State agencies to cooperate with the Coastal Resources Division when exercising their activities within the coastal area.

## **Coastal Marshlands Protection**

### **O.C.G.A. 12-5-280 General Description**

The Coastal Marshlands Protection Act provides the Coastal Resources Division with the authority to protect tidal wetlands. The Coastal Marshlands Protection Act limits certain activities and structures in marsh areas and requires permits for other activities and structures. Erecting structures, dredging, or filling marsh areas requires a Marsh Permit administered through the Coastal Management Program. In cases where the proposed activity involves construction on State-owned tidal water bottoms, a Revocable License issued by the Coastal Resources Division may also be required. Marsh Permits and Revocable Licenses are not issued for activities that are inconsistent with the Georgia Coastal Management Program.

The jurisdiction of the Coastal Marshlands Protection Act extends to "coastal marshlands" or "marshlands", which includes marshland, intertidal area, mudflats, tidal water bottoms, and salt marsh area within estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. The estuarine area is defined as all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean high-tide level and below. Exemptions from the jurisdiction of the Act include: Georgia Department of Transportation activities, generally; agencies of the United States charged with maintaining navigation of rivers and harbors; railroad activities of public utilities companies; activities of companies regulated by the Public Service Commission; activities incident to water and sewer pipelines; and, construction of private docks that don't obstruct tidal flow.

Any agricultural or silvicultural activity that directly alters lands within the jurisdictional areas of the Coastal Marshlands Protection Act must meet the permit requirements of the Act and must obtain a permit issued by the Coastal Resources Division on behalf of the Coastal Marshlands Protection Committee. Permits for marinas, community docks, boat ramps, recreational docks, and piers within the jurisdiction of the Coastal Marshlands Protection Act are administered by the Coastal Resources Division. To construct a marina, a marina lease is required. Private-use recreational docks are exempt from the Coastal Marshlands Protection Act but must obtain a Revocable License and a State Programmatic General Permit.

## **Safe Dams**

### **O.C.G.A. 12-5-370 General Description**

The Georgia Safe Dams Act provides for the inspection and permitting of certain dams to protect the health, safety, and welfare of Georgia residents. The Environmental Protection Division of the Georgia Department of Natural Resources is responsible for inspecting and certifying dams.

## **Safe Drinking Water**

### **O.C.G.A. 12-5-170 General Description**

The Georgia Safe Drinking Water Act of 1977 charges the Environmental Protection Division with the responsibility for maintaining the quality of drinking water and for maintaining a water-supply program adequate for present and future needs of the State. The Environmental Protection Division is designated as the agency to establish rules and policies for the proper administration of drinking water management programs.

## **Endangered Wildlife**

### **O.C.G.A. 27-3-130 General Description**

The Endangered Wildlife Act provides for identification, inventory, and protection of animal species that are rare, unusual, or in danger of extinction. Additional species may be added by the Board of Natural Resources at any time. The protection offered to these species is limited to those that are found on public lands of the State. It is a misdemeanor to violate the rules prohibiting capture, killing, or selling of protected species, and protection of protected species habitat on public lands. The rules and regulations are established and administered by the Department of Natural Resources for implementation of this Act.

Projects permitted under the authority of the Coastal Marshlands Protection Act, the Shore Protection Act, and the Revocable License require full compliance with the protection of endangered and protected species. Outside the jurisdiction of these laws, for those areas that are not public lands of Georgia, protection of endangered species is provided by the federal Endangered Species Act, which has jurisdiction over both private and public lands.

## **Environmental Policy**

### **O.C.G.A. 12-16-1 General Description**

The Georgia Environmental Policy Act (GEPA) requires that all State agencies and activities prepare an Environmental Impact Report as part of the decision-making process. This is required for all activities that may have an impact on the environment. Alternatives to the proposed project or activity must be considered as part of the report.

## **Erosion and Sedimentation Control**

### **O.C.G.A. 12-7-1 General Description**

The Georgia Erosion and Sedimentation Act requires that each county or municipality adopt a comprehensive ordinance establishing procedures governing land-disturbing activities based on

the minimum requirements established by the Act. The Erosion and Sedimentation Act is administered by the Environmental Protection Division of the Georgia Department of Natural Resources, and by local governments. Permits are required for specified "land-disturbing activities," including the construction or modification of manufacturing facilities, construction activities, certain activities associated with transportation facilities, activities on marsh hammocks, etc. With certain constraints, permitting authority can be delegated to local governments.

One provision of the Erosion and Sedimentation Act requires that land-disturbing activities shall not be conducted within 25 feet of the banks of any State waters unless a variance is granted (O.C.G.A. 12-7-6-(15)). Construction of single family residences under contract with the owner are exempt from the permit requirement but are still required to meet the standards of the Act (O.C.G.A. 12-7-17-(4)). Large development projects, both residential and commercial, must obtain a permit and meet the requirements of the Act. According to the Georgia Coastal Management Act, any permits or variances issued under the Erosion and Sedimentation Act must be consistent with the Georgia Coastal Management Program. Permits within the jurisdiction of the Coastal Marshlands Protection Act and the Shore Protection Act can include requirements that certain minimum water quality standards be met as a condition of the permit. There are specific exemptions to the requirements of the Erosion and Sedimentation Act (O.C.G.A. 12-7-17 - Exemptions). The exemptions include: surface mining, granite quarrying, minor land-disturbing activities such as home gardening, construction of single-family homes built or contracted by the homeowner for his own occupancy, agricultural practices, forestry land management practices, dairy operations, livestock and poultry management practices, construction of farm buildings, and any projects carried out under the supervision of the Natural Resource Conservation Service of the U.S. Department of Agriculture. Exemptions from the requirements of the Act also apply to any project involving 1.1 acres or less, provided that the exemption does not apply to any land-disturbing activities within 200 feet of the bank of any State waters. Construction or maintenance projects undertaken or financed by the Georgia Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority, or any road or maintenance project undertaken by any county or municipality, are also exempt from the permit requirements of the Act, provided that such projects conform to the specifications used by the Georgia Department of Transportation for control of soil erosion. Exemptions are also provided to land-disturbing activities by any airport authority, and by any electric membership corporation or municipal electrical system, provided that such activities conform as far as practicable with the minimum standards set forth at Code Section 12-7-6 of the Erosion and Sedimentation Act. The Georgia Department of Transportation has developed a "Standard Specifications -- Construction of Roads and Bridges," which describes contractor requirements, including controls for sedimentation and erosion. The specifications describe the requirements for both temporary control measures for use during the construction phase, and permanent erosion and sedimentation control measures that need to be incorporated into the design of the project. Failure to comply with the provisions of the specification will result in cessation of all construction activities by the contractor, and may result in the withholding of monies due to the contractor according to a schedule of non-performance of erosion control, enforced by the Georgia Department of Transportation. Forestry and agricultural land-disturbing activities are subject to the Best Management Practices of the Georgia Forest Commission and the Georgia Soil and Water Conservation Commission, respectively.

## **Game and Fish Code**

### **O.C.G.A. 27-1-3 General Description**

Officially titled Ownership and custody of wildlife; privilege to hunt, trap, or fish; general offenses, provides the ownership of, jurisdiction over, and control of all wildlife to be vested in the State of Georgia. The section declares that custody of all wildlife in the State is vested with the Georgia Department of Natural Resources for management and regulation. The Wildlife Resources Division is the principal State agency vested with statutory authority for the protection, management and conservation of terrestrial wildlife and fresh water wildlife resources, including fish, game, nongame, and endangered species. All licensing of recreational and commercial fish and wildlife activities, excluding shellfish, is performed by the Wildlife Resources Division. The Coastal Resources Division issues shellfish permits, regulates marine fisheries activities including the opening and closing of the commercial shrimp harvesting season, areas of shrimp harvest, regulates marine species size and creel limits, and enforces the National Shellfish Sanitation Program. The Commissioner of the Department of Natural Resources has directed that there will be cooperation and coordination between the Divisions of the Department in the administration of their respective responsibilities.

## **Groundwater Use**

### **O.C.G.A. 12-5-90 General Description**

The Groundwater Use Act charges the Board of Natural Resources with the responsibility to adopt rules and regulations relating to the conduct, content, and submission of water conservation plans, including water conservation practices, water drilling protocols, and specific rules for withdrawal and utilization of groundwater. The Environmental Protection Division administers these rules and regulations. Groundwater withdrawals of greater than 100,000 gallons per day require a permit from the Environmental Protection Division. Permit applications that request an increase in water usage must also submit a water conservation plan approved by the Director of Environmental Protection Division (O.C.G.A. 12-5-96). The Environmental Protection Division has prepared a comprehensive groundwater management plan for coastal Georgia that addresses water conservation measures, protection from saltwater encroachment, reasonable uses, preservation for future development and economic development issues. The Memorandum of Agreement with the Environmental Protection Division ensures that permits issued under the Groundwater Use Act must be consistent with the Coastal Management Program.

## **Hazardous Waste Management**

### **O.C.G.A. 12-8-60 General Description**

The Georgia Hazardous Waste Management Act describes a comprehensive, State-wide program to manage hazardous wastes through regulating hazardous waste generation, transportation, storage, treatment, and disposal. Hazardous waste is defined by the Board of Natural Resources, and it includes any waste that the Board concludes is capable of posing a substantial present or future hazard to human health or the environment when improperly treated, transported, stored, disposed, or otherwise managed, based on regulations

promulgated by the U.S. Environmental Protection Agency. The Hazardous Waste Management Act is administered and implemented by the Environmental Protection Division.

## **Heritage Trust**

### **O.C.G.A. 12-3-70 General Description**

Georgia's Heritage Trust Act of 1975 seeks to preserve certain real property in Georgia that exhibits unique natural characteristics, special historical significance, or particular recreational value. This Act created the Heritage Trust Commission, composed of 15 members appointed by the Governor who represent a variety of interests and expertise. The Commission served as an advisory body to the Governor and to the Board of the Department of Natural Resources, making recommendations concerning the identification, designation, and acquisition of heritage areas. Although this Act is still in Georgia law, the Commission's term expired and the implementation and administration of many of the goals of the Act has been superseded by the Heritage 2000 Program.

## **Historic Areas**

### **O.C.G.A. 12-3-50 General Description**

The authority found at O.C.G.A. 12-3-50 provides the Department of Natural Resources with the powers and duties to "promote and increase knowledge and understanding of the history of this State from the earliest times to the present, including the archeological, Indian, Spanish, colonial, and American eras, by adopting and executing general plans, methods, and policies for permanently preserving and marking objects, sites, areas, structures, and ruins of historic or legendary significance, such as trails, post roads, highways, or railroads; inns or taverns; rivers, inlets, millponds, bridges, plantations, harbors, or wharves; mountains, valleys, coves, swamps, forests, or Everglade; churches, missions, campgrounds, and places of worship; schools, colleges, and universities; courthouses and seats of government; places of treaties, councils, assemblies, and conventions; factories, foundries, industries, mills, stores, and banks; cemeteries and burial mounds; and battlefields, fortifications, and arsenals. Such preservation and marking may include the construction of signs, pointers, markers, monuments, temples, and museums, which structures may be accompanied by tablets, inscriptions, pictures, paintings, sculptures, maps, diagrams, leaflets, and publications explaining the significance of the historic or legendary objects, sites, areas, structures, or ruins." The Department is also required to "promote and assist in the publicizing of the historical resources of the State by preparing and furnishing the necessary historical material to agencies charged with such publicity; to promote and assist in making accessible and attractive to travelers, visitors, and tourists the historical features of the State by advising and cooperating with State, federal, and local agencies charged with the construction of roads, highways, and bridges leading to such historical points." The Historical Preservation Division is charged with carrying out these duties, and coordinates its activities in the coastal area with the Coastal Resources Division.

## **Natural Areas**

### **O.C.G.A. 12-3-90 General Description**

The Georgia Natural Areas Act authorizes the Department of Natural Resources to identify areas in the State of Georgia which are of unusual ecological significance, and to secure the preservation of such areas in an undisturbed natural state. The purpose for such acquisition is to allow scientific study of the property, to educate, to "serve as examples of nature to the general public," and to "enrich the quality of our environment for present and future generations." Natural areas, as defined by the Act, are tracts of land in their natural state that are to be set aside and permanently protected or managed for the purpose of preserving natural plant or animal communities, rare or valuable members of such communities, or any other natural features of significant scientific, educational, geologic, ecological, or scenic value.

## **Oil and Gas and Deep Drilling**

### **O.C.G.A. 12-4-40 General Description**

Georgia's Oil and Gas and Deep Drilling Act regulates oil and gas drilling activities to provide protection of underground freshwater supplies and certain "environmentally sensitive" areas. The Board of Natural Resources has the authority to implement this Act. The Act establishes requirements for drilling, casing, and plugging of wells for oil, gas, or mineral exploration: (1) to alleviate escape of gas or oil from one stratum to another; (2) to prevent the pollution of freshwater by oil, gas, salt water or other contaminants; (3) to prevent drowning of any stratum that might reduce the total ultimate recovery of gas or oil; and, (4) to prevent fires, waste, and spillage of contaminants such as oil.

## **Phosphate Mining**

### **O.C.G.A. 12-4-100 General Description**

Officially titled Licenses to dig, mine, and remove phosphate deposits; restrictions on license holders, this law describes the State's management of phosphate deposits. There is great interest in phosphate mining in Georgia. In fact, the citizens of Georgia developed the Coastal Marshlands Protection Act in an effort to limit potential adverse environmental impacts from a proposed phosphate mining operation. The Secretary of State is charged with the administration of this statute, and is networked with the Georgia Coastal Management Program.

## **Revocable License Program**

**O.C.G.A. 50-16-61** General supervision and office assignment. (Under the Administrative Procedures Act, Revocable License Program)The Governor shall have general supervision over all property of the state with power to make all necessary regulations for the protection thereof, when not otherwise provided for.

### **General Description**

O.C.G.A. 50-16-61 describes the general supervision of State properties as the responsibility of the Governor. Under this authority, the Department of Natural Resources, Coastal Resources Division issues Revocable Licenses for recreational docks on State-owned tidal water bottoms. In 1995, the Georgia Supreme Court found that the State owns fee simple title to the foreshore on navigable tidal waters and, as a result, owns the river's water bottoms up to the high water mark and may regulate the use of these tidelands for the public good. (*Dorroh v. McCarthy* 265

Ga. 750, 462 S.E. 2d 708 (1995)). The opinion of the State Attorney General states: "In managing tidelands, the Department of Natural Resources acts under the authority of this section and the Department's employment of the extension of property lines method of allocating use of State-owned waterbottoms may be generally acceptable, but rigid adherence to such a policy when it denies deep water access to a riparian or littoral owner, may cause inequitable results (1993 Op. Att'y Gen. No. 93-25.) As described in the State Properties Code (O.C.G.A. 50-16-30, et seq.), the term "Revocable License" means "the granting, subject to certain terms and conditions contained in a written revocable license or agreement, to a named person or persons (licensee), and to that person or persons only, of a revocable privilege to use a certain described parcel or tract of the property to be known as the licensed premises for the named purpose." A Revocable License may be revoked, cancelled, terminated, with or without cause, at any time by the licensor.

## **Right of Passage**

### **O.C.G.A. 52-1-30 General Description**

The Right of Passage Act declares the right of use of all navigable waterways of the state by all citizens of Georgia. The Act establishes the mechanism to remove "structures" that are capable of being used as a place of habitation, are not used as or are not capable of use as a means of transportation, and do not have a permit under the Act. Permits shall not be issued for a term ending after June 30, 1997. The Right of Passage Act is implemented by the Department of Natural Resources Law Enforcement Division. (This is similar to the Protection of Tidewaters Act, except that it is specific to all navigable waters rather than tidewaters Georgia.)

## **River Corridor Protection**

### **O.C.G.A. 12-2-1 General Description**

The statute that is informally known as the Mountain and River Corridor Protection Act (O.C.G.A. 12-2-8) authorizes the Department of Natural Resources to develop minimum standards for the protection of river corridors (and mountains, watersheds, and wetlands) that can be adopted by local governments. The Act is administered by the Environmental Protection Division. All rivers in Georgia with an average annual flow of 400 cubic feet per second are covered by the Act, except those within the jurisdiction of the Coastal Marshlands Protection Act. Some of the major provisions of the Act include: requirements for a 100-foot vegetative buffer on both sides of rivers; consistency with the Georgia Erosion and Sedimentation Act; and local governments must identify river corridors in land-use plans developed under their respective comprehensive planning acts. Regional Development Centers are instrumental in helping local governments enact the provisions of this Act. The Coastal Georgia Regional Development Center prepared a Regional River Corridor Protection Plan for counties within their jurisdiction. The Plan describes the ten local governments and the associated rivers that are affected by the River Corridor Protection Act, and puts forward a regional plan for the protection of river corridors. Regional plans are preferable to having local governments prepare individual plans. The plan provides for construction of road crossings, acceptable uses of river corridors, maintenance of a vegetative buffer along the river for a minimum of 100 feet from the river's edge (residential structures are allowed within the buffer zone), timber production standards, wildlife and fisheries management, recreation, and other uses. The local governments within the Coastal Regional Development Center jurisdiction affected by the River



Corridor Protection Act, and their respective rivers are listed below. Eight coastal counties and two coastal cities (Richmond Hill and Woodbine) are affected. Adoption of language addressing the River Corridor Protection Act is required in local comprehensive plans. The following counties and cities have adopted a Regional River Corridor Protection Plan.

Bryan County ..... Canoochee River  
 Ogeechee River  
 City of Richmond Hill ..... Ogeechee River  
 Camden County ..... Satilla River  
 St. Mary's River  
 City of Woodbine ..... Satilla River  
 Chatham County ..... Savannah River  
 Effingham County ..... Ogeechee River  
 Savannah River  
 Glynn County ..... Altamaha River  
 Liberty County ..... Canoochee River  
 Long County ..... Altamaha River  
 McIntosh County ..... Altamaha River

The following coastal counties have not yet adopted a River Corridor Protection Plan (as of August 1997).

Charlton County ..... St. Mary's River  
 Brantley County ..... Satilla River  
 Wayne County ..... Altamaha River

Jurisdiction of the River Corridor Protection Act extends along the above named rivers from the limit of Coastal Marshlands Protection Act jurisdiction upstream through the coastal counties.

## Scenic Rivers

### O.C.G.A. 12-5-350 General Description

The Georgia Scenic Rivers Act of 1969 defines "scenic river" to mean certain rivers or section of rivers that have valuable scenic, recreational, or natural characteristics that should be preserved for the benefit and enjoyment of present and future generations. Certain sections of rivers are named in the Act, and the process for designating other sections of Georgia rivers is described. The Georgia Scenic Rivers Act is administered by the Environmental Protection Division.

## Scenic Trails

### O.C.G.A. 12-3-110 General Description

The Georgia Scenic Trails Act authorizes the Department of Natural Resources to establish a Scenic Trails System in Georgia. The Department is authorized to construct, maintain, and manage trails on lands acquired through purchase, easement, lease or donation. The purpose is to create a balanced system of trails throughout the State, including urban, bicycle, horse, rural hiking, primitive hiking, historical, bikeways, and combination trails. The Georgia

Department of Transportation is authorized to construct the bicycle trails and bikeways after the Department of Natural Resources has determined their routes.

## **Septic Tank Law**

### **O.C.G.A. 31-2-7 and O.C.G.A. 31-3-5.1 General Description**

Officially titled Standards for individual sewage management systems, As stated above, the standards and regulations for individual sewage management systems are found at O.C.G.A. 31-2-7 and 31-3-5.1. The Department of Human Resources and the county boards of health are described and established by Title 31. There are other references for managing septic systems throughout the Code, including references within the River Corridor Protection Act (O.C.G.A. 12-2-8), the Georgia Water Quality Control Act (O.C.G.A. 12-5-20), and others, which make reference to safe siting of septic systems to ensure that leachate from those systems does not infiltrate the waters of the State. The county board(s) of health are provided the authority and the responsibility of ensuring safe installation and maintenance of septic systems.

## **Shellfish**

### **O.C.G.A. 27-4-190 General Description**

Officially titled Master collecting and picker's permits; hours for taking shellfish; recreational harvesting, the provisions of O.C.G.A. Title 27 (Game and Fish Code), Part 4 describe the regulation of shellfish in Georgia. The provisions describe the requirements for a commercial shellfish harvester to have a license, issued by the Department of Natural Resources pursuant to the requirements of the U.S. Department of Agriculture. The Department also is authorized to approve shellfish growing areas for commercial harvest, and must consider the guidelines established by the National Shellfish Sanitation Program. The Department conducts water sampling in areas that are approved for shellfish in conjunction with the National Shellfish Sanitation Program.

## **Shore Protection**

### **O.C.G.A. 2-5-230 General Description**

The Shore Protection Act is the primary legal authority for protection and management of Georgia's shoreline features including sand dunes, beaches, sandbars, and shoals, collectively known as the sand-sharing system. The value of the sand-sharing system is recognized as vitally important in protecting the coastal marshes and uplands from Atlantic storm activity, as well as providing valuable recreational opportunities. The Shore Protection Act limits activities in shore areas and requires a permit for certain activities and structures on the beach.

Construction activity in sand dunes is limited to temporary structures such as crosswalks, and then only by permit from the Georgia Coastal Resources Division. Structures such as boat basins, docks, marinas, and boat ramps are not allowed in the dunes. Shore Permits, which are administered by the Coastal Resources Division, are not granted for activities that are inconsistent with the Georgia Coastal Management Program. The Shore Protection Act prohibits operation of any motorized vehicle on or over the dynamic dune fields and beaches, except as authorized for emergency vehicles, and governmental vehicles for beach maintenance or research. The Shore Protection Act also prohibits storage or parking of

sailboats, catamarans, or other marine craft in the dynamic dune field. Direct permitting authority regarding any proposed facilities located within the jurisdictional area the Shore Protection Act lies with the Shore Protection Committee. These permits are administered by the Georgia Coastal Resources Division. This authority is a very important aspect of the Georgia Coastal Management Program, since recreation at the water's edge is a significant demand. Providing public access and recreational opportunities at or near the beach while protecting the sand sharing system is an important component of the Program.

## **Solid Waste Management**

### **O.C.G.A. 12-8-21 General Description**

The Georgia Comprehensive Solid Waste Management Act defines the rules regarding solid waste disposal in the State. Solid waste handling facilities must be permitted by the State unless an individual is disposing of waste from his own residence onto land or facilities owned by him and disposal of such waste does not adversely affect human health (O.C.G.A. 12-8-30.10). State law mandates that a county, municipality, or group of counties beginning a process to select a site for municipal waste disposal must first call at least one public meeting. In addition to the above-named jurisdictions, a regional solid waste management authority must hold at least one meeting within the jurisdiction of each participating authority. Meetings held to make siting decisions for any publicly or privately owned municipal solid waste disposal facility must be publicized before the meeting is held (O.C.G.A. 12-8-26). Each city and county is required to develop a comprehensive solid waste management plan that, at a minimum, provides for the assurance of adequate solid waste handling capability and capacity for at least ten years. This plan must identify those sites that are not suitable for solid waste facilities based upon environmental and land use factors (O.C.G.A. 12-8-31.1); these factors may include historic and archeological sites. Solid waste facilities within 5,708 yards of a national historic site are not permitted (O.C.G.A. 12-8-25.1). Solid waste facilities on property owned exclusively by a private solid waste generator are generally exempt from these provisions. Local governments have the authority to zone areas of environmental, historic, or cultural sensitivity and to protect those sites from becoming waste disposal areas regardless of whether they are public or privately owned.

## **Surface Mining**

### **O.C.G.A. 12-4-70 General Description**

Georgia's Surface Mining Act regulates all surface mining in Georgia, including the coastal zone. Dredging or ocean mining of materials are not directly regulated by State authority, except that sand and gravel operations are subject to the Shore Protection Act.

## **Protection of Tidewaters**

### **O.C.G.A. 52-1-1 General Description**

The Protection of Tidewaters Act establishes the State of Georgia as the owner of the beds of all tidewaters within the State, except where title by a private party can be traced to a valid British Crown or State land grant. The Act provides the Department of Natural Resources the authority to remove those "structures" that are capable of habitation, or incapable of or not used

for transportation. Permits for such structures may not extend past June 30, 1997. The Act provides procedures for removal, sale, or disposition of such structures. (This is similar to the Right of Passage Act, except that it is specific to tidewaters rather than all waters of Georgia.)

## **Underground Storage Tank**

### **O.C.G.A. 12-13-1 General Description**

The Underground Storage Tank Law provides the authority for the Environmental Protection Division to define the State criteria for operating, detecting releases, corrective actions, and enforcement of the utilization of underground storage tanks (USTs). The rules, found at Chapter 391-3-15 of the Rules and Regulations of the State of Georgia, establish minimum standards and procedures to protect human health and safety and to protect and maintain the quality of groundwater and surface water resources from environmental contamination that could result from any releases of harmful substances stored in such tanks. These requirements reflect the federal law regulating underground storage tanks as well as the applicable State rules. All facilities with underground storage tanks are subject to these requirements. The Memorandum of Agreement between the Coastal Resources Division and the Environmental Protection Division ensures cooperation and coordination in the implementation of UST standards within the coastal area.

## **Water Quality Control**

### **O.C.G.A. 12-5-20 General Description**

The Georgia Water Quality Control Act grants the Environmental Protection Division authority to ensure that water uses in the State of Georgia are used prudently, are maintained or restored to a reasonable degree of purity, and are maintained in adequate supply. In the administration of this law, the Environmental Protection Division can revise rules and regulations pertaining to water quality and quantity, set permit conditions and effluent limitations, and set permissible limits of surface water usage for both consumptive and non-consumptive uses through the Board of Natural Resources. Through a Memorandum of Agreement between the Environmental Protection Division and the Coastal Resources Division, the rules and permits of the Environmental Protection Division are administered in a manner consistent with the enforceable policies of the Coastal Management Program. The authority to regulate the rivers, streams, lakes, and subsurface waters throughout the State for public and private water supply and agricultural, industrial, and recreational uses is provided to the Environmental Protection Division. The Act makes it unlawful for any person to dispose of sewage, industrial wastes, or other wastes, or to withdraw, divert, or impound any surface waters of the State without a permit. Tourism and recreational entities, manufacturing and transportation facilities, and other activities found in the coastal zone covered under the policies of the Georgia Coastal Management Program are responsible for compliance with the regulations implementing the Georgia Water Quality Control Act.

## **Water Wells Standards**

### **O.C.G.A. 12-5-120 General Description**

The Water Wells Standards Act of 1985 provides standards for siting, constructing, operating, maintaining, and abandoning wells and boreholes. The Act requires that individual and non-public

wells must be located as far removed from known or potential sources of pollutants as possible. Licensing requirements for drilling contractors are established by the Act, as well a State Water Well Standards Advisory Council. The Council is authorized to adopt and amend rules and regulations that are reasonable to govern the licensing of well contractors. Compliance with the Water Wells Standards Act is required for all activities that utilize well water. The provisions of the Act are enforceable under Georgia law. The Council may file a petition for an injunction in the appropriate superior court against any person that has violated any provisions of the Act.

## **Wildflower Preservation**

### **O.C.G.A. 12-6-170 General Description**

The Wildflower Preservation Act provides for designation of and protection of plant species that are rare, unusual, or in danger of extinction. Additional species may be added by the Board of Natural Resources at any time. The protection offered to these species is limited to those that are found on public lands of the State. It is a misdemeanor to transport, carry, convey, sell, cut, pull up, dig up, or remove protected species listed by this Act.