

City of Auburn
City-Owned Ponds

STRUCTURE ID	LOCATION
DP31	Auburn Ball Park

Chapter 15.38 - CONSTRUCTION SITE MANAGEMENT

15.38.010 - Discarded building materials and construction waste disposal requirements.

Each permit holder who receives a land disturbance, grubbing, grading, development or construction permit from the City of Auburn shall abide by the regulations and practices outlined herein.

Building materials, concrete washout, paint washout, litter, sanitary waste, and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous wastes.

Practices such as trash disposal, recycling, proper material handling, and spill prevention and clean up measures must be implemented to reduce the potential for storm water runoff to mobilize construction site wastes and contaminate surface or ground water.

The proper management and disposal of wastes should be practiced at all construction sites to reduce stormwater runoff.

1. Waste management practices must be used to properly locate refuse piles.
2. Covered materials that may be displaced by rainfall or stormwater runoff.
3. Prevent all spill and leaks of hazardous wastes.

Guidelines for proper handling, storage, and disposal of construction site wastes must be posted in storage and use areas on site.

(Ord. No. 13-012, 12-5-13)

15.38.020 - Storage and disposal of construction site waste.

The permit holder shall designate a waste collection area onsite that does not receive a substantial amount of runoff from upland areas and does not drain directly to a water body.

The permit holder shall designate areas for concrete trucks and equipment to wash down that will not flow into storm drains or become surface water runoff that would lead to the storm drains. Under no circumstances should concrete wash out be conducted in the road or directly into storm drains.

The permit holder shall designate areas for paint cans and equipment to wash down that will not flow into storm drains or become surface water runoff that would lead to the storm drains or ground water recharge areas. Under no circumstances should excess paint be washed out in the road or directly into storm drains.

The permit holder shall ensure that containers have lids so they can be covered before periods of rain and keep containers in a covered area whenever possible.

The permit holder shall schedule waste collection to prevent containers from overfilling, which would prevent them from being able to be covered.

The permit holder shall cause any spills to be cleaned up immediately. For hazardous materials, follow cleanup instructions on the package. Use an absorbent material such as sawdust or kitty litter to contain the spill.

1. During the demolition phase of construction, provide extra containers and schedule more frequent pick ups.
2. Collect, remove, and dispose of all construction site waste at authorized disposal areas.

(Ord. No. 13-012, 12-5-13)

15.38.030 - Disposal of hazardous materials.

Permit holders shall take steps to ensure the proper disposal of hazardous materials:

Local waste management authorities must be consulted about the requirements of disposing of hazardous materials.

A hazardous waste container must be emptied and cleaned before it is disposed of to prevent leaks.

The original product label must never be removed from the container as it contains important safety information. Follow manufacturer's recommended method of disposal, which should be printed on the label.

If excess products need to be disposed of, they must never be mixed during disposal unless specifically recommended by the manufacturer.

The permit holder shall consult State and local solid waste regulatory agencies and private firms to ensure the proper disposal of contaminated soils that have been exposed to and still contain hazardous substances.

The following practices must be used to reduce risks associated with pesticides or to reduce the amount of pesticides that come in contact with stormwater:

1. Follow all federal, state, and local regulations that apply to the use, handling, and disposal of pesticides.
2. Do not handle the materials any more than necessary.
3. Store pesticides in a dry, covered area.
4. Construction curbs or dikes to contain pesticides in case of spillage.
5. Follow the recommended application rates and methods.

6. Have equipment and absorbent materials available in areas where pesticides are stored and used in order to contain and clean up any spills that occur.

The following management practices must be followed to reduce the contamination risk associated with petroleum products:

1. Store petroleum products and fuel for vehicles in dry, covered areas with construction curbs or dikes to contain any spills.
2. Immediately contain and clean up any spills with absorbent materials.
3. Have equipment available in fuel storage areas and in vehicles to contain and clean up spills.

(Ord. No. 13-012, 12-5-13)

15.38.040 - Maintenance requirements.

Containers or equipment that may malfunction and cause leaks or spills must be identified through regular inspection of storage and use areas.

Equipment and containers must be inspected regularly for leaks, corrosion, support or foundation failure, or any other signs of deterioration and should be tested for soundness. Each permit holder shall repair or replace any defective equipment or containers immediately.

If failures to the onsite best management practices (BMPs) occur, such as sediment build up in the roadway, this must be shoveled by hand or with a road sweeper. Under no circumstances should this sediment be washed down into the storm drainage system or the creeks or streams.

(Ord. No. 13-012, 12-5-13)

15.38.050 - Violations.

Violations of this ordinance are subject to fines not to exceed \$1,000.00 per occurrence, stop work orders, revocation of permit, and any other remedy available to the city under its Stormwater Management Ordinance. Citations for violations of this Ordinance shall be returned to the City of Auburn Municipal Court for adjudication.

(Ord. No. 13-012, 12-5-13)

ORDINANCE NO. 20-003

**AN ORDINANCE TO AMEND THE CITY OF AUBURN
CODE OF ORDINANCES
SECTION 18.12 POST-DEVELOPMENT STORMWATER MANAGEMENT FOR
NEW DEVELOPMENT AND REDEVELOPMENT
TO ENCOURAGE GREEN INFRASTRUCTURE AND
LOW IMPACT DEVELOPMENT**

WHEREAS, the City has undertaken a comprehensive review of its Ordinances to provide for Green Infrastructure and Low Impact Development (GI/LID) to supplement the City Code of Ordinances and to allow for and encourage development practices consistent with State law and policy; and

WHEREAS, the City staff has undertaken the review of the City's Ordinances in consultation with the Georgia Environmental Protection Division ("EPD"); and

WHEREAS, the staff has recommended the following Ordinance Amendments to assist the City in promoting Green Infrastructure and Low Impact Development (GI/LID) in conjunction with the EPD's MS4 Program;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AUBURN HEREBY ORDAINS that the following Ordinances are amended as follows:

Section 18.12.020, the following definition is added:

Section 18.12.020. Low Impact Development (LID).

Low Impact Development (LID) practice shall mean small-scale stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system and reduce post-construction stormwater runoff rates, volumes and pollutant loads. Low impact development practices include soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

The following subsections are added:

Section 18.12.040. Post-development stormwater management performance criteria.

I. Nonstructural Stormwater Controls.

The City of Auburn encourages the use of Green Infrastructure/Low Impact Development practices and approaches on both new and redeveloped sites and in street landscape areas. Design information on GI/LID practices can be found in the Georgia EPD's website (www.gaepd.org).

- J. Systems and the designed approach for stormwater management should include elements such as infiltration chambers, landscaped swales, infiltration trenches, dry-wells, permeable pavements, and other runoff controlling features that in combination serve to achieve BMP/LID goals. Stormwater management systems shall incorporate "Best Management Practices" (BMP) as prescribed by the U.S. Department of Environmental Protection Agency in addition to employing Low Impact Development (LID) strategies. BMP/LID means and methods should be carefully integrated within the site design approach with a goal of decentralizing stormwater management systems to the greatest extent practical and minimizing environmental impact of new development. The specific goals of the BMP/LID measures should be mitigation of post-development downstream impacts and achieving the highest level of water quality for all stormwater runoff.
- K. Grading and edge treatments of landscaping areas shall allow stormwater inflow where areas are designed as green infrastructure stormwater management features. In such cases, where adequate screen is provided, berming and curbs shall not be required.
- L. The dimensional standards for landscape areas, landscape strips, and walls may be varied to accommodate green infrastructure stormwater features designed in conjunction with an overall landscaping and stormwater management plan for the site.
- M. Where a portion of a project or public improvement has been designed specifically as a green infrastructure stormwater management feature, the City Planner or designee shall have the authority to waive the dimensional requirements of this section to enable the installation of green infrastructure stormwater management measures.
- N. Planter boxes, green infrastructure plants, green rainwater harvesting systems, a green wall or other green stormwater BMPs may be used as a substitute for the required open space. Such substitute shall be subject to the approval of the City Planner or in accordance with the standards of the green infrastructure design manual.
- O. The City encourages the use of green infrastructure practices in street landscape areas. The dimensional standards for landscaped strips may be varied to accommodate green infrastructure stormwater features.
- P. To encourage multi-functional landscaping, areas shall be suitably landscaped with a mixture of shrubs, trees, and groundcover, which are encouraged to incorporate xeriscaping and low water use plants, and to function as a green infrastructure stormwater management area.

Q. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter or larger that is preserved. A maximum of two (2) parking spaces or 10 percent (10%) of the total required may be reduced, whichever is greater.

R. Permeable surfaces are encouraged in low traffic areas and in required parking areas for open space uses such as recreation areas.

This ordinance shall be effective immediately upon its adoption by the City Council.

All other and further ordinances and parts of ordinances shall remain in full force and effect.

If any portion of this ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, the rest and remainder of this ordinance shall continue in full force and effect.

SO ORDAINED, this 2nd day of July, 2020.

Absent
Honorable Linda M. Blechinger, Mayor

Peggy J. Langley
Peggy J. Langley, Council Member

Robert L. Vogel, III
Robert L. Vogel, III Council Member

Bill Ackworth
Bill Ackworth, Council Member

Jay L. Riemenschneider
Jay L. Riemenschneider, Council Member
Mayor Pro Tempore

ATTEST:

Joyce Brown
Joyce Brown
City Clerk

Chapter 16.38 - ILLICIT DISCHARGE AND ILLEGAL CONNECTION

Sections:

16.38.010 - Title.

This chapter will be known as the "City of Auburn Illicit Discharge and Illegal Connection Ordinance."

(Ord. 05-001 § 1, 2005)

16.38.020 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

"Accidental discharge" means a discharge prohibited by this chapter that occurs by chance and without planning or thought prior to occurrence.

"Authorized Enforcement Agency" means the public works department of the city of Auburn.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"City separate storm sewer system" means any facility designed or used for collecting and/or conveying stormwater, including, but not limited to, any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural, man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Owned or maintained by the city;
2. Not a combined sewer; and
3. Not part of a publicly owned treatment works (POTW).

"Clean Water Act" means Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and any subsequent amendments thereto.

"Construction activity" means any activity subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, demolition and other projects resulting in land disturbance.

"Illegal connection" means:

- 1.

Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the city's storm drain system, including, but not limited to, any conveyances which allow any nonstormwater discharge such as sewage, chemicals, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any pipe, open channel, drain or conveyance connected to the city's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Illicit discharge" means any direct or indirect nonstormwater discharge to the city's separate storm sewer system, except as expressly exempted under the provisions of this chapter.

"Industrial activity" means and includes activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

"Industrial stormwater permit" See "NPDES stormwater discharge permit."

"Nonpoint source pollution" means and includes water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agriculture, silviculture, mining, construction, subsurface disposal and urban runoff sources.

"Nonstormwater discharge" means the discharge to the storm drain system that is not composed entirely of stormwater.

"NPDES" means national pollutant discharge elimination system.

"NPDES stormwater discharge permit" means the NPDES permit issued by the Georgia EPD under authority delegated pursuant to 33 USC Section 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Owner" means the legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of Georgia, any interstate body or any other legal entity, except to the extent exempted from the provisions of this chapter.

"Pollutant" means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any other kind.

"Pollution" means contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gas, solid, radioactive material, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

"Publicly owned treatment works POTW" means a treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the city of Auburn or Barrow County. This definition includes any sewers that convey wastewater to such treatment works, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

"State waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state of Georgia which are not entirely confined and retained completely upon the property of a single person.

"Stormwater runoff" or "stormwater" means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"Structural stormwater control" means structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of the stormwater.

(Ord. 05-001 § 2, 2005)

16.38.030 - Exemptions.

This chapter shall apply to all persons except for the following activities:

- A. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- B. Discharges or flows from fire fighting, and other discharges specified in writing by the city of Auburn as being necessary to protect public health and safety;
- C. Any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the city's separate storm sewer system. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit may be required in a form acceptable to the city of Auburn prior to allowing discharges to the city's separate storm sewer system.

(Ord. 05-001 § 3, 2005)

16.38.040 - Requirements.

- A. General Provisions. Discharges into the city's separate storm sewers that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters. Nonstormwater discharges occur due to spills, dumping and improper connections to the city's separate storm sewer system from residential, industrial, commercial and institutional establishments. Impacts of such discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water, and can be minimized through the regulation of spills, dumping and discharges into the city's storm sewer system and proper management of post-development stormwater runoff.
- B. Prohibitions.
 - 1. Prohibition on Illicit Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the city's separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.
 - 2. Prohibition on Illegal Connections. The construction, connection, use, maintenance or continued existence of any illegal connection to the city's separate storm sewer system is

prohibited.

- a. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under any law or practices applicable or prevailing at the time of connection.
- b. A person violates this chapter if the person connects a line conveying sewage to the city's separate storm sewer system, or allows such a connection to continue.
- c. Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the city of Auburn public works department.
- d. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city of Auburn requiring that such locating be completed. The notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city of Auburn public works department.

(Ord. 05-001 § 4, 2005)

16.38.050 - Inspection and enforcement.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

Authorized representatives of the city shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this chapter.

- A. If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the city.
- B. The owner or operator shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- C. The city shall have the right to set up on any property or facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of flow discharges.

- D. The city may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the city. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be maintained and calibrated by the owner or operator to ensure their accuracy.
- E. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the city and shall not be replaced. The costs of clearing the access shall be borne by the owner or operator.
- F. In the event the violation constitutes an immediate danger to public health or public safety, the city is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.
- G. Unreasonable delays in allowing the city access to a facility for the purpose of such inspections is a violation of the provisions of this chapter.
- H. If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of the provisions of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the provisions of this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 05-001 § 5, 2005)

16.38.060 - Notification requirements.

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which is resulting or may result in illicit discharges into stormwater, the city's separate storm sewer system, state waters, or waters of the U.S., said person shall forthwith take all necessary steps to ensure the discovery, containment, and cleanup of the release so as to minimize the effects of the discharge.
- B. Said person shall notify the authorized enforcement agency in person or by phone or facsimile within twenty-four hours of discovery of the release or discharge of the nature, quality and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone, facsimile or in

person notice.

- C. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of the establishment shall also make and retain an on-site written record of the discharge and the actions taken to prevent its recurrence. The records shall be retained for at least three years from the date of discovery of the release or discharge. Said person shall also take immediate steps to ensure that there is no recurrence of the discharge or spill.

(Ord. 05-001 § 6, 2005)

16.38.070 - Penalties and incentives.

A. Notice of Violation.

1. Whenever the city determines that a violation of the provisions of this chapter has occurred, it may order compliance by serving a written notice of violation upon the alleged violator. The notice shall contain:
 - a. The name and address of the alleged violator;
 - b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of the remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to the city of Auburn public works department by filing a written notice of appeal within thirty days of service of notice of violation.
2. The notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and
 - f. The implementation of pollution prevention practices.

B. Penalties.

- 1.

Cost of Abatement. Within seven days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty days of the notice. If the amount due is not paid within thirty days after receipt of the notice, or if an appeal is taken, within thirty days after a decision on the appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

2. Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate, after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed one thousand dollars (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
3. Criminal Penalties. For intentional and flagrant violations of this chapter, the city may issue a citation to the alleged violator requiring said person to appear in court to answer charges for said violation. Upon conviction, said person shall be punished by a fine not to exceed one thousand dollars or imprisonment for sixty days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
4. Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
5. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and the city may seek cumulative remedies. The city may recover attorney's fees, court costs, and other expenses associated with the enforcement of this chapter, including sampling and monitoring expenses.

(Ord. 05-001 § 7, 2005)

16.38.080 - Administrative appeal.

- A. Any person receiving a notice of violation may appeal the determination of the city. The notice of appeal must be received by the city of Auburn public works department within thirty days from the date of the notice of violation. Hearing on the appeal before the city of Auburn board of appeals or his/her designee shall take place within fifteen days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.
- B. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, ten days of the decision of the appropriate authority upholding the decision of the city of Auburn board of appeals, then representatives of the city

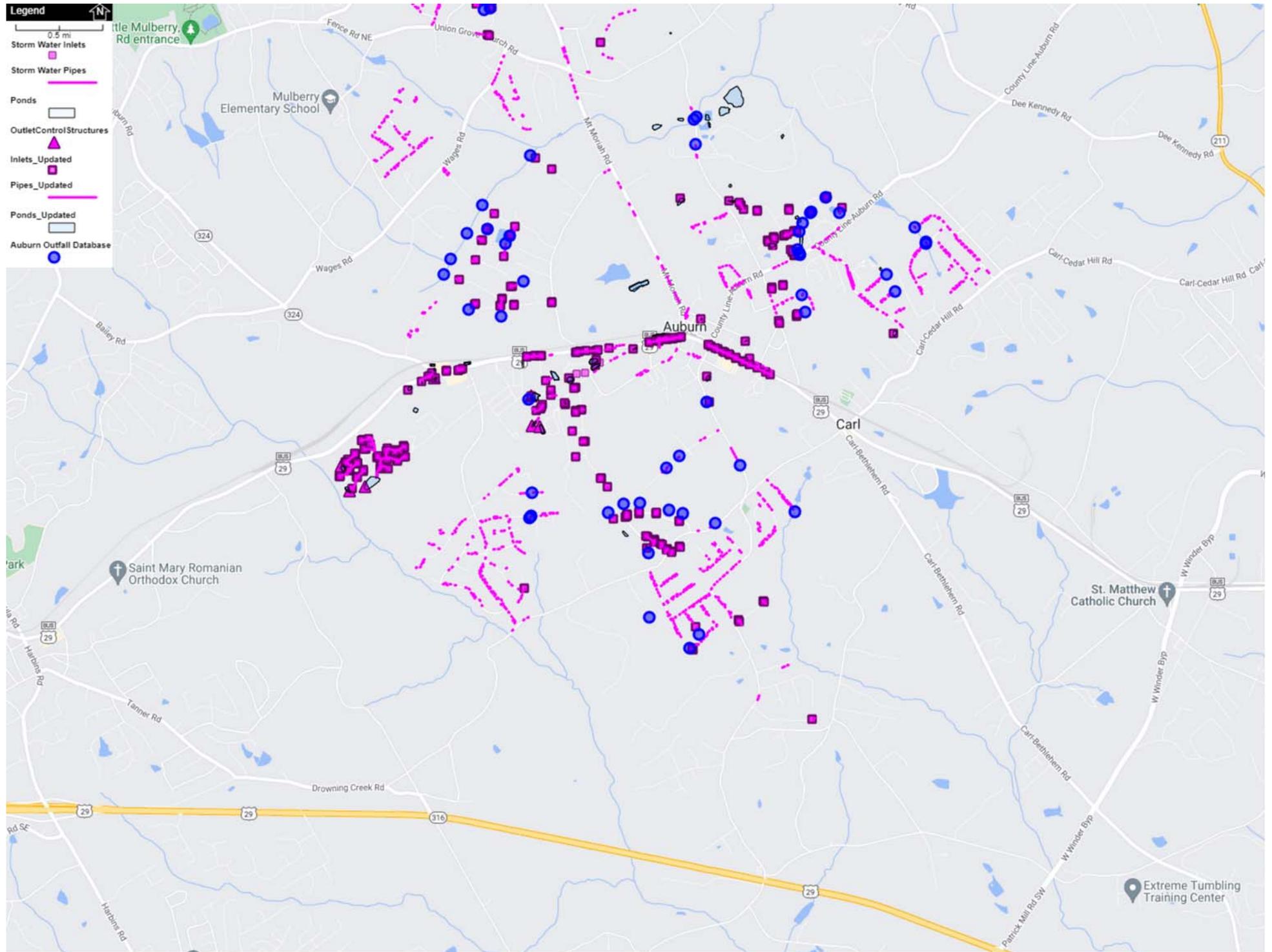
may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 05-001 § 8, 2005)

16.38.090 - Effectivity, validity and liability.

- A. Effectivity. This chapter shall become effective upon its adoption.
- B. Validity. If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this chapter.
- C. Liability. The compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the city for damage to any person or property.

(Ord. 05-001 § 9, 2005)





Chapter 18.12 - POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

Sections:

Footnotes:

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Editor's note— Ord. No. 21-013, adopted Nov. 4, 2021, repealed the former Ch. 18.12, §§ 18.12.010—18.12.070, and enacted a new Ch. 18.12 as set out herein. The former Ch. 18.12 pertained to post-development stormwater management for new development and redevelopment and derived from Ord. 07-004 adopted 2006; Ord. No 09-027, adopted July 2, 2009; Ord. No. 20-001, adopted Feb. 6, 2020; Ord. No. 20-003, adopted July 2, 2020; Ord. No. 20-008, adopted Dec. 3, 2020.

18.12.010 - General provisions.

Purpose and Intent. The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the city is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

(Ord. No. 21-013, 11-4-21)

18.12.020 - Definitions.

For this article, the terms below shall have the following meanings:

"Administrator" means the person appointed to administer and implement this article on post-construction stormwater management for new development and redevelopment in accordance with Section 18.12.040.

"Applicant" means a person submitting a land development application for approval.

"BMP" or "best management practice" means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

"BMP landscaping plan" means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

"Channel" means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

"Detention" means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

"Detention facility" means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

"Development" means new development or redevelopment.

"Extended detention" means the storage of stormwater runoff for an extended period of time.

"Extreme flood protection" means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred years or more.

"Flooding" means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

"GSMM" means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

"Hotspot" means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities(both permitted under the industrial stormwater general permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

"Impervious surface" means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

"Industrial stormwater general permit" means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

"Infiltration" means the process of percolating stormwater runoff into the subsoil.

"Inspection and maintenance agreement" means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

"Land development application" means the application for a land development permit on a form provided by the city along with the supporting documentation required herein

"Land development permit" means the authorization necessary to begin construction-related, land-disturbing activity

"Land disturbing activity" means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. § 12-7-17(5) or silvicultural land management activities as described O.C.G.A. § 12-7-17(6) within areas zoned for these activities.

"Linear feasibility program" means a feasibility program developed by the city and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the city is infeasible.

"Linear transportation projects" means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

"Low impact development (LID) practice" shall mean small-scale stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system and reduce post-construction stormwater runoff rates, volumes and pollutant loads. Low impact development practices include soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

"MS4 permit" means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the city's municipal separate storm sewer system.

"New development" means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

"Nonpoint source pollution" means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

"Overbank flood protection" means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain).

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

"Post-construction stormwater management" means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

"Post-development" means the conditions anticipated to exist on site immediately after completion of the proposed development.

"Practicability policy" means the latest edition of the Metropolitan North Georgia Water Planning District's Policy on Practicability Analysis for Runoff Reduction.

"Pre-development" means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

"Pre-development hydrology" means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

"Previously developed site" means a site that has been altered by paving, construction, and/or land disturbing activity.

"Redevelopment" means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

"Routine maintenance" means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

"Runoff" means stormwater runoff.

"Site" means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

"Stormwater concept plan" means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

"Stormwater management plan" means a plan for post-construction stormwater management at the site that meets the requirements of Section 18.12.080(d) and is included as part of the land development application.

"Stormwater management standards" means those standards set forth in Section 18.12.070.

"Stormwater management system" means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

"Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

"Subdivision" means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Other terms used but not defined in this article shall be interpreted based on how such terms are defined and used in the GSMM and the city's MS4 permit.

(Ord. No. 21-013, 11-4-21)

18.12.030 - Adoption and implementation of the GSMM; conflicts and inconsistencies.

- A. In implementing this article, the city shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all

related appendices.

- B. This article is not intended to modify or repeal any other article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the city's MS4 permit and this article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this article and the GSMM, the provision from this article shall control. In the event of any other conflict or inconsistency between any provision of this article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- C. If any provision of this article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article.

(Ord. No. 21-013, 11-4-21)

18.12.040 - Designation of administrator.

The city administrator may from time to time appoint or designate someone to administer and implement this article.

(Ord. No. 21-013, 11-4-21)

18.12.050 - Applicability criteria for stormwater management standards.

This article applies to the following activities:

- A. New development that creates or adds five thousand square feet or greater of new impervious surface area or that involves land disturbing activity of one acre of land or greater;
- B. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces five thousand square feet or greater of new impervious surface area or that involves land disturbing activity of one acre or more;
- C. New development and redevelopment if:
 - 1. Such new development or redevelopment is part of a subdivision or other common plan of development, and
 - 2. The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above.
- D. Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this article; and
- E. Linear transportation projects that exceed the threshold in subsections (a) or (b) above.

(Ord. No. 21-013, 11-4-21)

18.12.060 - Exemptions from stormwater management standards.

This article does not apply to the following activities:

1. Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
2. Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
3. Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
4. Repairs to any stormwater management system deemed necessary by the administrator;
5. Agricultural practices as described O.C.G.A. § 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 18.12.050(a) or (b);
6. Silvicultural land management activities as described O.C.G.A. § 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Section 18.12.050(a) or (b);
7. Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
8. Linear transportation projects being constructed by the city to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the city linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

(Ord. No. 21-013, 11-4-21)

18.12.070 - Stormwater management standards.

Subject to the applicability criteria in Section 18.12.050 and exemptions in Section 18.12.060, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

- 1.

Design of Stormwater Management System. The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

2. Natural Resources Inventory. Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
 - a. Topography (minimum of two-foot contours) and steep slopes (i.e., areas with slopes greater than fifteen percent);
 - b. Natural drainage divides and patterns;
 - c. Natural drainage features (e.g., swales, basins, depressional areas);
 - d. Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors;
 - e. Predominant soils (including erodible soils and karst areas); and
 - f. Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
3. Better Site Design Practices for Stormwater Management. Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.
4. Stormwater Runoff Quality/Reduction. Stormwater runoff quality/reduction shall be provided by using the following:
 - a. For development with a stormwater management plan submitted before the effective date of this article, the applicant may choose either (A) runoff reduction or (B) water quality.
 - b. For development with a stormwater management plan submitted on or after the date of adoption of this article, the applicant shall choose (A) runoff reduction and additional water quality shall not be required. To the extent (A) runoff reduction has been determined to be infeasible for all or a portion of the site using the practicability policy, then (B) water quality shall apply for the remaining runoff from a one and two-tenths inch rainfall event and must be treated to remove at least eighty percent of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.
 - (i) Runoff Reduction. The stormwater management system shall be designed to retain the first one inch of rainfall on the site using runoff reduction methods, to the

maximum extent practicable.

- (ii) Water Quality. The stormwater management system shall be designed to remove at least eighty percent of the calculated average annual post development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a one and two-tenths inch rainfall event.
 - c. If a site is determined to be a hotspot as detailed in Section 18.12.050, the city may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.
- 5. Stream Channel Protection. Stream channel protection shall be provided by using all of the following three approaches:
 - a. Twenty-four-hour extended detention storage of the one-year, twenty-four-hour return frequency storm event;
 - b. Erosion prevention measures, such as energy dissipation and velocity control; and
 - c. Preservation of any applicable stream buffer.
- 6. Overbank Flood Protection. Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the predevelopment rate for the twenty-five-year, twenty-four-hour storm event.
- 7. Extreme Flood Protection. Extreme flood protection shall be provided by controlling the one-hundred-year, twenty-four-hour storm event such that flooding is not exacerbated.
- 8. Downstream Analysis. Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises ten percent of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.
- 9. Stormwater Management System Inspection and Maintenance. The components of the stormwater management system that will not be dedicated to anti accepted by the city, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 18.12.170.

18.12.080 - Pre-submittal meeting, stormwater concept plan, and stormwater management plan requirements.

- (A) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the city. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the city when applying for a determination of infeasibility through the practicability policy.
- (B) The stormwater concept plan shall be prepared using the minimum following steps:
1. Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
 2. Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
 3. Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
- C. The stormwater concept plan shall contain:
1. Common address and legal description of the site,
 2. Vicinity map, and
 3. Existing conditions and proposed site layout mapping and plans (recommended scale of one inch equals fifty feet), which illustrate at a minimum:
 - a. Existing and proposed topography (minimum of two-foot contours);
 - b. Perennial and intermittent streams;
 - c. Mapping of predominant soils from USDA soil surveys;
 - d. Boundaries of existing predominant vegetation and proposed limits of clearing and grading;
 - e. Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.);
 - f. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces;
 - g. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;

- h. Preliminary estimates of unified stormwater sizing criteria requirements;
 - i. Preliminary selection and location, size, and limits of disturbance of proposed BMPs;
 - j. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;
 - k. Flow paths;
 - l. Location of the boundaries of the base flood floodplain, future conditions floodplain, and the floodway (as applicable) and relationship offsite to upstream and downstream properties and drainage; and
 - m. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings;
- D. The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered professional engineer or a registered landscape architect licensed in the State of Georgia. Items 3., 4., 5., and 6. shall be sealed and signed by a registered professional engineer licensed in the State of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)
- 1. Natural resources inventory;
 - 2. Stormwater concept plan;
 - 3. Existing conditions hydrologic analysis;
 - 4. Post-development hydrologic analysis;
 - 5. Stormwater management system;
 - 6. Downstream analysis;
 - 7. Erosion and sedimentation control plan;
 - 8. BMP landscaping plan;
 - 9. Inspection and maintenance agreement;
 - 10. Evidence of acquisition of applicable local and non-local permits;
 - 11. Determination of infeasibility (if applicable);
- E. For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures.
- 1. As-built drawings;
 - 2. Hydrology reports;
 - 3. Current inspection of existing stormwater management structures with deficiencies noted;
 - 4. BMP Landscaping plans.

(Ord. No. 21-013, 11-4-21)

18.12.090 - Post-development stormwater management performance criteria.

- A. Nonstructural Stormwater Controls. The City of Auburn encourages the use of green infrastructure/low impact development practices and approaches on both new and redeveloped sites and in street landscape areas. Design information on GI/LID practices can be found in the Georgia Stormwater Management Manual (GSMM).
- B. Systems and the designed approach for stormwater management should include elements such as infiltration chambers, landscaped swales, infiltration trenches, dry-wells, permeable pavements, and other runoff controlling features that in combination serve to achieve BMP/LID goals. Stormwater management systems shall incorporate "Best Management Practices" (BMP) as prescribed by the U.S. Department of Environmental Protection Agency in addition to employing Low Impact Development (LID) strategies. BMP/LID means and methods should be carefully integrated within the site design approach with a goal of decentralizing stormwater management systems to the greatest extent practical and minimizing environmental impact of new development. The specific goals of the BMP/LID measures should be mitigation of post-development downstream impacts and achieving the highest level of water quality for all stormwater runoff.
- C. Grading and edge treatments of landscaping areas shall allow stormwater inflow where areas are designed as green infrastructure stormwater management features. In such cases, where adequate screen is provided, berming and curbs shall not be required.
- D. The dimensional standards for landscape areas, landscape strips, and walls may be varied to accommodate green infrastructure stormwater features designed in conjunction with an overall landscaping and stormwater management plan for the site.
- E. Where a portion of a project or public improvement has been designed specifically as a green infrastructure stormwater management feature, the city planner or designee shall have the authority to waive the dimensional requirements of this section to enable the installation of green infrastructure stormwater management measures.
- F. Planter boxes, green infrastructure plants, green rainwater harvesting systems, a green wall or other green stormwater BMPs may be used as a substitute, for the required open space. Such substitute shall be subject to the approval of the city planner or in accordance with the standards of the green infrastructure design manual.
- G. The city encourages the use of green infrastructure practices in street landscape areas. The dimensional standards for landscaped strips may be varied to accommodate green infrastructure stormwater features.
- H.

To encourage multi-functional landscaping, areas shall be suitably landscaped with a mixture of shrubs, trees, and groundcover, which are encouraged to incorporate xeriscaping and low water use plants, and to function as a green infrastructure stormwater management area.

- I. Minimum parking may be reduced by one parking space for each tree twelve inches in diameter or larger that is preserved. A maximum of two parking spaces or ten percent of the total required may be reduced, whichever is greater.
- J. Permeable surfaces are encouraged in low traffic areas and in required parking areas for open space uses such as recreation areas.

(Ord. No. 21-013, 11-4-21)

18.12.100 - Application fee.

The fee for review of any land development application shall be based on the fee structure established by the city, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

(Ord. No. 21-013, 11-4-21)

18.12.110 - Application procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to the city's development regulations or building permit pursuant to the city code as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

1. File a land development application with the city on the city's form of application with the following supporting materials:
 - a. The stormwater management plan prepared in accordance with Section 18.12.080(d);
 - b. A certification that the development will be performed in accordance with the stormwater management plan once approved;
 - c. A preliminary determination of infeasibility, as applicable, prepared in accordance with the practicability policy; and
 - d. An acknowledgement that applicant has reviewed the city's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
2. The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- 3.

If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

4. If the application and supporting materials are approved, the city may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

(Ord. No. 21-013, 11-4-21)

18.12.120 - Compliance with the approved stormwater management plan.

All development shall be:

1. Consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
2. Conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

(Ord. No. 21-013, 11-4-21)

18.12.130 - Inspections to ensure plan compliance during construction.

Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the city or conducted and certified by a professional engineer who has been approved by the city. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

1. The date and location of the inspection;
2. Whether the stormwater management system is in compliance with the approved stormwater management plan;
3. Variations from the approved stormwater management plan; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

(Ord. No. 21-013, 11-4-21)

18.12.140 - Final inspection; as-built drawings; delivery of inspection and maintenance agreement.

Upon completion of the development, the applicant is responsible for:

- 1.

Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,

2. Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
3. Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
4. Delivering to the city a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the city with the request for a final inspection. The city shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

(Ord. No. 21-013, 11-4-21)

18.12.150 - Violations and enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit or the underlying building permit pursuant to the city's Code and Regulations. To address a violation of this article, the city shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop workorders, and penalties as set forth in the applicable ordinances for such permits.

(Ord. No. 21-013, 11-4-21)

18.12.160 - Maintenance by owner of stormwater management systems predating current GSMM.

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

(Ord. No. 21-013, 11-4-21)

18.12.170 - Inspection and maintenance agreements.

- A. The owner shall execute an inspection and maintenance agreement with the city obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the city. After the inspection and maintenance agreement has been signed by the owner and the city, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
- B. The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the city. Upon any sale or transfer of the site, the new owner shall notify the city in writing within thirty days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following thirty days' notice, constitute a failure to maintain the stormwater management system.
- C. The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
 - 1. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the city.
 - 2. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

(Ord. No. 21-013, 11-4-21)

18.12.180 - Right of entry for maintenance inspections.

The terms of the inspection and maintenance agreement shall provide for the city's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the city shall have the right to enter and make inspections pursuant to the city's general provisions for property maintenance inspections pursuant to the City Code or the Georgia Statewide Minimum Construction Codes.

(Ord. No. 21-013, 11-4-21)

18.12.190 - Owner's failure to maintain the stormwater management system.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the city. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

1. An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to the City Code or the Georgia Statewide Minimum Construction Codes; and
2. To address such a failure to maintain the stormwater management system, the city shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

(Ord. No. 21-013, 11-4-21)

Chapter 18.04 - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Footnotes:

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Editor's note— Ord. No. 17-002, adopted April 20, 2017, repealed Ch. 18.04, §§ 18.04.010—18.04.100 and enacted a new Ch. 18.04 as set out herein. Former Ch. 18.04 pertained to similar subject matter and derived from Ord. No. 10-009, adopted June 3, 2010.

18.04.010 - Title.

This chapter will be known as "City of Auburn Soil Erosion, Sedimentation and Pollution Control Ordinance."

(Ord. No. 17-002, § I, 4-20-17)

18.04.020 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

1. "Best management practices (BMPs)." These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. "Board" means the Board of Natural Resources.
3. "Buffer" means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. "Certified personnel" means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. "Coastal marshlands" shall have the same meaning as in O.C.G.A. § 12-5-282.
6. "Commission" means the Georgia Soil and Water Conservation Commission (GSWCC).
7. "CPESC" means certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.
8. "Cut" means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

"Department" means the Georgia Department of Natural Resources (DNR).

9.
 10. "Design professional" means 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.
11. "Director" means the director of the environmental protection division or an authorized representative.
12. "District" means the Oconee Soil and Water Conservation District.
13. "Division" means the Environmental Protection Division (EPD) of the Department of Natural Resources.
14. "Drainage structure" means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
15. "Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.
16. "Erosion, sedimentation and pollution control plan" means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in subsection 18.04.040.C of this chapter.
17. "Fill" means a portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
18. "Final stabilization" means 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, one hundred percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy percent 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.
19. "Finished grade" means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- 20.

"Grading" means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

21. "Ground elevation" means the original elevation of the ground surface prior to cutting or filling.
22. "Land-disturbing activity" means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in subsection 18.04.030(5).
23. "Larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
24. "Local issuing authority" means the governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. § 12-7-8.
25. "Metropolitan River Protection Act (MRPA)" means a state law referenced as O.C.G.A. § 12-5-440 et. seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
26. "Natural ground surface" means the ground surface in its original state before any grading, excavation or filling.
27. "Nephelometric turbidity units (NTU)" means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.
28. "NOI" means a notice of intent form provided by EPD for coverage under the state general permit.
29. "NOT" means a notice of termination form provided by EPD to terminate coverage under the state general permit.
30. "Operator" means the party or parties that have:
 - (A) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
 - (B)

Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

31. "Outfall" means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
32. "Permit" means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.
33. "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
34. "Phase or phased" means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
35. "Project" means the entire proposed development project regardless of the size of the area of land to be disturbed.
36. "Properly designed" means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.
37. "Roadway drainage structure" means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
38. "Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
39. "Sedimentation" means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
40. "Soil and water conservation district approved plan" means an erosion, sedimentation and pollution control plan approved in writing by the Oconee Soil and Water Conservation District.
- 41.

"Stabilization" means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

42. "State general permit" means the National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. § 12-5-30.
43. "State waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
44. "Structural erosion, sedimentation and pollution control practices" means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.
45. "Trout streams" means all streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
46. "Vegetative erosion and sedimentation control measures" means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
 - a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
 - b. Temporary seeding, producing short-term vegetative cover; or
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

47. "Watercourse" means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
48. "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 17-002, § II, 4-20-17)

18.04.030 - Exemptions.

This chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968."
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least fifty horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least fifty horizontal feet, but the director may grant variances to no less than twenty-five feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the

buffer shall be at least twenty-five horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

5. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 18.04.040.C. of this chapter, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within two hundred feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within two hundred feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the state road and tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1;

except where the Department of Transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

(Ord. No. 17-002, § III, 4-20-17)

18.04.040 - Minimum requirements for erosion, sedimentation and pollution control using best management practices.

- A. General Provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this chapter shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 18.04.040.B. and C. of this chapter. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements.

Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this chapter and the NPDES general permit.

B. Minimum Requirements/BMPs.

1. Best management practices as set forth in Section 18.04.040.B. and C. of this chapter shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act." As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6 subsection (b).
 2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
 3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.
 4. The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in subsections C.15, 16 and 17, in light of O.C.G.A. § 12-7-6(c).
- C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices,

including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments onsite or preclude sedimentation of adjacent waters beyond the levels specified in Section 18.04.040.B.2. of this chapter;
- 15.

Except as provided in paragraph (16) and (17) of this subsection, there is established a twenty-five foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least twenty-five feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (i) Stream crossings for water lines; or
 - (ii) Stream crossings for sewer lines; and
16. There is established a fifty-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be

constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of twenty-five gallons per minute or less shall have a twenty-five-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (i) Stream crossings for water lines; or
 - (ii) Stream crossings for sewer lines; and
17. There is established a twenty-five-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control

measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
- b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than fifty feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
- c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have

been extended to such lot prior to the effective date of this Act 10 Revised June 2016 and if the requirement to maintain a twenty-five-foot buffer would consume at least eighteen percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

- d. Activities where the area within the buffer is not more than five hundred square feet or that have a "minor buffer impact" as defined in [EPD Rule] 391-3-7-.01(r), provided that the total area of buffer impacts is less than five thousand square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least fourteen days prior to the commencement of land disturbing activities.
- D. Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 18.04.040.B. and C. of this chapter.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

(Ord. No. 17-002, § IV, 4-20-17)

18.04.050 - Application/permit process.

- A. General. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this chapter, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. Application Requirements.
 - 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Auburn without first obtaining a permit from the city to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.
 - 2. The application for a permit shall be submitted to the city and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 18.04.050.C. of this chapter. Erosion, sedimentation and pollution control plans, together with supporting data, must

demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 18.04.040.B. and C. of this chapter will be met. applications for a permit will not be accepted unless accompanied by six copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed eighty dollars per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of 11 revised June 2016 O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within thirty-five days of receipt. Failure of the district to act within thirty-five days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by Section 18.04.040.C.15, 16 and 17 have been obtained, all fees have been paid, and bonding, if required as per Section 18.04.050.B.6., have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within thirty-five days of receipt. Failure of the local issuing authority with plan review authority to act within thirty-five days shall be considered an approval of the revised plan submittal.
5. If a permit applicant has had two or more violations of previous permits, this chapter section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
- 6.

The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, three thousand dollars per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. Plan requirements.

1. Plans must be prepared to meet the minimum requirements as contained in Section 18.04.040.B. and C. of this chapter, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this chapter. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
2. Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. Permits.

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
2. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this chapter, any variances

required by Section 18.04.040.C.15, 16 and 17 are obtained, bonding requirements, if necessary, as per Section 18.04.050.B.6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this chapter, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this chapter. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7 (f)(1).

(Ord. No. 17-002, § V, 4-20-17)

18.04.060 - Inspection and enforcement.

- A. The city 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 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 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, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to

achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

- B. The local issuing authority must amend its ordinances to the extent appropriate within twelve months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The city shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8 (a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
- F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have ninety days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within ninety days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

(Ord. No. 17-002, § VI, 4-20-17)

18.04.070 - Penalties and incentives.

- A. Failure to Obtain a Permit for Land-Disturbing Activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this chapter without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.
- B. Stop Work Orders.
1. For the first and second violations of the provisions of this chapter, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;
 2. For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order; and
 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- C. Bond Forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section

18.04.050.B.6. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary Penalties.

1. Any person who violates any provisions of this chapter, or any permit condition or limitation established pursuant to this chapter, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars per day. For the purpose of enforcing the provisions of this chapter, notwithstanding any provisions in any city charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred dollars for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this chapter under county ordinances approved under this chapter shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. No. 17-002, § VII, 4-20-17)

18.04.080 - Education and certification.

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this chapter.
- D.

If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

(Ord. No. 17-002, § VIII, 4-20-17)

18.04.090 - Administrative appeal; judicial review.

- A. Administrative Remedies. The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the mayor and city council of the City of Auburn, Georgia within thirty days after receipt by the local issuing authority of written notice of appeal.
- B. Judicial Review. Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Barrow County.

(Ord. No. 17-002, § IX, 4-20-17)

18.04.100 - Effectivity, validity and liability.

- A. Effectivity. The ordinance from which this chapter derives shall become effective on the twentieth day of April, 2017.
- B. Validity. If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this chapter.
- C. Liability.
 - 1. Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.
 - 2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.
 - 3.

No provision of this chapter shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

(Ord. No. 17-002, § X, 4-20-17)

**EROSION, SEDIMENTATION & POLLUTION CONTROL PLAN CHECKLIST
STAND ALONE CONSTRUCTION PROJECTS**

SWCD: _____

Project Name: _____ **Address:** _____

City/County: _____ **Date on Plans:** _____

Plan Page #	Included Y/N
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TO BE SHOWN ON ES&PC PLAN

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1 The applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(The completed Checklist must be submitted with the ES&PC Plan or the Plan will not be reviewed)

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2 Level II certification number issued by the Commission, signature and seal of the certified design professional.

(Signature, seal and Level II number must be on each sheet pertaining to ES&PC plan or the Plan will not be reviewed)

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3 Limits of disturbance shall be no greater than 50 acres at any one time without prior written authorization from the EPD District Office. If EPD approves the request to disturb 50 acres or more at any one time, the plan must include at least 4 of the BMPs listed in Appendix 1 of this checklist.*

(A copy of the written approval by EPD must be attached to the plan for the plan to be reviewed.)

--	--

4 The name and phone number of the 24-hour local contact responsible for erosion, sedimentation and pollution controls.

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5 Provide the name, address and phone number of primary permittee.

--	--

6 Note total and disturbed acreage of the project or phase under construction.

--	--

7 Provide the GPS location of the construction exit for the site. Give the Latitude and Longitude in decimal degrees.

--	--

8 Initial date of the Plan and the dates of any revisions made to the Plan including the entity who requested the revisions.

--	--

9 Description of the nature of construction activity.

--	--

10 Provide vicinity map showing site's relation to surrounding areas. Include designation of specific phase, if necessary.

--	--

11 Identify the project receiving waters and describe all sensitive adjacent areas including streams, lakes, residential areas, wetlands, marshlands, etc. which may be affected.

--	--

12 Design professional's certification statement and signature that the site was visited prior to development of the ES&PC Plan as stated on page 15 of the permit.

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13 Design professional's certification statement and signature that the permittee's ES&PC Plan provides for an appropriate and comprehensive system of BMPs and sampling to meet permit requirements as stated on page 15 of the permit.*

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14 Clearly note the statement that "The design professional who prepared the ES&PC Plan is to inspect the installation of the initial sediment storage requirements and perimeter control BMPs within 7 days after installation."*

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15 Clearly note the statement that "Non-exempt activities shall not be conducted within the 25 or 50-foot undisturbed stream buffers as measured from the point of wretched vegetation or within 25-feet of the coastal marshland buffer as measured from the Jurisdictional Determination Line without first acquiring the necessary variances and permits."

--	--

16 Provide a description of any buffer encroachments and indicate whether a buffer variance is required.

17 Clearly note the statement that "Amendments/revisions to the ES&PC Plan which have a significant effect on BMPs with a hydraulic component must be certified by the design professional."*

18 Clearly note the statement that "Waste materials shall not be discharged to waters of the State, except as authorized by a section 404 permit."*

19 Clearly note statement that "The escape of sediment from the site shall be prevented by the installation of erosion and sediment control measures and practices prior to land disturbing activities."

20 Clearly note statement that "Erosion control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."

21 Clearly note the statement "Any disturbed area left exposed for a period greater than 14 days shall be stabilized with mulch or temporary seeding."

22 Any construction activity which discharges storm water into an Impaired Stream Segment, or within 1 linear mile upstream of and within the same watershed as, any portion of an Biota Impaired Stream Segment must comply with Part III. C. of the Permit. Include the completed Appendix 1 listing all the BMPs that will be used for those areas of the site which discharge to the Impaired Stream Segment.*

23 If a TMDL Implementation Plan for sediment has been finalized for the Impaired Stream Segment (identified in item 22 above) at least six months prior to submittal of NOI, the ES&PC Plan must address any site-specific conditions or requirements included in the TMDL Implementation Plan.*

24 BMPs for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of the vehicles. Washout of the drum at the construction site is prohibited.*

25 Provide BMPs for the remediation of all petroleum spills and leaks.

26 Description of the measures that will be installed during the construction process to control pollutants in storm water that will occur after construction operations have been completed.*

27 Description of the practices that will be used to reduce the pollutants in storm water discharges.*

28 Description and chart or timeline of the intended sequence of major activities which disturb soils for the major portions of the site (i.e., initial perimeter and sediment storage BMPs, clearing and grubbing activities, excavation activities, utility activities, temporary and final stabilization).

29 Provide complete requirements of inspections and record keeping by the primary permittee.*

30 Provide complete requirements of sampling frequency and reporting of sampling results.*

31 Provide complete details for retention of records as per Part IV.F. of the permit.*

32 Description of analytical methods to be used to collect and analyze the samples from each location.*

33 Appendix B rationale for NTU values at all outfall sampling points where applicable.*

34 Delineate all sampling locations, perennial and intermittent streams and other water bodies into which storm water is discharged.*

35 A description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the plan may combine all of the BMPs into a single phase.*

36 Graphic scale and North arrow.

37 Existing and proposed contour lines with contour lines drawn at an interval in accordance with the following:

Map Scale	Ground Slope	Contour Intervals, ft.
1 inch = 100ft or larger scale	Flat 0 - 2%	0.5 or 1
	Rolling 2 - 8%	1 or 2
	Steep 8% +	2,5 or 10

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 38 Use of alternative BMPs whose performance has been documented to be equivalent to or superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the Georgia Soil and Water Conservation Commission). Please refer to the Alternative BMP Guidance Document found at www.gaswcc.org . |
| <input type="checkbox"/> | <input type="checkbox"/> | 39 Use of alternative BMP for application to the Equivalent BMP List. Please refer to Appendix A-2 of the Manual for Erosion & Sediment Control in Georgia 2016 Edition.* |
| <input type="checkbox"/> | <input type="checkbox"/> | 40 Delineation of the applicable 25-foot or 50-foot undisturbed buffers adjacent to state waters and any additional buffers required by the Local Issuing Authority. Clearly note and delineate all areas of impact. |
| <input type="checkbox"/> | <input type="checkbox"/> | 41 Delineation of on-site wetlands and all state waters located on and within 200 feet of the project site. |
| <input type="checkbox"/> | <input type="checkbox"/> | 42 Delineation and acreage of contributing drainage basins on the project site. |
| <input type="checkbox"/> | <input type="checkbox"/> | 43 Provide hydrology study and maps of drainage basins for both the pre- and post-developed conditions.* |
| <input type="checkbox"/> | <input type="checkbox"/> | 44 An estimate of the runoff coefficient or peak discharge flow of the site prior to and after construction activities are completed. |
| <input type="checkbox"/> | <input type="checkbox"/> | 45 Storm-drain pipe and weir velocities with appropriate outlet protection to accommodate discharges without erosion. Identify/Delineate all storm water discharge points. |
| <input type="checkbox"/> | <input type="checkbox"/> | 46 Soil series for the project site and their delineation. |
| <input type="checkbox"/> | <input type="checkbox"/> | 47 The limits of disturbance for each phase of construction. |
| <input type="checkbox"/> | <input type="checkbox"/> | 48 Provide a minimum of 67 cubic yards of sediment storage per acre drained using a temporary sediment basin, retrofitted detention pond, and/or excavated inlet sediment traps for each common drainage location. Sediment storage volume must be in place prior to and during all land disturbance activities until final stabilization of the site has been achieved. A written justification explaining the decision to use equivalent controls when a sediment basin is not attainable must be included in the plan for each common drainage location in which a sediment basin is not provided. A written justification as to why 67 cubic yards of storage is not attainable must also be given. Worksheets from the Manual included for structural BMPs and all calculations used by the storage design professional to obtain the required sediment when using equivalent controls. When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | 49 Location of Best Management Practices that are consistent with and no less stringent than the Manual for Erosion and Sediment Control in Georgia. Use uniform coding symbols from the Manual, Chapter 6, with legend. |
| <input type="checkbox"/> | <input type="checkbox"/> | 50 Provide detailed drawings for all structural practices. Specifications must, at a minimum, meet the guidelines set forth in the Manual for Erosion and Sediment Control in Georgia. |
| <input type="checkbox"/> | <input type="checkbox"/> | 51 Provide vegetative plan, noting all temporary and permanent vegetative practices. Include species, planting dates and seeding, fertilizer, lime and mulching rates. Vegetative plan shall be site specific for appropriate time of the year that seeding will take place and for the appropriate geographic region of Georgia. |

*If using this checklist for a project that is less than 1 acre and not part of a common development but within 200 ft of a perennial stream the * checklist items would be N/A.

Effective January 1, 2017



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

Received: _____

Due: _____

Project Name: _____

GENERAL INFORMATION:

1. ____ Master detention with Hydrology Report/Stormwater Management Report referenced on front cover (if applicable).
2. ____ Development plans must include the following minimum plans and details:
 - Grading and Stormwater Drainage Plan
 - Stormwater Profile and details
 - Landscaping Plan
3. ____ Hydrology Report and/or Stormwater Management Plan if site is greater than 1 acre disturbed or greater than 5,000 sq. feet impervious area.

STORMWATER DRAINAGE PLAN:

4. ____ Show all streams, perennial and intermittent, water Courses, drainage ditches and exiting topography within 200' of the site. Include a statement about state waters whether within 200 feet of the site, if within 200', they must be shown on the plan with appropriate buffers and setbacks.
5. ____ Show all existing stormwater conveyances and structural control facilities.



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

6. ____ Show all stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes.

7. ____ Show total acreage, total disturbed acreage, total drainage acreage (on site and off site), total bypass acreage.

8. ____ For detention ponds, show a twenty (20) foot access easement to the pond, and a ten (10) foot maintenance easement around the pond's perimeter.

9. ____ Pipes and junctions boxes need to be labeled as necessary for cross referencing profiles.

10. ____ Minimum pipe size is 18" (15" for private property)

11. ____ Show 100-year flood elevation in permanent detention ponds.

12. ____ Storm Sewer Easements – existing and proposed drainage system (min. 10' past ending of pipe), min. 20' wide centered on pipe may be larger for larger pipes.

13. ____ Pipe selection: for pipes within the ROW, material selection and installation specifications, per GDOT and the "Blue Book"

14. ____ 1.0 feet of freeboard is required between the 100-year elevation and the top of the dam.



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

15. ___ Show any groundwater recharge areas.

STORMWATER PROFILES AND PIPE CHART:

16. ___ Show cross-section and profile drawings and design details for each of the structural stormwater controls in the system. Include existing grade, proposed grade, and any utility conflicts.

17. ___ Show 25-year HGL must be shown without pressure.

18. ___ Pipes and junction boxes need to be labeled as necessary for cross referencing drainage plans.

19. ___ Show the size, material, length, and slope for all existing and proposed storm drainpipes.

20. ___ Minimum pipe slope is 0.5% or a minimum velocity of 2.5 feet/sec, whichever is greater.

21. ___ Maximum pipe velocity is 15 feet/sec

22. ___ Include Manning's coefficient

23. ___ Show gutter spread and gutter flow.

24. ___ Show discharge velocity and Energy Dissipation, with Type 1 riprap for large pipe outlets. (Headwall for any outlet with >48" outlet)



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

25. ____ Show invert elevations (in and out) and rim elevations, invert drop (min. 0.1'), use concrete splash pad for larger drops.

26. ____ Show safety ledge for deep manholes.

STORMWATER DETAILS:

27. ____ Show any necessary structure details (Headwalls, Inlets, Curbs, Flumes, Curb & Gutter, Catch Basins, Retaining walls, etc).

28. ____ Show Outlet Control Structure details (cross sections), these must match details in Hydro Report/Stormwater Management Plan Report.

29. ____ Show ditch and channel details and cross sections.

30. ____ Pipe construction details (bedding class, backfill methods, Min. 2' cover for RCP and 3' cover for all other, compaction standards).

31. ____ Grate Inlets 1019A type E with hood and grate, 1019A type B with concrete top.

32. ____ Provide a detail of the grease recycling receptacle storage area and cover along with method of spill prevention. This is considered a hot spot as well as the dumpster pad. Drains cannot connect to sanitary sewer or storm drains and must be filtered prior to discharge.



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

LANDSCAPING PLAN:

33. ___ No trees, shrubs, or any type of woody vegetation is to be planted on a pond embankment.
34. ___ no trees or shrubs within 15 feet of the toe of slope of a dam.
35. ___ No trees or shrubs with long tap roots within the vicinity of the earthen dam or embankment, or subsurface drainage facilities.
36. ___ No trees or shrubs within 25 feet of perforated pipes.
37. ___ Keep maintenance areas open to allow future access for pond maintenance.

HYDROLOGY REPORT/STORMWATER MANAGEMENT REPORT

**ONLY REQUIRED FOR DISTURBED ACREAGE >1.0 OR 5,000 SF OF IMPERVIOUS SURFACE*

38. ___ The Hydrology Report shall be in accordance with the Georgia Stormwater Management (GSMM) Manual, including but not limited to all design recommendations and credit calculations.
39. ___ Post developed Q's less than pre-developed when exit site? If not, is there an easement or large river?
40. ___ Check adequacy of Time of Concentration (min of 5 minutes), "C" factors and Drainage Areas, P values, storm type, shape factor, etc.



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

41. ___ SCS Method for detention analysis, Rational Method for pipes.
42. ___ Specify the type of sizing criteria:
- Water Quality (Does off – site area affect and how to deal with it?)
 - Channel Protection
 - Overbank Flood Protection
 - Extreme Flood Protection
43. ___ Topographic map of existing site conditions with the drainage basin boundaries indicated.
44. ___ Total site acreage, total drainage acreage, total offsite drainage acreage, total onsite drainage acreage, acreage by basins.
45. ___ Delineate all perennial and intermittent streams and other surface water features that contribute to site.
46. ___ Delineate all perennial and intermittent streams and other surface water features that receive drainage waters which is to address each point or area along the project's site's boundaries at which runoff will exit the property.
47. ___ Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project.
48. ___ Calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Section 10-165 of the SWMM.



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

49. ___ Documentation and calculations for any applicable site design credits that are being utilized.
50. ___ Provide a narrative describing how the selected structural stormwater controls will be appropriate and effective.
51. ___ Provide a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including state-storage or outlet rating curves, and inflow and outflow hydrographs).
52. ___ Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 10-165.
53. ___ Where applicable, a narrative describing how the stormwater management systems correspond with any watershed protection plans and/or local greenspace protection plan.
54. ___ A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream.
55. ___ Identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary.
56. ___ Include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access, and safety issues.



REVIEW CHECKLIST for STORMWATER MANAGEMENT PLANS:

57. ____ Include a signed copy of the Stormwater Facility Maintenance Agreement.
58. ____ The applicant shall certify and provide documentation that all other applicable environmental permits have been acquired for the site.
59. ____ Include the Stormwater Quality Site Development Review Tool with at least 80% TSS Removal.
60. ____ Include details of all facility structures (OCS, Flumes, Dams, Retaining Walls, etc.)



STORMWATER PLAN REVIEW CHECKLIST:

Project Name: _____ Date Submitted: _____ Date Reviewed: _____
Design Professional: _____ PE & GSWCC Cert #: _____ Plan
Reviewer: _____ PE & GSWCC Cert #: _____
Designer Reviewer Cert. # _____

General Information Common address and legal description of site. Vicinity map.

Notes: _____

II. Existing Conditions Hydrologic Analysis Topographic map of existing site conditions with the drainage basin boundaries indicated. Acreage. Soil types and land cover of areas for each sub-basin affected by the project. All perennial and intermittent streams and other surface water features. All existing stormwater conveyances and structural control facilities. Direction of flow and exits from the site. Analysis of runoff provided by off-site areas upstream of the project site. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. Provide CN and TC for each drainage area, show travel path on plans, and calculations. Notes:

III. Post-Development Hydrologic Analysis Topographic map of developed site conditions with the post-development drainage basin boundaries indicated. Include a table summarizing the total area of each drainage basin the existing and post-development impervious surfaces and other land cover areas for each subbasin affected by the project. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the post development conditions hydrology. Calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria. Provide CN and TC for each drainage area, show travel path on plans, and calculations. Provide a summary table of peak rates of run off and velocities from each delineated drainage area for the 1, 2, 5-, 10-, 25-, and 100-year storm events. Include in summary table for each drainage area the following data: label/name of drainage area, acreage, CN, TC, gross rainfall amount for each storm event, and peak flow rate for each storm event in cfs. Auburn, GA 2 Updated: May 1, 2015. Provide a summary table of developed peak rates of runoff vs. existing peak rates of runoff for each drainage area. Demonstrate no increase in peak



STORMWATER PLAN REVIEW CHECKLIST:

rates of runoff for 1, 2, 5-, 10-, 25-, and 100-year storm events. Documentation and calculations for any applicable site design green infrastructure that are being utilized. Notes:

IV. Stormwater Management System A map and/or drawing of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes. Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, showing design water surface elevations for each storm event. A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs). Drawings, design calculations, elevations, and hydraulic grade lines (for each storm event) for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales, and areas of overland flow. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan. Notes:

V. Post-Development Downstream Analysis A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. The analysis shall be in accordance with the stormwater design manual. Notes:



STORMWATER PLAN REVIEW CHECKLIST:

VI. Operations and Maintenance Plan Identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. Include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access, and safety issues. Auburn, GA Updated: May 1, 2015, Notes:

VII. Maintenance Access Easements The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. All stormwater management facilities and access easements as required must be shown on the final property plats prior to final approval of plat. Notes:

VIII. Inspection and Maintenance Agreements Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Auburn, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice. Notes:

IX. Evidence of Other Applicable Permits The applicant shall certify and provide documentation to the City of Auburn that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan. (Examples: Buffer Variances, Corp. Permits, etc.) Notes:

STREAM BUFFER PLAN REVIEW CHECKLIST

CITY OF AUBURN, GEORGIA

DEVELOPMENT NAME: _____

ENGINEER: _____

FAX NUMBER/EMAIL: _____

REVIEWER: _____

DATE: _____

- A detailed site map that shows the locations of all streams, wetlands, floodplain boundaries, forested and open areas in the buffer zone and other natural features, as determined by field survey.
- A detailed site plan that shows: property boundaries; locations of all existing and proposed structures and other impervious cover; public sewer line easements; septic tank and septic tank drain field (as appropriate), the limits of all existing and proposed land disturbance both inside and outside the buffer and setback.
- A detailed site plan that shows shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
- A detailed plan that shows a 50 foot undisturbed natural vegetative buffer, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- A detailed plan that shows an additional 25 foot setback, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited.
- A detailed plan showing buffer zone topography with contour lines at no greater than five (5)-foot contour intervals.
- Detailed plans of all proposed land development within the buffer and of all proposed impervious cover within the setback.

Notes:



STREAM BUFFER VARIANCE CHECKLIST

Plan Reviewer _____ Date _____

- A detailed site map that shows the locations of all streams, wetlands, floodplain boundaries, forested and open areas in the buffer zone and other natural features, as determined by field survey.
- A detailed site plan that shows: property boundaries; locations of all existing and proposed structures and other impervious cover; public sewer line easements; septic tank and septic tank drain field (as appropriate), the limits of all existing and proposed land disturbance both inside and outside the buffer and setback.
- A detailed site plan that shows shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
- A detailed plan that shows a 50 foot undisturbed natural vegetative buffer, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- A detailed plan that shows an additional 25 foot setback, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited.
- A detailed plan showing buffer zone topography with contour lines at no greater than five (5)-foot contour intervals.
- Detailed plans of all proposed land development within the buffer and of all proposed impervious cover within the setback.

STORM SEWER SYSTEM INSPECTION CHECKLIST

CITY OF AUBURN, GEORGIA

Date: _____ **Time:** _____ **Rainfall last 72 hrs:** _____

Name of Inspector: _____ **Structure ID:** _____

Latitude: _____ **Longitude:** _____ **Elevation:** _____

Land Use in Drainage Area: _____

Closest Address: _____ **Photo Taken:** _____

Structure Type:

Inlets:

Double Wing Catch Basin	Single Wing Catch Basin
Control Structure	Junction Box
Drop Inlet Raised Lid	Drop Inlet Grated
Headwall In	Other Inlet

Outlets:

Headwall out	Other Outlet
--------------	--------------

Ponds:

Retention Pond	Detention Pond
Other Pond	Water Quality Pond

Inlet Material: Block Concrete Metal Other

Lid Type: Plastic Metal Locking Other

Curb Marker: Yes No

Junction Box Diameter: 4' Other

Junction Box Material: Block Brick Poured In Place
 Concrete Metal Other

Pipe-In Diameter: 12 15 16 18 20 22 24 26 28 30
 36 42 48 54 60 66 72 84 96 108

Pipe-Out Diameter: 12 15 16 18 20 22 24 26 28 30
 36 42 48 54 60 66 72 84 96 108

Pipe Material: Metal Plastic Concrete

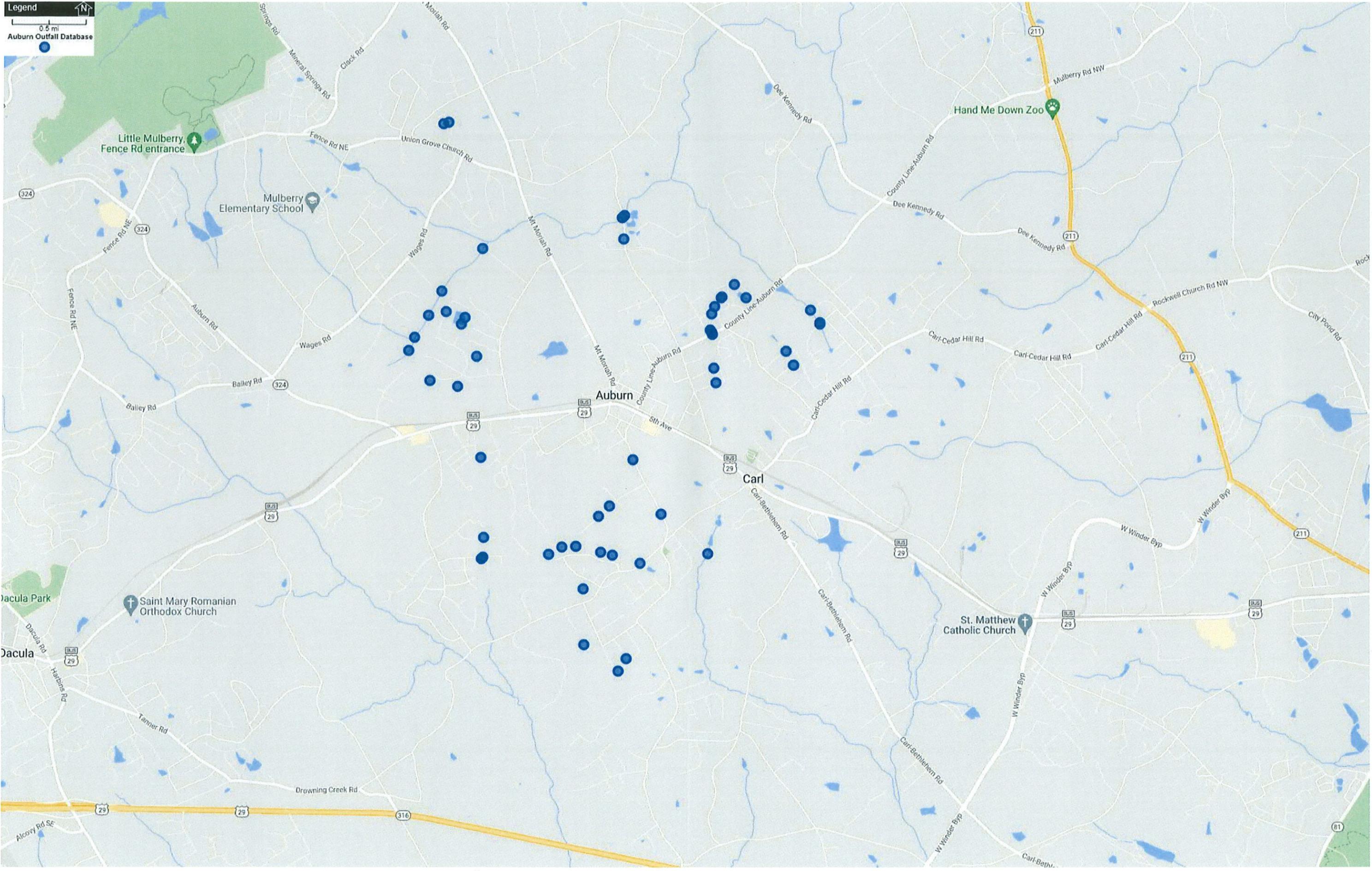
Condition of Pipe: Very Poor Poor Fair Good Excellent

Is it dry? Yes/No **Is there any indication of an illicit discharge (staining)?** Yes/No

Next Steps: No Action Work Order IDDE Screening Structural Repair Letter to Owner

Notes: _____

Legend
0.5 mi
Auburn Outfall Database





Auburn Outfall Database

1/13/2023

OBJECTID	Rn_Lst_72h	Structure_ID	Insp_Date	Time_	Insp_Name	Photo_Take	Ld_Use_In_	Pipe_Mat	Width	Dry__	ILL_Disch	Next_Step	Notes	Latitude	Longitude
148	0	OF1	6/28/2022	1100	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99990590800	-83.84303404350
149	0	OF2	3/22/2022	1415	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01929428860	-83.85114183910
150	0	OF3	3/22/2022	1130	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01745029710	-83.84383535110
151	0	OF4	3/22/2022	1215	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01455206450	-83.84606061470
152	0	OF5	3/22/2022	1300	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01510923860	-83.84931089950
153	0	OF6	3/22/2022	1340	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01804260860	-83.85181776420
155	0	OF7	3/22/2022	1025	J. Eggleston	N	Residential	RCP	24	Y	N	NA		34.02056568270	-83.84567059940
156	0	OF8	3/22/2022	1040	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02177011500	-83.84743770880
157	0	OF9	3/22/2022	1530	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02140554600	-83.84955264440
158	0	OF10	3/22/2022	0930	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02378256750	-83.84800755880
159	0	OF11	3/22/2022	1015	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02122590380	-83.84523604610
160	0	OF13	6/29/2022	0900	J. Eggleston	N	Residential	RCP	24	Y	N	NA		34.04012385520	-83.84721983090
161	0	OF12	6/29/2022	1000	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.03999865250	-83.84776650990
163	0	OF13	3/22/2022	0900	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02792316580	-83.84315243380
164	0	OF14	6/28/2022	0900	J. Eggleston	N	Residential	RCP	48	Y	N	NA		33.99781890980	-83.84322963700
165	0	OF15	6/28/2022	0930	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99798225550	-83.84308797040
166	0	OF16	4/18/2022	0900	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.00291039550	-83.82826245760
167	0	OF17	4/18/2022	1000	J. Eggleston	N	Residential	RCP	48	Y	N	NA		34.00195742890	-83.82955415030
168	0	OF18	4/22/2022	0900	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99814429530	-83.82786678740
169	0	OF19	4/22/2022	1000	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99848210680	-83.82925379020
170	0	OF20	4/22/2022	1130	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99901074620	-83.83217093370
171	0	OF21	4/22/2022	1300	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99896331240	-83.83378992120
172	0	OF22	4/22/2022	1430	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99827107370	-83.83537741250
173	0	OF23	4/20/2022	1300	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99491499710	-83.83133461100
174	0	OF24	4/20/2022	0900	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.98952879640	-83.83122777330
175	0	OF25	3/23/2022	0845	J. Eggleston	N	Commercial	Earthen	36	Y	N	NA		34.02885090100	-83.82661740610
177	0	OF26	6/29/2022	1200	J. Eggleston	N	Commercial	Earthen	36	Y	N	NA		34.00763616020	-83.84332747880
178	0	OF27	4/18/2022	1100	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.00217203590	-83.82210124460
179	0	OF28	4/18/2022	1330	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99738063510	-83.82463042240

180	0	OF29	4/20/2022	1100	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.98814104990	-83.82623700180
181	0	OF30	4/20/2022	1030	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.98697046890	-83.82722277480
182	0	OF31	3/23/2022	1015	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02004929550	-83.81636422910
183	0	OF32	3/23/2022	0945	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01980446410	-83.81620321360
184	0	OF33	3/23/2022	1115	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02228743560	-83.81588777190
185	0	OF34	3/23/2022	1215	J. Eggleston	N	Residential	CMP	60	Y	N	NA		34.02322570550	-83.81498113120
186	0	OF35	3/23/2022	1200	J. Eggleston	N	Residential	CMP	60	Y	N	NA		34.02316570810	-83.81511238450
187	0	OF36	3/23/2022	1230	J. Eggleston	N	Residential	CMP	60	Y	N	NA		34.02442434080	-83.81352821800
188	0	OF37	3/23/2022	1250	J. Eggleston	N	Residential	PIPE	24	Y	N	NA		34.02312073570	-83.81217882660
189	0	OF38	3/23/2023	1045	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02156876760	-83.81619762160
190	0	OF39	3/23/2022	0915	J. Eggleston	N	Residential	CMP	48	Y	N	NA		34.01962463930	-83.81610976600
191	0	OF40	3/24/2022	1000	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01488373630	-83.81566049790
192	0	OF41	3/24/2022	0900	J. Eggleston	N	Residential	CMP	24	Y	N	NA		34.01628733520	-83.81593209230
193	0	OF42	3/24/2022	1500	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02191625300	-83.80460945240
194	0	OF43	3/24/2022	1330	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.02069966460	-83.80355130460
195	0	OF44	3/24/2022	1300	J. Eggleston	N	Residential	CMP	24	Y	N	NA		34.02060229500	-83.80348131850
196	0	OF45	3/24/2022	1130	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01798507800	-83.80745254390
197	0	OF46	3/24/2022	1600	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		34.01659885140	-83.80663711690
198	0	OF47	4/18/2022	1200	J. Eggleston	N	Residential	Earthen	36	Y	N	NA		33.99833160880	-83.81664597140
199	0	OF48	3/23/2022	0830	J. Eggleston	N	Commercial	Earthen	36	Y	N	NA		34.03088688610	-83.82678052420
200	0	OF49	3/23/2022	0815	J. Eggleston	N	Commercial	Earthen	36	Y	N	NA		34.03112348970	-83.82655473320
201	0	OF50	4/18/2022	0830	J. Eggleston	N	Commercial	CMP	24	Y	N	NA		34.00741240890	-83.82546807790

Count: 51



**STORMWATER MANAGEMENT PONDS:
OPERATION AND MAINTENANCE INSPECTION FORM**

Contact Name: _____

Inspector: _____

Address: _____

Date: _____

Phone: _____

Location: _____

ID No.: _____

City of Auburn, GA's Stormwater Management for Post-Construction Ordinance requires regular inspections of all structural water quality detention ponds to ensure that they are being properly maintained and are functioning as originally designed.

The results of this year's inspection are as follows:

Visual inspection found no apparent problems with the structure.

Please complete the following repairs and/or maintenance items within 30 days of this report.

EARTHEN DAM OR RETAINING WALL

- ___ Remove trees and woody vegetation.
- ___ Remove/trap burrowing animals
- ___ Re-seed and repair bare areas or gullies.
- ___ Repair holes, depressions, and/or cracks.
- ___ Repair seepage, leakage, and/or "piping".

PRINCIPAL AND WATER QUALITY SPILLWAYS

- ___ Remove trash and/or debris from trash rack.
- ___ Clear obstructed water quality orifice(s).
- ___ Repair leaking and/or damaged riser/barrel.
- ___ Repair leaking and/or damaged concrete spillway.
- ___ Repair eroded or blocked outlet pipe.
- ___ Replace or unclog filter gravel around riser.

EMERGENCY SPILLWAY

- ___ Remove trees and woody vegetation.
- ___ Re-seed and repair bare areas or gullies.
- ___ Replace or repair displaced riprap.
- ___ Remove obstructions from spillway.

GENERAL POND MAINTENANCE

- ___ Repair eroded inlet channel.
- ___ Re-seed and/or repair bare areas or gullies.
- ___ Replace or repair riprap at inlet pipe(s).
- ___ Remove trash and/or debris from pond area.
- ___ Remove accumulated sediment from pond.
- ___ Mow and regularly maintain vegetation.

Additional Comments and Maintenance Concerns: _____

CITY OF AUBURN POND INVENTORY LIST

STR ID NO.	PARCEL NO.	DATE	ADDRESS	DESCRIPTION	OWNERSHIP	OWNER ADDRESS	CITY	STATE	ZIP
DP 31	AU09 020	2009	o Parks Mill Rd.	Auburn Ball Park	City of Auburn	PO Box 1059	Auburn	GA	30011
DP 32	AU05c 001z	2019	Auburn Crossing Drive	Pond B	ASC Association	3883 Rogers Bridge Rd	Duluth	GA	30097
DP 33	AU05c 075	2019	177 Creekside Bluff Way	Pond A	Clayton Property Group	5230 Bellewood CT STE A	Buford	GA	30518
DP 34	AU05c 001z	2019	Auburn Crossing Way	Pond C	Clayton Property Group	5230 Bellewood CT STE A	Buford	GA	30518
DP 36	AU015 011	2010	1700 Atlanta HWY	Grace Baptist	Grace Missionary Baptist	1700 Atlanta HWY. NW	Auburn	GA	30011
DP 41	AU05 027	2014	155 Autry Rd.	Autry Pines Senior Village	Autry Pines Senior Village LP	1341 Cassville Rd. NW	Cartersville	GA	30120
DP 43	AU02c 001z	2019	Moriah Way	Pond A-Moriah Woods	HOA (Moriah Woods)	PO Box 183	Winder	GA	30680
DP 44	AU02c 001z	2019	Moriah Woods Dr.	Pond B1	HOA (Moriah Woods)	PO Box 183	Winder	GA	30680
DP 45	AU02c 001z	2019	Rock Bridge CT	Pond B2	HOA (Moriah Woods)	PO Box 183	Winder	GA	30680
DP 46	AU05b 029	2019	150 Auburn Park Dr.	Rear of Lot (Transfluid)	Transfluid USA LLC	150 Auburn Park Dr.	Auburn	GA	30011
DP 48	AU05d 001z	2020	Atlanta Hwy.	Townes of Auburn	Rocklyn Homes INC	1612 Atlanta HWY.	Auburn	GA	30011
DP 49	AU05d 001z	2020	Atlanta Hwy.	Townes of Auburn	Rocklyn Homes INC	1612 Atlanta HWY.	Auburn	GA	30011

Dry Weather Outfall Screening Form

Name of City or County:	Data Sheet Number:
Date of screening (MM/DD/YY):	Time of screening:
Weather conditions:	
Sampling performed by:	

Outfall Description

Outfall Location:	Outfall I.D. Number:
Outfall Type/Material: <input type="checkbox"/> Closed Pipe (check): <input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Other: _____ <input type="checkbox"/> Open Channel (check): <input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> Grassy <input type="checkbox"/> Other: _____	Outfall Diameter/Dimensions:
Receiving stream and watershed name:	
Land use/industries in drainage area:	
GPS Coordinates:	Photo numbers:

Field Observations and Measurements

Flow from outfall? <input type="checkbox"/> Yes <input type="checkbox"/> No Flow Description: <input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial	
Odor: <input type="checkbox"/> None <input type="checkbox"/> Sewage <input type="checkbox"/> Sulfide (rotten eggs) <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Other _____	
Relative severity: <input type="checkbox"/> 0-None <input type="checkbox"/> 1-Faint <input type="checkbox"/> 2-Easily Detected <input type="checkbox"/> 3-Noticable from a distance	
Color: <input type="checkbox"/> Clear <input type="checkbox"/> White <input type="checkbox"/> Gray <input type="checkbox"/> Orange/Rust <input type="checkbox"/> Red <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Brown/Black <input type="checkbox"/> Other _____	
Relative severity: <input type="checkbox"/> 0-None <input type="checkbox"/> 1-Faint <input type="checkbox"/> 2-Clearly visible in bottle <input type="checkbox"/> 3-Clearly visible in flow	
Turbidity: <input type="checkbox"/> None <input type="checkbox"/> Cloudy <input type="checkbox"/> Opaque <input type="checkbox"/> Silty <input type="checkbox"/> Muddy <input type="checkbox"/> Other	
Relative severity: <input type="checkbox"/> 0-None <input type="checkbox"/> Slight cloudiness <input type="checkbox"/> 2-Cloudy <input type="checkbox"/> 3-Opaque	
Floatables: <input type="checkbox"/> None <input type="checkbox"/> Sewage <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Suds <input type="checkbox"/> Other _____	
Relative severity: <input type="checkbox"/> 0-None <input type="checkbox"/> 1-Few/slight <input type="checkbox"/> 2-Some <input type="checkbox"/> 3-Heavy	
Flow Temperature (°C):	
Flow pH:	pH meter calibrated? <input type="checkbox"/> Yes <input type="checkbox"/> No
Flow Conductivity (µmho/cm):	Conductivity meter calibrated? <input type="checkbox"/> Yes <input type="checkbox"/> No

Water Quality Sampling

Field Test Kit Manufacturer:	Model:
Fluoride (mg/L):	Fecal Coliform (MPN/100ml):
Surfactants (mg/L):	Analysis Comments:
Grab sample for lab? (fluoride/surfactants) <input type="checkbox"/> Yes <input type="checkbox"/> No	Bacteria Grab sample for lab? (fecal coliform) <input type="checkbox"/> Yes <input type="checkbox"/> No
Grab Sample ID:	Bacteria Grab Sample ID:

Outfall Potential for Illicit Discharge:

- Unlikely - or- No Flow Possible (presence of two or more indicators)
 Suspect (one or more indicators with severity of 2 or 3) Obvious - or- Confirmed

CITY OF AUBURN, GA

DRY WEATHER SCREENING PROCEDURES

Procedures included below are deemed to be the most appropriate for the City of Auburn (City) land use, resources and environment. These procedures constitute a program that will be the most likely to detect illicit discharges.

1. Dry Weather Screening Location and Schedule

Outfalls to be sampled will be selected based on the City's map of outfalls that outfall to Waters of the State.

The City will inspect 100% of outfalls during the permit cycle. Per the requirements of the permit, a minimum of 5% of the overall outfall inventory will be inspected on an annual basis. Outfalls inspected during each reporting period will be noted on a map, and that map will be provided to the EPD in the Annual Report.

2. Field Screening/Sampling Procedures

- a) *Weather Conditions:* Screening will take place during dry weather conditions (i.e. no rain event for 72 hours previous to sample event). If there is no flowing water at the time of field screening, the sample team will record "no flow observed." If flow is observed, the sample team will perform visual and chemical monitoring (as described below) to determine if there is an illicit discharge.
- b) *Visual Monitoring:* Sample team will record the following observations about the outfall:
 - Visually inspect the discharge for rate of flow, color, oil sheen, floatables, stains from illicit dumping, and odor.
 - Visually inspect discharge for biological indicators including: emergent vegetation, algae blooms, lack of or stunted vegetation, presence or absence of aquatic life, and fish kills.
- c) *Chemical Monitoring:* Sample team will sample the flow for the following parameters:
 - Measure the discharge from the outfall for the following parameters using a probe(s): pH, temperature, and conductivity.
 - Sample the discharge for fluoride and surfactants/detergents. The samples will be delivered to a certified laboratory for analysis.
- d) *Bacteria Monitoring:* Collect grab samples for E. coli if conductivity or surfactants are measured above baseline limits. A sample should also be taken if visual evidence is present including milky white or gray color and floatables, a sewage odor, or other applicable evidence of potential sanitary sewer discharge.

3. Illicit Discharge Source Tracing

Once a potential illicit discharge is detected through the dry weather screening program, it will be the responsibility of the City to trace the source. The source tracing program will involve four elements:

- Visual inspection
- Additional field sampling
- Stormwater inspection
- Dye testing

Upon detection of a potential illicit discharge, City staff will visually inspect up-system of the outfall in question to search for evidence indicating the source of the illicit discharge or illegal dumping. If the up-system search does not provide definitive evidence of the source, then City staff may elect to perform one or more of the following: additional field sampling, dye testing, and/or stormwater inspection.

Additional field sampling may be performed within the conveyance system. Samples will be taken at storm sewer line connections and convergences to determine the source of illicit discharge.

The City may also elect to perform a stormwater site inspection at a facility suspected of having an illicit connection. During inspection, dye testing may be performed to determine if there is a tie in. Potential illegal connections, such as floor drains, will be investigated as part of this inspection process.

Dye testing may be performed if the suspected illicit connection is likely to be an illegal sanitary sewer line tie-in, i.e. sampling revealed high levels of fecal coliform, detergent, or high conductivity. In dye testing, non-toxic fluorescent dye is flushed down a toilet or sink, and if the dye appears in the storm sewer system, then an illegal tie-in is confirmed.

Staff will initially walk up the stormwater system conveyance line and perform additional water quality sampling as necessary in order to locate the source of an illicit connection or discharge.

Upon identification of a source of illicit discharge, it will be the City's Code Enforcement Officer's responsibility to enforce the Illicit Discharge provisions of the Illicit Discharge Ordinance. These regulations give the City the authority to require parties illegally discharging to the MS4 to remove the illicit connection, as well as penalize violators of the ordinance. The procedures to be followed when issuing a violation and/or implementing enforcement actions are included in the Illicit Discharge Ordinance.

Following completion of the source tracing effort, the City will document the measures taken to identify the source as well as the results of the investigation and any actions taken therein.

4. Quality Assurance/Quality Control (QA/QC) Procedures

- Confirmation:* All visual observations will be documented via a digital photograph of the outfall. Field tests may be performed twice if a baseline level is exceeded to confirm positive results. The table below should be used when reviewing lab results.

Parameter	Baseline Limit	Potential Source of Contamination
pH	Less than 6.0 or greater than 9.0	Low pH – Industries including textile mills, pharmaceuticals, metal finishers/fabricators, companies dealing in resins, fertilizers or pesticides.
		High pH – Industries including soap manufacturers, metal plating, concrete, lime and rubber or plastic producers.
Turbidity	Greater than 100 NTU	Construction site runoff.
Conductivity	Greater than 300 $\mu\text{mho/cm}$	Presence of contaminating ions from wastewater (sanitary or industrial).
Fluoride	Greater than 0.2 mg/l	Presence of contaminating ions from wastewater (sanitary or industrial) or potable water.
Detergents/ Surfactants	Greater than 0.2 ppm	Industrial and household wash water, wastewater, laundromats.

b) *Equipment:* Probe(s) will be used to measure temperature, conductivity, and pH. Brands that will be acceptable will include LaMotte, Hach, and Horiba. Chemical samples will be taken to a certified lab for analysis.

c) *Probes:* Any probes used to measure temperature, conductivity, and pH must be calibrated at the start of each day when sampling will take place. Readings should be taken directly in outfall flow, if possible. All probes should be washed with distilled

water before and after a reading is taken. If in-flow sampling is not possible, then a container or bucket should be used to collect a sample to take readings. The bucket should be rinsed twice with flow from outfall and readings taken on the third fill.

- d) *Bacteria Procedure:* E. coli samples must be taken directly in the outfall flow in a sterilized container to avoid contamination. Samples will be de-chlorinated with Sodium Thiosulfate, and stored in a cooler with ice. Samples will be processed within six hours of the event. Samples may only be performed once at applicable outfalls during a sampling event due to cost considerations. Samples will be taken to the local Wastewater Treatment Plant laboratory or other local EPA/State accredited laboratory.



**STORMWATER MANAGEMENT PONDS:
OPERATION AND MAINTENANCE INSPECTION FORM**

Contact Name: _____

Inspector: _____

Address: _____

Date: _____

Phone: _____

Location: _____

ID No.: _____

City of Auburn, GA's Stormwater Management for Post-Construction Ordinance requires regular inspections of all structural water quality detention ponds to ensure that they are being properly maintained and are functioning as originally designed.

The results of this year's inspection are as follows:

Visual inspection found no apparent problems with the structure.

Please complete the following repairs and/or maintenance items within 30 days of this report.

EARTHEN DAM OR RETAINING WALL

- ___ Remove trees and woody vegetation.
- ___ Remove/trap burrowing animals
- ___ Re-seed and repair bare areas or gullies.
- ___ Repair holes, depressions, and/or cracks.
- ___ Repair seepage, leakage, and/or "piping".

PRINCIPAL AND WATER QUALITY SPILLWAYS

- ___ Remove trash and/or debris from trash rack.
- ___ Clear obstructed water quality orifice(s).
- ___ Repair leaking and/or damaged riser/barrel.
- ___ Repair leaking and/or damaged concrete spillway.
- ___ Repair eroded or blocked outlet pipe.
- ___ Replace or unclog filter gravel around riser.

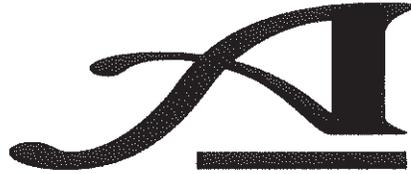
EMERGENCY SPILLWAY

- ___ Remove trees and woody vegetation.
- ___ Re-seed and repair bare areas or gullies.
- ___ Replace or repair displaced riprap.
- ___ Remove obstructions from spillway.

GENERAL POND MAINTENANCE

- ___ Repair eroded inlet channel.
- ___ Re-seed and/or repair bare areas or gullies.
- ___ Replace or repair riprap at inlet pipe(s).
- ___ Remove trash and/or debris from pond area.
- ___ Remove accumulated sediment from pond.
- ___ Mow and regularly maintain vegetation.

Additional Comments and Maintenance Concerns: _____



{Date}

[Contact Name]

[Organization]

[Mailing Address]

[City], [State] [Zip]

RE: NOTICE OF UPCOMING STORMWATER FACILITY INSPECTIONS

Dear {Contact Name}:

During [site visit date] the **City of Auburn** will be conducting an inspection of the [type of BMP] in your control or ownership located at [Physical Address]. State and local regulations require regular inspections of all structural best management practices (BMP's) to ensure the proper function of these structures. This inspection will focus on key structural components, sediment capacity, and maintenance practices.

The City of Auburn will notify you of the results of the inspection and any recommendations or requirements to ensure the proper function of your BMP. The city requests that you complete the recommended maintenance activities within 30 days of receipt of this letter. Owners of stormwater facilities located in residential areas may have an option to transfer ownership of the facility to the City, if desired, and therefore no longer be responsible for required maintenance activities.

General information on routine and non-routine maintenance of your stormwater facility is enclosed. If you have any questions concerning the inspections process of the enclosed information, please feel free to contact me at (770) 963-4002, Ext. 207

V/R,

Johnathen Eggleston

City Planner/Storm Water Coordinator

770-963-4002 Ext. 208

770-238-9144

jeggleston@cityofauburn-ga.org



**STATE OF GEORGIA
BARROW COUNTY
CITY OF AUBURN**

Stormwater Facilities Maintenance Agreement

WHEREAS, the Property Owner, _____ recognizes that the wet or extended detention facility or facilities (hereinafter referred to as "the facility" or "facilities") must be maintained for the development called, _____, located in Land Lot(s) _____, District(s) _____, of Barrow County, Georgia; and,

WHEREAS, the Property Owner is the owner of real property more particularly described on the attached **Exhibit A** (hereinafter referred to as "the Property"), and,

WHEREAS, City of Auburn (hereinafter referred to as "the City") and the Property Owner, or its administrators, executors, successors, heirs, or assigns, agree that the health, safety and welfare of the citizens of the City require that the facilities be constructed and maintained on the property, and,

WHEREAS, the Code of the City of Auburn requires that facility or facilities as shown on the approved development plans and specifications be constructed and maintained by the Property Owner, its administrators, executors, successors, heirs, or assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

The facility or facilities shall be constructed by the Property Owner in accordance with the plans and specifications for the development.

SECTION 2

The Property Owner, its administrators, executors, successors, heirs or assigns shall maintain the facility or facilities in good working condition acceptable to the City, including pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater, and in accordance with the schedule of long term maintenance activities agreed hereto and attached as **Exhibit B**.

SECTION 3

The Property Owner, its administrators, executors, successors, heirs and assigns hereby grants permission to the City, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever the City deems necessary. Whenever possible, the City shall provide notice prior to entry. The Property Owner shall execute an access easement in favor of City of Auburn to allow the City to inspect, observe, maintain, and repair the facility as deemed necessary. A fully executed original access easement is attached to this Agreement as **Exhibit C** and by reference made a part hereof.

SECTION 4

In the event the Property Owner, its administrators, executors, successors, heirs or assigns fails to maintain the facility or facilities as shown on the approved plans and specifications in good working order acceptable to the City and in accordance with the maintenance schedule incorporated in this Agreement, and in the event the violation constitutes an immediate danger to public health or public safety, the City, with due notice, may enter the property and take whatever steps it deems necessary to return the facility or facilities to good working order. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the facility or facilities and in no event shall this Agreement be construed to impose any such obligation on the City.

SECTION 5

In the event the City, pursuant to this Agreement, performs work of any nature, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, the Property Owner shall reimburse the City, or shall forfeit any required bond upon demand within thirty (30) days of receipt thereof for all the costs incurred by the City hereunder. If not paid within the prescribed time period, the City shall secure a lien against the real property in the amount of such costs. The actions described in this section are in addition to and not in lieu of any and all legal remedies available to the City as a result of the Property Owner's failure to maintain the facility or facilities.

SECTION 6

It is the intent of this Agreement to insure the proper maintenance of the facility or facilities by the Property Owner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or caused by storm water runoff.

SECTION 7

Sediment accumulation resulting from the normal operation of the facility or facilities will be catered for. The Property Owner will make accommodation for the removal and disposal of all accumulated sediments. Disposal will be provided onsite in a reserved area(s) or will be removed from the site. Reserved area(s) shall be sufficient to accommodate for a minimum of two dredging cycles.

SECTION 8

The Property Owner shall provide the City with a bond or a letter of credit providing for the maintenance of the facility or facilities pursuant to the City's Code concerning Maintenance Agreements.

SECTION 9

The Property Owner shall use the standard BMP Operation and Maintenance Inspection Report attached to this agreement as **Exhibit D** and by this reference made a part hereof for the purpose of a minimal annual inspection of the facility or facilities by a qualified inspector.

SECTION 10

The Property Owner, its administrators, executors, successors, heirs and assigns hereby indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City from the construction, presence, existence or maintenance of the facility or facilities by the Property Owner or the City. In the event a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend at its own expense any suit based on such claim. If any judgment or claims against the City, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith.

SECTION 11

This Agreement shall be recorded among the deed records of the Clerk of Superior Court of Barrow County and shall constitute a covenant running with the land and shall be binding on the Property Owner, its administrators, executors, heirs, assigns and any other successors in interest.

SECTION 12

This Agreement may be enforced by proceedings at law or in equity by or against the parties hereto and their respective successors in interest.

SECTION 13

Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

SECTION 14

Any notice, demand, request or other communication required or permitted to be given hereunder (a "Notice") shall be in writing and either (i) personally delivered, or (ii) sent by U.S. certified or registered mail, return receipt requested, postage pre-paid, or (iii) sent by Federal Express or similar service to the party being given such notice at the following address:

Property Owner: _____

Attention: _____

City of Auburn: City of Auburn
1369 4th Ave, P.O. Box 1059
Auburn, Georgia 30011
Attention: Community Development Director

All notices shall be effective (and the time period in which a response to any notice must be given, if any, shall commence to run on such effective date) depending on the form of delivery, as follows: (i) If personally delivered, on the date of receipt; or (ii) if sent by U.S. certified or registered mail, three (3) days after being deposited in the U.S. mail; or (iii) if sent by Federal Express or similar service, on the date of receipt. Rejection or failure to claim delivery of any such Notice, demand or request, or the inability to deliver because of changed address of which no Notice was given, shall be deemed to be receipt of the Notice, demand or request sent three (3) days after being deposited in the U.S. mail or the date of attempted personal delivery, as the case may be. By giving at least thirty (30) days written notice thereof, any party shall have the right from time to time and at any time to change their respective addresses.

SO AGREED this _____ day of _____, 20____.

PROPERTY OWNER CORPORATION

Name of Corporation:

Printed or Typed Name

BY: _____
Signature

Attest: _____
Signature of Witness

Typed or Printed Name

Typed or Printed Name

Title: _____

Title: _____

(CORPORATE SEAL)

Notary: _____

AUBURN, GEORGIA

By: _____
City of Auburn
Director of Community Development

Attachments:

- Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

SO AGREED this _____ day of _____, 20____.

**PROPERTY OWNER
PARTNERSHIP**

Name of Partnership: _____, A Georgia General
Printed or Typed Name Partnership Corporation

BY: _____ (Seal)
Signature

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
General Partner

Title: _____ (Seal)
Notary Public

AUBURN, GEORGIA

By : _____
City of Auburn
Director of Community Development

Attachments:

- Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

SO AGREED this _____ day of _____, 20____ .

**PROPERTY OWNER
LIMITED LIABILITY CORPORATION**

Name of LLC: _____,
Printed or Typed Name

BY: _____
Signature

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
Managing Person

Title: _____ (Seal)
Notary Public

AUBURN, GEORGIA.

By : _____
City of Auburn
Director of Community Development

Attachments:

- Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

SO AGREED this _____ day of __, 20__

**PROPERTY OWNER
INDIVIDUAL OR PROPERTY OWNED JOINTLY BY SEVERAL INDIVIDUALS**

By: _____
Signature of Owner

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

By: _____
Signature of Owner

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

By: _____
Signature of Owner

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Notary Public (Seal)

AUBURN, GEORGIA.

By: _____
City of Auburn
Director of Community Development

Attachments: Exhibit A (Plat and Legal Description)
 Exhibit B (Maintenance and Inspection Schedule)
 Exhibit C (Access Easement)
 Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

EXHIBIT 'C'

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

STATE OF GEORGIA
COUNTY OF BARROW
CITY OF AUBURN

THIS EASEMENT granted this ____ day of _____, 20 ____ between the property owner _____ as party of the first part, hereinafter referred to as Grantor, and CITY OF AUBURN, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as Grantee.

WITNESSETH THAT: Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) in hand paid at and before the sealing and delivery of this easement and in consideration of the agreements and covenants contained in this document and the Maintenance Agreement between Grantor and Grantee, hereby grants unto the Grantee an easement in and to that portion of the property shown on Exhibit "A" to the Maintenance Agreement, as shown and identified on the plat attached hereto as **Exhibit "1"**.

The purpose of this easement is to allow Grantee, or its agents, access for inspection to determine any required maintenance activities to the Water Quality Best Management Practice (BMP) facility, and to prevent development of the property within the easement following issuance of the Certificate of Occupancy or in the case of a residential subdivision, the approval of the Final Plat, without written permission from the City of Auburn Department of Community Development. This easement is required by the provisions of the Maintenance Agreement executed by and between the Grantor and Grantee.

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20____.

**PROPERTY OWNER
INDIVIDUAL OR PROPERTY OWNED JOINTLY BY SEVERAL INDIVIDUALS**

By: _____ Attest: _____
Signature of Owner Witness

Printed or Typed Name Printed or Typed Name

By: _____ Attest: _____
Signature of Owner Signature of Witness

Printed or Typed Name Printed or Typed Name

By: _____ Attest: _____
Signature of Owner Signature of Witness

Printed or Typed Name Printed or Typed Name

(Seal) _____
Notary Public

Attachments: Exhibit 1 (Plat of Easement)

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20_____.

**PROPERTY OWNER
CORPORATION**

Name of Corporation: _____, A Georgia Corporation
Printed or Typed Name

By: _____ Attest: _____
Signature Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____ Title: _____
(President or Vice President) (Corporate Secretary or
Corporate Secretary Assistant

(CORPORATE SEAL)

Attachments: Exhibit 1 (Plat of Easement)

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20____.

**PROPERTY OWNER
PARTNERSHIP**

Name of Partnership: _____, A Georgia Corporation
Printed or Typed Name

By: _____ (Seal) Attest: _____
Signature Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
General Partner

Notary Public (Seal)

Attachments: Exhibit 1 (Plat of Easement)

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20____.

**PROPERTY OWNER
LIMITED LIABILITY CORPORATION**

Name of LLC: _____,
Printed or Typed Name

By: _____
Signature

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
Managing Person

Notary Public (Seal)

Attachments:

Exhibit 1 (Plat of Easement)

EXHIBIT 'D'

BMP Facility Operation and Maintenance Inspection Report for Pond Facilities

Inspector Name _____ Community _____

Inspection Date _____ Address _____

Type of BMP _____

Watershed _____ Tax Map _____

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
I. POND FACILITIES					
A. Pond Dam Embankments and Emergency Spillways					
1. Vegetation and Ground Cover Adequate					
2. Surface Erosion					
3. Animal Burrows					
4. Unauthorized Planting					
5. Cracking, Bulging, or Sliding of Dam					
a. Upstream Face					
b. Downstream Face					
c. At or Beyond Toe					
Upstream					
Downstream					
d. Emergency Spillway					
6. Pond, Toe & Chimney Drains Clear & Funct.					
7. Seeps/Leaks on Downstream Face.					

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
8. Slope Protection or Riprap Failures					
9. Vertical and Horizontal Alignment of Top of Dam as Per "As-Built" Plans					
10. Emergency Spillway Clear of Obstructions and					
11. Other (Specify)					
B. Riser and Principal Spillway Type: Reinforced Concrete Corrugated Pipe Masonry *Indicates Dry Ponds Only 1.* Low Flow Orifice Obstructed					
2.* Low Flow Trash Rack					
a. Debris Removal Necessary					
b. Corrosion Control					
3. Weir Trash Rack Maintenance					
a. Debris Removal Necessary					
b. Corrosion Control					
4. Excessive Sediment Accumulation Inside Riser					
5. Concrete/Masonry Condition Riser & Barrels					
a. Cracks or Displacement					
b. Minor Spalling (<1")					
c. Major Spalling (Rebars Exposed)					
d. Joint Failures					
e. Water Tightness					
6. Metal Pipe Condition					
7. Control Valve					
a. Operational/Exercised					
b. Chained and Locked					

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
8. Pond Drain Valve					
a. Operational/Exercised					
b. Chained and Locked					
9. Outfall Channels Functioning					
10. Other (Specify)					
C. Permanent Pool - Wet Ponds					
1. Undesirable Vegetative Growth					
2. Floating or Floatable Debris Removal Required					
3. Visible Pollution					
4. Shoreline Problems					
5. Other (Specify)					
D. Dry Pool Areas - Dry Pond					
1. Vegetation Adequate					
2. Undesirable Vegetative Growth					
3. Undesirable Woody Growth					
4. Low Flow Channels Clear of Obstructions					
5. Standing Water or Wet Spots					
6. Sediment and/or Trash Accumulation					
7. Other (Specify)					
E. Condition of Outfalls into Pond Area					
1. Rip Rap Failures					
2. Slope Invert Erosion					
3. Storm Drain Pipes					
4. Endwalls/Headwalls					
5. Other (Specify)					

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
F. Other					
1. Encroachments on Pond or Easement Area (Be Specific)					
2. Complaints from Local Residents (Describe on Back)			N/A	N/A	
3. Aesthetics					
a. Grass Mowing Reqd.					
b. Graffiti Removal Reqd.					
c. Other					
4. Public Hazards (Be Specific)					
5. Maintenance Access					

SUMMARY

1. Inspector's Remarks _____

2. Overall Condition of Facility (Check One) Acceptable _____
 Unacceptable _____

3. I hereby certify under penalty of perjury that I have performed the inspections and made a good faith effort to identify the items that need maintenance. I further certify that failure to inspect or misrepresent the need for maintenance could result in my liability for personal or property damage.

Signed: _____
 Inspector

Date: _____

City of Auburn
Maintenance Agreements

LOCATION	OWNER	EXECUTION DATE
Moriah Woods	316 Residential LLC	February 5, 2017
Auburn Station	Yost Communities	February 11, 2019
Transfluid	Transfluid LLC	February 4, 2020
Affordable Truck Tires	Affordable Truck Tires	November 25, 2020



STORMWATER DETENTION POND REPORT of FINDINGS:

Contact Name: _____

Inspector: _____

Address: _____

Date: _____

Phone: _____

Location: _____

ID No.: _____

City of Auburn, GA's Stormwater Management for Post-Construction Ordinance requires regular inspections of all structural water quality detention ponds to ensure that they are being properly maintained and are functioning as originally designed.

The results of this year's inspection are as follows:

Visual inspection found no apparent problems with the structure.

Please complete the following repairs and/or maintenance items within 30 days of this report.

EARTHEN DAM OR RETAINING WALL

- ___ Remove trees and woody vegetation.
- ___ Remove/trap burrowing animals
- ___ Re-seed and repair bare areas or gullies.
- ___ Repair holes, depressions, and/or cracks.
- ___ Repair seepage, leakage, and/or "piping".

PRINCIPAL AND WATER QUALITY SPILLWAYS

- ___ Remove trash and/or debris from trash rack.
- ___ Clear obstructed water quality orifice(s).
- ___ Repair leaking and/or damaged riser/barrel.
- ___ Repair leaking and/or damaged concrete spillway.
- ___ Repair eroded or blocked outlet pipe.
- ___ Replace or unclog filter gravel around riser.

EMERGENCY SPILLWAY

- ___ Remove trees and woody vegetation.
- ___ Re-seed and repair bare areas or gullies.
- ___ Replace or repair displaced riprap.
- ___ Remove obstructions from spillway.

GENERAL POND MAINTENANCE

- ___ Repair eroded inlet channel.
- ___ Re-seed and/or repair bare areas or gullies.
- ___ Replace or repair riprap at inlet pipe(s).
- ___ Remove trash and/or debris from pond area.
- ___ Remove accumulated sediment from pond.
- ___ Mow and regularly maintain vegetation.

Additional Comments and Maintenance Concerns: _____

CITY OF AUBURN, GEORGIA

GI/LID PROGRAM

Revised: October 2020

Prepared in conjunction with requirements of the
Georgia Municipal Separate Storm Sewer System
NPDES Permit No. GAG610000

BACKGROUND & PURPOSE

Separate Phase II Municipal Separate Storm Sewer System (MS4) and National Pollutant Discharge Elimination System (NPDES) permits were issued to the City of Auburn in 2003. The City of Auburn is located on the western portion of Barrow County with portions of the city extending into Gwinnett County. Barrow County is bounded by Gwinnett County to the west, Walton County to the south, Hall and Jackson Counties to the north, and Clarke and Oconee Counties to the east and southeast. Auburn is Barrow County's second largest city with the largest being the county seat of Winder. According to the 2019 American Community Survey, the city's population is 7,660. Auburn's MS4 consists of approximately 6.5 square miles of area. The city is responsible for regulating and enforcing city ordinances regarding land disturbance permits, sedimentation and erosion control, and litter control.

The City of Auburn lies within the Upper Oconee watershed in the Piedmont region of the state. The city contains two watersheds – the Upper Apalachee River and Mulberry River watersheds. The main hydrologic feature within the city is the Apalachee River which forms the boundary between Barrow and Gwinnett Counties. The Apalachee River originates in Gwinnett County, flows southeastward for approximately 65 miles, before emptying into Lake Oconee and the Oconee River. The city also contains Rock Creek (tributary to the Mulberry River), Williamson Creek (tributary to the Apalachee River), and several unnamed tributaries.

The Pacolet Soil series is most abundant in the area, followed by Cecil sandy loam and Appling sandy loam. These soils are considered well-drained with moderate permeability and are in the hydrologic soil group B. Soils in hydrologic group B have moderate infiltration rates when thoroughly wetted and a moderate rate of water transmission. They consist of moderately well drained soils with moderately fine to moderately coarse textures. Typical maximum infiltration rates are 6 in/hr when dry and 0.3 in/hr when saturated. For a complete list of soils, information can be found by utilizing USDA's Web Soil Survey located at <https://websoilsurvey.sc.egov.usda.gov/>

Table 1: Top 3 Soil Series in Auburn MS4 area.

Soil Series	Permeability	Depth to water table	Depth to bedrock
Pacolet series, 10 to 15% slopes, eroded	Moderate	>80 in.	>60 in.
Cecil sandy loam, 6 to 10% slopes	Moderate	> 80 in.	6-10 ft.
Appling sandy loam, 2 to 6% slopes	Moderate	> 80 in.	6-10 ft.

LEGAL AUTHORITY

Per Phase II MS4 permit requirements, permittees shall continue to review and revise, where necessary, building codes, ordinances, and other regulations to ensure they do not prohibit or impede the use of GI/LID practices, including infiltration, reuse, and evapotranspiration. At a minimum, the permittee shall assess those regulations governing residential and commercial development, road design, and parking requirement. During the regulatory review, the permittee should consider the inclusion of incentives for use of GI/LID practices into the ordinance.

Jurisdiction	Date of Adoption
	GI/LID Ordinance: <i>Section 18.12, Post Development Stormwater Management for New Development and Redevelopment to Encourage Green Infrastructure and Low Impact Development.</i>
City of Auburn	December 3, 2020

GI/LID PROGRAM

Green Infrastructure and Low Impact Development (GI/LID) refers to a broad range of development practices and stormwater structures that encourage infiltration, evapotranspiration, and/or harvest and use of rainwater onsite to improve water quantity and water quality and to protect the natural resources of Auburn, GA. This is done by minimizing the production of runoff through the application of better site design techniques, referred to as Low Impact Development (LID), that direct runoff from development to appropriate areas, preserve natural features that aid in water management, and minimize impervious cover. These better site design techniques are combined with Integrated Management Practices (IMPs), referred to as Green Infrastructure, that manage stormwater at the source as much as possible. Auburn's GI/LID program is geared towards successful outcomes through flexible implementation of design alternatives. We have adopted the approach that each Low Impact Land Development Plan is unique and is driven primarily by site-specific engineering constraints. **Currently, the city does not have any GI/LID structures within the MS4 permit area and does not maintain an inventory.** However, submittals will be reviewed and approved on a case by case basis. Auburn has developed a program that satisfies regulatory requirements and at the same time provides flexibility to accommodate site specific constrains and accordingly develop techniques/control measures that will provide desired performance. In addition, designer may consider using regional and national guidance on case by case basis with prior approval from the City.

GI/LID REQUIREMENTS (PERFORMANCE STANDARDS)

New development & redevelopment plans are submitted to the Auburn Community Development Department for project approval. The development plans are reviewed by the City staff to ensure that the proposed development conforms to all provisions of the Comprehensive Zoning Ordinance including land use, buffers, and other features regulated by the Zoning Ordinance. Design guidelines and construction standards for new development and redevelopment are provided by the Department. This includes Comprehensive Zoning Ordinance, Land Subdivision Regulations, Development Regulations, Stormwater Ordinance, Tree Ordinance, Flood Damage Prevention Ordinance, Soil Erosion, Sediment Control and Pollution Control Ordinance, Groundwater Recharge Area Protection Ordinance, Water Supply and Watershed Ordinance, and Auburn Public Works Design Standards and Right-of-Way Encroachment for Utilities Guidelines.

In addition to addressing the issues that deal with flood plain and soil erosion and sediment control, the development regulations require that the developer submit a Stormwater Management Plan, a hydrology study and a descriptive note providing BMP information for review by the Department and its' consulting engineer. Stormwater management design for submitted projects is assessed using the Georgia Stormwater Manual and associated guidance documents.

All stormwater runoff shall be adequately treated to maximum extent practicable prior to discharge. The storm water management system shall be designed to capture and retain or treat the water quality treatment of volume, which is defined as the runoff volume resulting from the first 1.2 inches of rainfall from a new development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involve land disturbing activity of one acre of land or greater, or redevelopment that creates, adds, or replaces 5,000 square feet or greater impervious surface area, or that involves land disturbing activity of one acre of land or greater. If the first 1.0 inch of rainfall can be retained onsite, then additional water quality treatment is not required.

GI/LID BMPs & FEASIBILITY

The City of Auburn will allow the use of all GI/LID structures, better site planning techniques, and better site design techniques that are included in the 2016 Georgia Stormwater Management Manual. The City has evaluated the feasibility and will focus on the structures outlined in Table 2.

Table 2: GI/LID Structure Feasibility

The table below examines the feasibility of certain GI/LID practices that may be used in the City.

BMP Type	Appropriate Setting	Soil Feasibility	Groundwater Table Depth	Construction Cost	Maintenance Burden	Runoff Reduction	WQv/TSS
Bioretention	Upland	0.5 inch/hr. minimum	<2 ft.	>10%	Moderate	50-100%	85%
Dry Detention Basins	Upland	0.5 inch/hr. minimum	<2 ft.	>10%	Low	No	60%
Dry Enhanced Swales	Upland	Engineered Media	<2 ft.	>10%	Low	50-100	80%
Permeable Paver Systems	Any	No restrictions	<2 ft.	>10%	High	Yes	80%

Adapted from the 2016 Georgia Stormwater Management Manual. Full Manual can be found at the link below.

<https://atlantaregional.org/natural-resources/water/georgia-stormwater-management-manual/>

Bioretention areas are shallow stormwater basins or landscaped areas that utilize engineered soils and vegetation to capture and treat stormwater runoff. Bioretention areas may be designed with an underdrain that returns runoff to the conveyance system or designed without an underdrain to exfiltrate runoff into the soil.

Dry Detention Basins are surface facilities intended to provide temporary storage of stormwater runoff to reduce downstream water quantity impacts.

Dry Enhanced Swales are vegetated open channels that are designed and constructed to capture and treat stormwater runoff within dry swales formed by check dams or other structures.

A **Permeable Paver System** is a pavement surface composed of structural units with void areas that are filled with pervious materials such as gravel, sand, or grass turf. The system is installed over a gravel base course that provides structural support and stores stormwater runoff that infiltrates through the system into underlying permeable soils.

GI/LID STRUCTURE INSPECTION & MAINTENANCE PROGRAM

Permit Requirements

Per Phase II MS4 permit requirements, permittees must:

- 1) Conduct inspections and/or ensure that inspections are conducted on 100% of the total privately owned non-residential and publicly owned GI/LID structures within a 5-year period, beginning in June 2020. Provide the number and/or percentage of the total structures inspected during the reporting period in each annual report.
- 2) Conduct maintenance on the publicly owned GI/LID structures, as needed, beginning in June 2020. Provide the number and/or percentage of the total structures maintained during the reporting period in each annual report.
- 3) Develop procedures for ensuring privately-owned non-residential GI/LID structures are maintained as needed. Provide the procedures to EPD for review with the 2020 annual report. Upon EPD approval, implement the procedures and provide documentation in each subsequent annual report.

Table 3: GI/LID Inspection and Maintenance Responsibilities – City of Auburn

The table below indicates the GI/LID inspection and maintenance responsibilities within the City of Auburn.

Location	Inspection Responsibility	Maintenance Responsibility
Within MS4 and public right-of-way	APW	APW
Private non-residential	APW	Property Owner (APW ensures that maintenance has been completed by owner)
Private residential	Property Owner	Property Owner
APW facilities (i.e. water treatment plants)	APW	APW
City of Auburn government facilities	APW	APW/City of Auburn

GI/LID Inspection Program

As directed by EPD, 100% of the total privately owned non-residential and publicly owned GI/LID structures will be inspected within the 5-year permit term. APW is responsible for inspecting and verifying maintenance for privately-owned non-residential structures as well as inspecting and maintaining all public structures.

Table 4: Sample GI/LID Inspection Schedule

ID #	File #	Location	Parcel #	Project Name	GI/LID Description	Inspection Results	Inspection Year	Inspection Date

Privately Owned Non-Residential Structures

- 1) Required to be maintained by the individual property owners.
- 2) Required to complete a signed and notarized maintenance agreement with the City.
- 3) The City will inspect privately-owned structures once every 5 years to verify inspection and maintenance needs and include remedies for default.

Publicly Owned Structures

- 1) Required to be inspected by APW and conditions are documented on an inspection form.
- 2) Required to be maintained by APW and/or City of Auburn.
- 3) 100% of the total publicly owned structures are required to be inspected in the 5-year term.
- 4) Required to submit the number and/or percentage of the total structures maintained during the reporting period in each annual report.
- 5) Required to submit the number and/or percentage of the total structures inspected during the reporting period in each annual report.

Violation Procedures

If APW identifies failure and/or non-compliance with any stormwater maintenance agreement, property owners may be subject to the enforcement actions outlined in Section 18.12 of the Auburn Code of Ordinances.

Inspection Program:

- 1) **Right-of-Entry for Inspection:** The terms of the inspection and maintenance agreement shall provide for the Director of Public Works or his/her designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.
- 2) **Records of Maintenance Activities:** Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Director of Public Works or his/her designee.
- 3) **Failure to Maintain.** If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Director of Public Works or his/her designee, after thirty days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The Director of Public Works or his/her designee may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for the property and collected in the ordinary manner for the taxes.

Penalties:

Stop Work Order: The Director of Public Works or his/her designee may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, 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 the violation or violations.

Withhold Certificate of Occupancy: The Director of Public Works or his/her designee may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

Suspension, Revocation or Modification of Permit: The Director of Public Works or his/her designee may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided the permit may be reinstated (upon the conditions as the Director of Public Works or his/her designee may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure the violations.

Civil Penalties: In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or the greater period as the Director of Public Works or his/her designee shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four hours' notice shall be sufficient) after the Director of Public Works or his/her designee has taken one or more of the actions described above, the Director of Public Works or his/her designee may impose a penalty not to exceed one thousand dollars

(depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

Criminal Penalties: For intentional and flagrant violations of this chapter, the Director of Public Works or his/her designee or the city police department may issue a citation to the applicant or other responsible person, requiring the person to appear in municipal court of the city to answer charges for the violation. Upon conviction, the person shall be punished by a fine not to exceed one thousand dollars or imprisonment for sixty days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

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Bioretention Area					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
General Inspection					
Access to the site is adequately maintained for inspection and maintenance.					
Area is clean (trash, debris, grass clippings, etc. removed).					
Inlet Structure					
Drainage ways (overland flow or pipes) to the practice are free of trash, debris, large branches, etc.					
Area around the inlet structure is mowed and grass clippings are removed.					
No evidence of gullies, rills, or excessive erosion around the inlet structure.					
Water is going through structure (i.e. no evidence of water going around the structure).					
Diversion structure (high flow bypass structure or other) is free of trash, debris, or sediment. Comment on overall condition of diversion structure and list type.					
Pretreatment (choose one)					
Forebay – area is free of trash, debris, and sediment.					
Weir – area is free of trash, debris, and sediment is less than 25% of the total depth of the weir.					
Filter Strip or Grass Channels – area is free of trash debris and sediment. Area has been mowed and grass clippings are removed. No evidence of erosion.					
Rock Lined Plunge Pools – area is free of trash debris and sediment. Rock thickness in pool is adequate.					
Main Treatment					
Main treatment area is free of trash, debris, and sediment.					
Erosion protection is present on site (i.e. turf reinforcement mats). Comment on types of erosion protection and evaluate condition.					

Bioretention Area					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
No evidence of long-term ponding or standing water in the ponding area of the practice (examples include: stains, odors, mosquito larvae, etc).					
Structure seems to be working properly. No settling around the structure. Comment on overall condition of structure.					
Vegetation within and around practice is maintained per landscaping plan. Grass clippings are removed.					
Mulching depth of 3-4 inches is maintained. Comment on mulch depth.					
Native plants were used in the practice according to the planting plan.					
No evidence of use of fertilizer on plants (fertilizer crusting on the surface of the soil, tips of leaves turning brown or yellow, blackened roots, etc.).					
Plants seem to be healthy and in good condition. Comment on condition of plants.					
Emergency Overflow					
Emergency overflow is free of trash, debris, and sediment.					
No evidence of erosion, scour, or flooding around the structure.					
Outlet Structure					
Outlet structure is free of trash, debris, and sediment.					
No evidence of erosion, scour, or flooding around the structure.					
Results					
Overall condition of Bioretention Area:					
Additional Comments					
<p>Notes: *If a specific maintenance item was not checked, please check N/A and explain why in the appropriate comment box.</p>					

Dry Detention Basin					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
General Inspection					
Access to the site is adequately maintained for inspection and maintenance.					
Area is clean (trash, debris, grass clippings, etc. removed).					
Inlet Structure					
Drainage ways (overland flow or pipes) to the practice are free of trash, debris, large branches, etc.					
Area around the inlet structure is mowed and grass clippings are removed.					
No evidence of gullies, rills, or excessive erosion around the inlet structure.					
Water is going through structure (i.e. no evidence of water going around the structure).					
Inlet pipe is in good condition and is not clogged.					
Diversion structure (high flow bypass structure or other) is free of trash, debris, or sediment. Comment on overall condition of diversion structure and list type.					
Pretreatment (forebay)					
Area is free of trash, debris, and sediment.					
Sediment accumulation is less than 50% of the forebay volume.					
No undesirable vegetation within the forebay. Weeds are removed to prevent clogging.					
Erosion protection is present on site (i.e. turf reinforcement mats). Comment on types of erosion protection and evaluate condition.					
Main Treatment					
Main treatment area is free of trash, debris, and sediment.					
Erosion protection is present on site (i.e. turf reinforcement mats). Comment on types of erosion protection and evaluate condition.					
No evidence of long-term ponding or standing water in the ponding area of the practice (examples include: stains, odors, mosquito larvae, etc.).					

Dry Detention Basin					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
Basin seems to be working properly. No settling around the basin. Comment on overall condition of basin.					
Vegetation within and around practice is maintained. Grass clippings are removed.					
Sediment accumulation within dry detention basin is less than 3 inches.					
No standing water within the basin.					
No evidence of use of fertilizer on grass (fertilizer crusting on the surface of the soil, tips of leaves turning brown or yellow, blackened roots, etc.).					
Emergency Overflow					
Emergency overflow is free of trash, debris, and sediment.					
No evidence of erosion, scour, or flooding around the structure.					
No shrubs or trees growing on embankment.					
No signs of seepage on the downstream face.					
No signs of animal activity.					
Outlet Structure					
Outlet structure is free of trash, debris, and sediment.					
No evidence of erosion, scour, or flooding around the structure.					
All moveable components are operational.					
Results					
Overall condition of Dry Detention Basin:					
Additional Comments					
Notes: * If a specific maintenance item was not checked, please check N/A and explain why in the appropriate comment box.					

Dry Enhanced Swale/Wet Enhanced Swale					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
General Inspection					
Access to the site is adequately maintained for inspection and maintenance.					
Area is clean (trash, debris, grass clippings, etc. removed).					
Inlet Structure					
Drainage ways (overland flow or pipes) to the practice are free of trash, debris, large branches, etc.					
Area around the inlet structure is mowed and grass clippings are removed (for dry enhanced swale).					
No evidence of gullies, rills, or excessive erosion around the inlet structure.					
Water is going through structure (i.e. no evidence of water going around the structure).					
Pretreatment (choose one)					
Forebay – area is free of trash, debris, and sediment.					
Weir – area is free of trash, debris, and sediment is less than 25% of the total depth of the weir.					
Filter Strip or Grass Channels – area is free of trash debris and sediment. Area has been mowed and grass clippings are removed. No evidence of erosion.					
Rock Lined Plunge Pools – area is free of trash debris and sediment. Rock thickness in pool is adequate.					
Main Treatment					
Main treatment area is free of trash, debris, and sediment.					
Erosion protection is present on site (i.e. turf reinforcement mats). Comment on types of erosion protection and evaluate condition.					
For dry enhanced swale, no evidence of long-term ponding or standing water in the ponding area of the practice (examples include: stains, odors, mosquito larvae, etc).					
Plants were used in the practice according to the planting plan.					

Dry Enhanced Swale/Wet Enhanced Swale					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
Vegetation within and around practice is maintained per landscaping plan. Grass clippings are removed.					
Structure seems to be working properly. No settling around the structure. Comment on overall condition of structure.					
No evidence of undesirable vegetation.					
No evidence of use of fertilizer on plants (fertilizer crusting on the surface of the soil, tips of leaves turning brown or yellow, blackened roots, etc.).					
Plants seem to be healthy and in good condition. Comment on condition of plants.					
No evidence of erosion around the sides of the check dam.					
Cleanout caps are in place and in good condition (for dry enhanced swale).					
The underdrain appears to be unclogged evidenced by water exiting the practice freely (for dry enhanced swale).					
Pea gravel diaphragm or other flow spreader is clean and working properly.					
Emergency Overflow					
Emergency overflow is free of trash, debris, and sediment.					
No evidence of erosion, scour, or flooding around the structure.					
Outlet Structure					
Outlet structure is free of trash, debris, and sediment.					
No evidence of erosion, scour, or flooding around the structure.					
Results					
Overall condition of Enhanced Swale:					
Additional Comments					
Notes: * If a specific maintenance item was not checked, please explain why in the appropriate comment box.					

Permeable Bricks/Blocks					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
General Inspection					
Access to the site is adequately maintained for inspection and maintenance.					
Area is clean (trash, debris, grass clippings, leaves, etc. removed).					
Area around the practice is mowed and grass clippings are removed. No signs of bare or dead grass.					
No evidence of gullies, rills, or erosion around the practice.					
Water is permeating the bricks/blocks (i.e. no evidence of water going around the practice).					
Bricks/blocks are structurally sound. No signs of cracks or splitting.					
Aggregate between the bricks/blocks is reasonable.					
No evidence of long-term ponding or standing water in the practice.					
Grass in the concrete grid is healthy, no dead grass or bare spots.					
Grass in the concrete grid is mowed and grass clippings are removed.					
Structure seems to be working properly. No signs of the bricks/blocks settling. Comment on overall condition of bricks/blocks.					
Vegetation within and around practice is maintained. Grass clippings are removed.					
No exposed soil near the bricks/blocks that could cause sediment accumulation within the practice.					
Cleanout caps are present and not missing (if applicable).					
The underdrain system has been flushed properly and there is no sign of clogging (if applicable).					
Results					
Overall condition of Permeable Bricks/Blocks:					

Permeable Bricks/Blocks					
Maintenance Item	Condition				Comment
	Good	Marginal	Poor	N/A*	
Additional Comments					
<p>Notes: * If a specific maintenance item was not checked, please check N/A and explain why in the appropriate comment box.</p>					



**STATE OF GEORGIA
BARROW COUNTY
CITY OF AUBURN**

Stormwater Facilities Maintenance Agreement

WHEREAS, the Property Owner, _____ recognizes that the wet or extended detention facility or facilities (hereinafter referred to as "the facility" or "facilities") must be maintained for the development called, _____, located in Land Lot(s) _____, District(s) _____, of Barrow County, Georgia; and,

WHEREAS, the Property Owner is the owner of real property more particularly described on the attached **Exhibit A** (hereinafter referred to as "the Property"), and,

WHEREAS, City of Auburn (hereinafter referred to as "the City") and the Property Owner, or its administrators, executors, successors, heirs, or assigns, agree that the health, safety and welfare of the citizens of the City require that the facilities be constructed and maintained on the property, and,

WHEREAS, the Code of the City of Auburn requires that facility or facilities as shown on the approved development plans and specifications be constructed and maintained by the Property Owner, its administrators, executors, successors, heirs, or assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

SECTION 1

The facility or facilities shall be constructed by the Property Owner in accordance with the plans and specifications for the development.

SECTION 2

The Property Owner, its administrators, executors, successors, heirs or assigns shall maintain the facility or facilities in good working condition acceptable to the City, including pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater, and in accordance with the schedule of long term maintenance activities agreed hereto and attached as **Exhibit B**.

SECTION 3

The Property Owner, its administrators, executors, successors, heirs and assigns hereby grants permission to the City, its authorized agents and employees, to enter upon the property and to inspect the facilities whenever the City deems necessary. Whenever possible, the City shall provide notice prior to entry. The Property Owner shall execute an access easement in favor of City of Auburn to allow the City to inspect, observe, maintain, and repair the facility as deemed necessary. A fully executed original access easement is attached to this Agreement as **Exhibit C** and by reference made a part hereof.

SECTION 4

In the event the Property Owner, its administrators, executors, successors, heirs or assigns fails to maintain the facility or facilities as shown on the approved plans and specifications in good working order acceptable to the City and in accordance with the maintenance schedule incorporated in this Agreement, and in the event the violation constitutes an immediate danger to public health or public safety, the City, with due notice, may enter the property and take whatever steps it deems necessary to return the facility or facilities to good working order. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the facility or facilities and in no event shall this Agreement be construed to impose any such obligation on the City.

SECTION 5

In the event the City, pursuant to this Agreement, performs work of any nature, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, the Property Owner shall reimburse the City, or shall forfeit any required bond upon demand within thirty (30) days of receipt thereof for all the costs incurred by the City hereunder. If not paid within the prescribed time period, the City shall secure a lien against the real property in the amount of such costs. The actions described in this section are in addition to and not in lieu of any and all legal remedies available to the City as a result of the Property Owner's failure to maintain the facility or facilities.

SECTION 6

It is the intent of this Agreement to insure the proper maintenance of the facility or facilities by the Property Owner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or caused by storm water runoff.

SECTION 7

Sediment accumulation resulting from the normal operation of the facility or facilities will be catered for. The Property Owner will make accommodation for the removal and disposal of all accumulated sediments. Disposal will be provided onsite in a reserved area(s) or will be removed from the site. Reserved area(s) shall be sufficient to accommodate for a minimum of two dredging cycles.

SECTION 8

The Property Owner shall provide the City with a bond or a letter of credit providing for the maintenance of the facility or facilities pursuant to the City's Code concerning Maintenance Agreements.

SECTION 9

The Property Owner shall use the standard BMP Operation and Maintenance Inspection Report attached to this agreement as **Exhibit D** and by this reference made a part hereof for the purpose of a minimal annual inspection of the facility or facilities by a qualified inspector.

SECTION 10

The Property Owner, its administrators, executors, successors, heirs and assigns hereby indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City from the construction, presence, existence or maintenance of the facility or facilities by the Property Owner or the City. In the event a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend at its own expense any suit based on such claim. If any judgment or claims against the City, its authorized agents or employees shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith.

SECTION 11

This Agreement shall be recorded among the deed records of the Clerk of Superior Court of Barrow County and shall constitute a covenant running with the land and shall be binding on the Property Owner, its administrators, executors, heirs, assigns and any other successors in interest.

SECTION 12

This Agreement may be enforced by proceedings at law or in equity by or against the parties hereto and their respective successors in interest.

SECTION 13

Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions and all other provisions shall remain in full force and effect.

SECTION 14

Any notice, demand, request or other communication required or permitted to be given hereunder (a "Notice") shall be in writing and either (i) personally delivered, or (ii) sent by U.S. certified or registered mail, return receipt requested, postage pre-paid, or (iii) sent by Federal Express or similar service to the party being given such notice at the following address:

Property Owner: _____

Attention: _____

City of Auburn: City of Auburn
1369 4th Ave, P.O. Box 1059
Auburn, Georgia 30011
Attention: Community Development Director

All notices shall be effective (and the time period in which a response to any notice must be given, if any, shall commence to run on such effective date) depending on the form of delivery, as follows: (i) If personally delivered, on the date of receipt; or (ii) if sent by U.S. certified or registered mail, three (3) days after being deposited in the U.S. mail; or (iii) if sent by Federal Express or similar service, on the date of receipt. Rejection or failure to claim delivery of any such Notice, demand or request, or the inability to deliver because of changed address of which no Notice was given, shall be deemed to be receipt of the Notice, demand or request sent three (3) days after being deposited in the U.S. mail or the date of attempted personal delivery, as the case may be. By giving at least thirty (30) days written notice thereof, any party shall have the right from time to time and at any time to change their respective addresses.

SO AGREED this _____ day of _____, 20____.

PROPERTY OWNER CORPORATION

Name of Corporation:

Printed or Typed Name

BY: _____
Signature

Attest: _____
Signature of Witness

Typed or Printed Name

Typed or Printed Name

Title: _____

Title: _____

(CORPORATE SEAL)

Notary: _____

AUBURN, GEORGIA

By: _____
City of Auburn
Director of Community Development

Attachments:

- Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

SO AGREED this _____ day of _____, 20____ .

**PROPERTY OWNER
PARTNERSHIP**

Name of Partnership: _____, A Georgia General
Printed or Typed Name Partnership Corporation

BY: _____ (Seal)
Signature

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
General Partner

Title: _____ (Seal)
Notary Public

AUBURN, GEORGIA

By : _____
City of Auburn
Director of Community Development

Attachments:

- Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

SO AGREED this _____ day of _____, 20____ .

**PROPERTY OWNER
LIMITED LIABILITY CORPORATION**

Name of LLC: _____,
Printed or Typed Name

BY: _____
Signature

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
Managing Person

Title: _____ (Seal)
Notary Public

AUBURN, GEORGIA.

By : _____
City of Auburn
Director of Community Development

Attachments:

- Exhibit A (Plat and Legal Description)
- Exhibit B (Maintenance and Inspection Schedule)
- Exhibit C (Access Easement)
- Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

SO AGREED this _____ day of __, 20__

**PROPERTY OWNER
INDIVIDUAL OR PROPERTY OWNED JOINTLY BY SEVERAL INDIVIDUALS**

By: _____
Signature of Owner

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

By: _____
Signature of Owner

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

By: _____
Signature of Owner

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Notary Public (Seal)

AUBURN, GEORGIA.

By: _____
City of Auburn
Director of Community Development

- Attachments: Exhibit A (Plat and Legal Description)
 Exhibit B (Maintenance and Inspection Schedule)
 Exhibit C (Access Easement)
 Exhibit D (Standard BMP Operation and Maintenance Inspection Report)

EXHIBIT 'C'

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

STATE OF GEORGIA
COUNTY OF BARROW
CITY OF AUBURN

THIS EASEMENT granted this ____ day of _____, 20 ____ between the property owner _____ as party of the first part, hereinafter referred to as Grantor, and CITY OF AUBURN, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as Grantee.

WITNESSETH THAT: Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) in hand paid at and before the sealing and delivery of this easement and in consideration of the agreements and covenants contained in this document and the Maintenance Agreement between Grantor and Grantee, hereby grants unto the Grantee an easement in and to that portion of the property shown on Exhibit "A" to the Maintenance Agreement, as shown and identified on the plat attached hereto as **Exhibit "1"**.

The purpose of this easement is to allow Grantee, or its agents, access for inspection to determine any required maintenance activities to the Water Quality Best Management Practice (BMP) facility, and to prevent development of the property within the easement following issuance of the Certificate of Occupancy or in the case of a residential subdivision, the approval of the Final Plat, without written permission from the City of Auburn Department of Community Development. This easement is required by the provisions of the Maintenance Agreement executed by and between the Grantor and Grantee.

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20____.

**PROPERTY OWNER
INDIVIDUAL OR PROPERTY OWNED JOINTLY BY SEVERAL INDIVIDUALS**

By: _____ Attest: _____
Signature of Owner Witness

Printed or Typed Name Printed or Typed Name

By: _____ Attest: _____
Signature of Owner Signature of Witness

Printed or Typed Name Printed or Typed Name

By: _____ Attest: _____
Signature of Owner Signature of Witness

Printed or Typed Name Printed or Typed Name

(Seal) _____
Notary Public

Attachments: Exhibit 1 (Plat of Easement)

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20_____.

**PROPERTY OWNER
CORPORATION**

Name of Corporation: _____, A Georgia Corporation
Printed or Typed Name

By: _____ Attest: _____
Signature Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____ Title: _____
(President or Vice President) (Corporate Secretary or
Corporate Secretary Assistant

(CORPORATE SEAL)

Attachments: Exhibit 1 (Plat of Easement)

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20____ .

**PROPERTY OWNER
PARTNERSHIP**

Name of Partnership: _____, A Georgia Corporation
Printed or Typed Name

By: _____ (Seal) Attest: _____
Signature Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
General Partner

Notary Public (Seal)

Attachments: Exhibit 1 (Plat of Easement)

PERMANENT WATER QUALITY BMP AND ACCESS EASEMENT AGREEMENT

SO AGREED this _____ day of _____, 20____.

**PROPERTY OWNER
LIMITED LIABILITY CORPORATION**

Name of LLC: _____,
Printed or Typed Name

By: _____
Signature

Attest: _____
Signature of Witness

Printed or Typed Name

Printed or Typed Name

Title: _____
Managing Person

Notary Public (Seal)

Attachments:

Exhibit 1 (Plat of Easement)

EXHIBIT 'D'

BMP Facility Operation and Maintenance Inspection Report for Pond Facilities

Inspector Name _____ Community _____

Inspection Date _____ Address _____

Type of BMP _____

Watershed _____ Tax Map _____

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
I. POND FACILITIES					
A. Pond Dam Embankments and Emergency Spillways					
1. Vegetation and Ground Cover Adequate					
2. Surface Erosion					
3. Animal Burrows					
4. Unauthorized Planting					
5. Cracking, Bulging, or Sliding of Dam					
a. Upstream Face					
b. Downstream Face					
c. At or Beyond Toe					
Upstream					
Downstream					
d. Emergency Spillway					
6. Pond, Toe & Chimney Drains Clear & Funct.					
7. Seeps/Leaks on Downstream Face.					

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
8. Slope Protection or Riprap Failures					
9. Vertical and Horizontal Alignment of Top of Dam as Per "As-Built" Plans					
10. Emergency Spillway Clear of Obstructions and					
11. Other (Specify)					
B. Riser and Principal Spillway Type: Reinforced Concrete Corrugated Pipe Masonry *Indicates Dry Ponds Only 1.* Low Flow Orifice Obstructed					
2.* Low Flow Trash Rack					
a. Debris Removal Necessary					
b. Corrosion Control					
3. Weir Trash Rack Maintenance					
a. Debris Removal Necessary					
b. Corrosion Control					
4. Excessive Sediment Accumulation Inside Riser					
5. Concrete/Masonry Condition Riser & Barrels					
a. Cracks or Displacement					
b. Minor Spalling (<1")					
c. Major Spalling (Rebars Exposed)					
d. Joint Failures					
e. Water Tightness					
6. Metal Pipe Condition					
7. Control Valve					
a. Operational/Exercised					
b. Chained and Locked					

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
8. Pond Drain Valve					
a. Operational/Exercised					
b. Chained and Locked					
9. Outfall Channels Functioning					
10. Other (Specify)					
C. Permanent Pool - Wet Ponds					
1. Undesirable Vegetative Growth					
2. Floating or Floatable Debris Removal Required					
3. Visible Pollution					
4. Shoreline Problems					
5. Other (Specify)					
D. Dry Pool Areas - Dry Pond					
1. Vegetation Adequate					
2. Undesirable Vegetative Growth					
3. Undesirable Woody Growth					
4. Low Flow Channels Clear of Obstructions					
5. Standing Water or Wet Spots					
6. Sediment and/or Trash Accumulation					
7. Other (Specify)					
E. Condition of Outfalls into Pond Area					
1. Rip Rap Failures					
2. Slope Invert Erosion					
3. Storm Drain Pipes					
4. Endwalls/Headwalls					
5. Other (Specify)					

ITEM INSPECTED	CHECKED		MAINTENANCE		OBSERVATIONS & REMARKS
	Yes	No	Reqd.	Not Reqd.	
F. Other					
1. Encroachments on Pond or Easement Area (Be Specific)					
2. Complaints from Local Residents (Describe on Back)			N/A	N/A	
3. Aesthetics					
a. Grass Mowing Reqd.					
b. Graffiti Removal Reqd.					
c. Other					
4. Public Hazards (Be Specific)					
5. Maintenance Access					

SUMMARY

1. Inspector's Remarks _____

2. Overall Condition of Facility (Check One) Acceptable _____
 Unacceptable _____

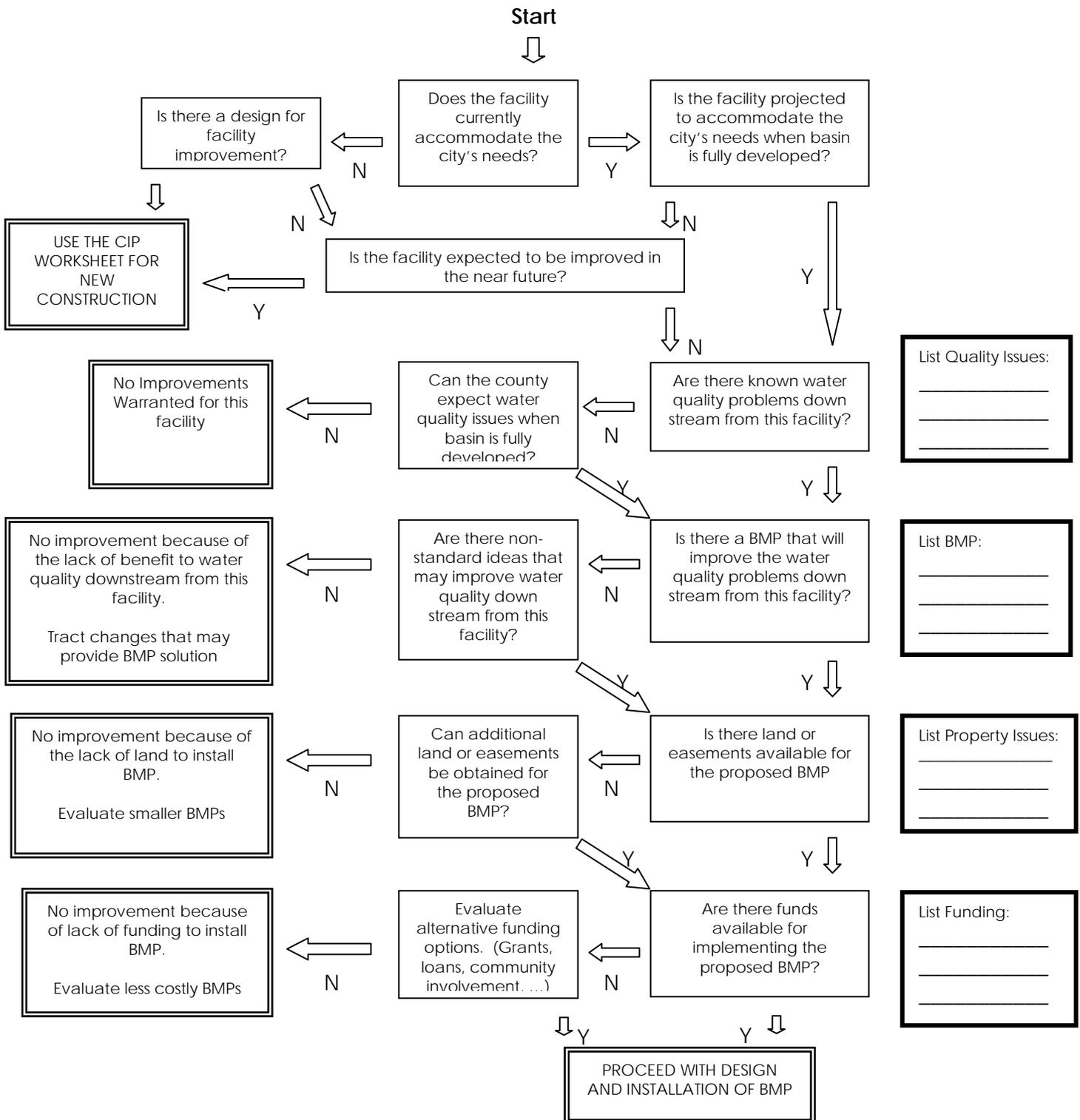
3. I hereby certify under penalty of perjury that I have performed the inspections and made a good faith effort to identify the items that need maintenance. I further certify that failure to inspect or misrepresent the need for maintenance could result in my liability for personal or property damage.

Signed: _____
 Inspector

Date: _____

WATER QUALITY IMPROVEMENT WORKSHEET: EXISTING MS4 FACILITY

Facility Name:	Analysis By:
Facility Location:	Facility Type:
Basin Area to Facility:	Basin Outfall flows to Water of the State
Date of Analysis:	



**CITY OF AUBURN
MUNICIPAL FACILITY INSPECTION CHECKLIST**

Facility Name:	
Facility Location:	
Inspector:	
Date of Inspection:	
Time:	

Does the facility have a NPDES Industrial Stormwater Permit?	YES	NO	N/A
Does the facility have a Stormwater Pollution Prevention Plan (SWP3)?	YES	NO	N/A
Has the facility implemented the SWP3?	YES	NO	N/A
Were stormwater issues discussed with an on-site representative?	YES	NO	
If YES, what is the name and position of the representative?	Name:		
	Position:		

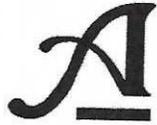
Is there evidence of stormwater pollutants leaving the site? (If YES, please explain below.)	YES	NO
Describe Pollutants:		
Corrective actions/other comments:		

Inspector Signature: _____

Inspect for the following:	
Stains, spots or puddles of oils, grease, or chemicals on concrete or around drains.	Torn bags of dry chemicals or bags exposed to rain.
Leaking or corroded equipment, pipes, containers or lines.	Broken or cracked dikes, walls, or other physical barriers.
Improperly labeled or leaking drums.	Improper outdoor storage of potential stormwater pollutants.
Inadequate or inaccessible spill response equipment.	Oily rags improperly discarded.

Inspection Results

Inspection Completed for:	YES / NO / N/A	PASS / FAIL	Deficiencies Found & Corrective Actions
Current Industrial NOI & Stormwater Pollution Prevention Plan			
Absorbent Material			
Emergency Spill Kit			
Areas Around Machinery and/or Equipment			
Outdoor Storage & Handling Areas			
Waste Generation, Storage, Treatment & Disposal Areas			
Vehicle Wash-Down Areas			
Fueling Areas			
Loading & Unloading Areas			
Structural Controls (list each)			
Other			



Municipal Facility Inventory:

Building	Description	Address	City	State	Zip Code	Contact Info:
City Hall	Office Building	1369 4 th Ave.	Auburn	Ga	30011	770-963-4002
City Museum	Museum	1365 3 rd Ave.	Auburn	Ga	30011	770-963-4002
Old City Museum	Storage	1365 3 rd Ave.	Auburn	Ga	30011	770-963-4002
J.D. Withers	Rentals	7 7 th St.	Auburn	Ga	30011	770-963-4002
Police Dept.	Office Building	8 5 th St.	Auburn	Ga	30011	770-963-4002
Public Works	Office Building/Workshop	1411 Sunbelt Way	Auburn	Ga	30011	770-963-4002
Mary Carter Ballfields	Restrooms/Concessions	1320 Mary Carter Rd.	Auburn	Ga	30011	770-963-4002
Parks Mill Ballfields	Restrooms/Concessions	252 Parks Mill Rd.	Auburn	Ga	30011	770-963-4002
Auburn/Carl Lions Club	Storage	45 County Line Rd.	Auburn	Ga	30011	770-963-4002
Auburn City Library	City Library	24 5 th St.	Auburn	Ga	30011	770-963-4002
P.R.C	Rentals	16 College St.	Auburn	Ga	30011	770-963-4002



CITY OF AUBURN, GEORGIA
ENFORCEMENT RESPONSE PLAN

Referred to as

APPENDIX CC

Revised 2019

Storm Water Management Program (SWMP)

General NPDES Permit GAG610000

Small Municipal Separate Storm Sewer Systems (MS4)

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Introduction

The City of Auburn is required under the National Pollutant Discharge Elimination System (NPDES) Permit No. GAG610000 for Phase II Municipal Separate Storm Sewer System (MS₄) to develop and implement an Enforcement Response Plan (ERP). This plan will describe actions to be taken for violations; detail the responses to address repeat and continuing violations associated with the NPDES permit and the Storm Water Management Program.

EROSION, SEDIMENT AND POLLUTION CONTROL ENFORCEMENT

POTENTIAL VIOLATIONS

- Failure to obtain a land disturbing permit
- Failure to maintain a stream buffer
- Significant amounts of sediment discharged into state waters
- Best management practices not properly designed, installed, or maintained
- Failure to comply with approved plans
- The contribution of pollutants to the City of Auburn by stormwater and non-stormwater discharge associated with industrial activity and the quality of stormwater discharged from sites of industrial activity
- Illicit discharges to the City of Auburn
- Discharges of spill, dumping, or disposal of materials other than stormwater
- Failure to comply with conditions in State statutes, rules, permits, contracts, and orders
- Any illicit discharges into waters of the State
- Discharges that cause or contribute to conditions which exceed water quality standards
- Illegal connection to a stormwater system

City Ordinances:

- Erosion and Sediment Control: 17.60.040
- Illicit Discharge and Illegal Connections: 16.38

GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the Soil Erosion and Sedimentation Pollution Control Ordinance (E&SC Ordinance) and the NPDES general permit are not met. Therefore, plans for those land-

disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES general permit.

ENFORCEMENT MECHANISMS

Enforcement mechanisms to be used for violators of the Soil Erosion and Sedimentation Pollution Control Ordinance:

Verbal Warning. These may consist of phone calls or face-to-face discussions. The conversation should specify the nature of the violation and the required corrective action. These conversations are notated in an appropriate tracking device or logbook which is maintained by the City of Auburn Stormwater Coordinator.

Written Notice to Violation. The first and second violations, the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the local issuing authority shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred. However, the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the local issuing authority shall post immediate stop work order in lieu of a warning.

Stop Work Order. For a third and each subsequent violation, the local issuing authority shall order work to be stopped immediately. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or uncontrolled release of sediment in significant amount, as determined by the local issuing authority or his or her designee, into state waters or where best management practices have not been properly designed, installed, and maintained, work shall be stopped by the local issuing authority or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site except for the installation and maintenance of temporary or permanent erosion and sediment controls.

Monetary Penalties. Any person who violates the provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in the soil erosion and sedimentation ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Documentation. All enforcement actions must be documented. The inspector should address all violations at the time of the inspection along with a copy for tracking purposes.

APPROPRIATE RESPONSES

Some latitude may be given, however, in determining the severity of the responses based on several factors involved in the violation. These factors include:

Magnitude of the Problem. Isolated instances of noncompliance may only require a phone call or a Notice of Violation.

Duration of the Problem. If the violations persist for a long period of time, then enforcement options must be escalated.

Effect on waters of the State. If the violation results in environmental harm to receiving waters, then a more severe response is required.

Compliance History. The history of compliance may be considered in determining the severity of the enforcement, that is, whether to take informal or severe enforcement action.

Good Faith. In the instance where the violator has shown good faith and honest intent to correct the instance of noncompliance, the severity of enforcement action should be reduced.

Enforcement Mechanisms:

- City Ordinance 18.14.080

TRACKING

The City of Auburn stormwater coordinator will be responsible for tracking items related to this enforcement response plan and ensuring that all appropriate items are included in the annual report. When inspections are made by other departments, the results of those inspections will be given to the City of Auburn stormwater coordinator within 5 working days of the inspection so that he or she can make the appropriate entries. The data may be tracked manually or electronically, but should include the following information:

- Date of inspection or re-inspection
- Name of owner/operator of the facility and/or location or address
- Description of noncompliance
- Description of enforcement mechanisms/actions used
- Time frames for each step
- Dates for issuance of enforcement actions
- Deadline date for a violator returning to compliance
- Date of violation resolution

ILLICIT DISCHARGE AND ILLEGAL CONNECTIONS ENFORCEMENT

POTENTIAL VIOLATIONS

- Best management practices not properly designed, installed, or maintained.
- The contribution of pollutants to the City of Auburn by stormwater and non-stormwater discharge associated with industrial activity and the quality of stormwater discharged from sites of industrial activity.
- Illicit discharges and illegal connections to the City of Auburn's separate storm sewer system
- Discharges of spills, dumping, or disposal of materials other than stormwater
- Failure to comply with conditions in State statues, rules, permits, contracts, and orders
- Any illicit discharges into waters of the State

GENERAL PROVISIONS

Discharges into the city's separate storm sewers that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters. Non-stormwater discharges occur due to spills, dumping and improper connections to the city's separate storm sewer system from residential, industrial, commercial and institutional establishments. Impacts of such discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water, and can be minimized through the regulation of spills, dumping and discharges into the city's storm sewer system and proper management of post-development stormwater runoff.

ENFORCEMENT MECHANISMS

Enforcement mechanisms to be used for violators of the Illicit Discharge Detection and Elimination Ordinance:

Verbal Warning. These may consist of phone calls or face-to-face discussions. The conversation should specify the nature of the violation and the required corrective action. These conversations are notated in an appropriate tracking device or logbook which is maintained by the City of Auburn Stormwater Coordinator.

Written Notice of Violation. Whenever the city determines that a violation of the provisions of the IDDE Ordinance has occurred, it may order compliance by serving a written notice of violation upon the alleged violator. The notice shall contain:

- a. The name and address of the alleged violator
- b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred
- c. A statement specifying the nature of the violation
- d. A description of the remedial measures necessary to restore compliance with the IDDE Ordinance and a time schedule for the completion of the remedial action
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed
- f. A statement that the determination of violation may be appealed to the City of Auburn Public Works department by filing a written notice of appeal within thirty (30) days of service of notice of violation

Penalties.

Cost of Abatement. Within seven (7) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty (30) days of the notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on the appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the city shall deem appropriate, after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed \$1,000,00

(depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

Criminal Penalties. For intentional and flagrant violations of this chapter, the city may issue a citation to the alleged violator requiring said person to appear in court to answer charges for said violation. Upon conviction, said person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of the IDDE Ordinance is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

Administrative appeal. Any person receiving a notice of violation may appeal the determination of the city. The notice of appeal must be received by the City of Auburn Public Works department within thirty (30) days from the date of the notice of violation. Hearing on the appeal before the City of Auburn Zoning Board of Appeals or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.

Documentation. All enforcement actions must be documented. The inspector should address all violations at the time of the inspection along with a copy for tracking purposes.

APPROPRIATE RESPONSES

Some latitude may be given, however, in determining the severity of the responses based on several factors involved in the violation. These factors include:

Magnitude of the Problem. Isolated instances of noncompliance may only require a phone call or a Notice of Violation.

Duration of the Problem. If the violations persist for a long period of time, then enforcement options must be escalated.

Effect on waters of the State. If the violation results in environmental harm to receiving waters, then a more severe response is required.

Compliance History. The history of compliance may be considered in determining the severity of the enforcement, that is, whether to take informal or severe enforcement action.

Good Faith. In the instance where the violator has shown good faith and honest intent to correct the instance of noncompliance, the severity of enforcement action should be reduced.

TRACKING

The City of Auburn stormwater coordinator will be responsible for tracking items related to this enforcement response plan and ensuring that all appropriate items are included in the annual report. When inspections are made by other departments, the results of those inspections will be given to the City of Auburn stormwater coordinator within 5 working days of the inspection so that he or she can make the appropriate entries. The data may be tracked manually or electronically, but should include the following information:

- Date of inspection or re-inspection
- Name of owner/operator of the facility and/or location or address
- Description of noncompliance
- Description of enforcement mechanisms/actions used
- Time frames for each step
- Dates for issuance of enforcement actions
- Deadline date for a violator returning to compliance
- Date of violation resolution

COMMERCIAL ON-SITE STORMWATER SYSTEM ENFORCEMENT

The City of Auburn's Stormwater Utility ensures all property owners of improved property within the service area of Auburn shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable city development regulations, ordinances, and state and federal laws. Any failure to meet this obligation shall constitute a violation of this ordinance and be subject to citation and prosecution in the Auburn Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth the City of Auburn Code of Ordinances.

Alternately, in the event a public nuisance is deemed to exist by the stormwater utility Coordinator, the City may elect to sue in the superior court of the county in which the property is located to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the superior court, the city may enter upon the property and cause work as is reasonably necessary to be performed.

The City shall have the right for its designated officers and employees to enter upon public and private property during reasonable hours, and after reasonable notice to the owner thereof, in order to assure compliance with the provisions of this ordinance, and state and federal law. Such inspections shall generally be limited to the following purposes:

- 1) Inspecting or conducting engineering analyses on existing stormwater management systems and facilities located on-site; or
- 2) Determining that stormwater management systems and facilities need to be constructed

CONSTRUCTION SITE WASTE MANAGEMENT ENFORCEMENT

POTENTIAL VIOLATIONS

- pollution from materials such as surplus or refuse building materials
- storm water runoff
- contaminated surface or ground water
- hazardous waste

GENERAL PROVISIONS

The Construction Site Waste Management Ordinance provides reasonable guidance to developers, owners and contractors and provides protection to the environment and property in the best interests of the public health, safety and welfare.

Violations, Enforcement Mechanisms, Appropriate Responses, and Time Frames

The following enforcement mechanisms will be used in the event a person violates the Construction Site Waste Management Ordinance:

Verbal Warning. These may consist of phone calls or face-to-face discussions. The conversation should specify the nature of the violation and the required corrective action. These conversations are notated in an appropriate tracking device or logbook which is maintained by the City of Auburn Stormwater Coordinator.

Written Notice to Violation. The first and second violations, the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the local issuing authority shall issue a stop work order requiring activities be stopped until necessary corrective action or mitigation has occurred. However, the violation presents an imminent threat to public health or waters of the state, the local issuing authority shall post an immediate stop work order in lieu of a warning.

Citation. In addition to authorizing the removal of litter or other refuse by City employees at the property owner's expense, the failure to cure or eliminate a violation of this section which

notice has been provided within the specified time period will result in the issuance of a citation to the property owner.

Monetary Penalties. Any person who violates the provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

APPROPRIATE RESPONSES

Some latitude may be given, however, in determining the severity of the responses based on several factors involved in the violation. These factors include:

Magnitude of the Problem. Isolated instances of noncompliance may only require a phone call or a Notice of Violation.

Duration of the Problem. If the violations persist for a long period of time, then enforcement options must be escalated.

Effect on waters of the State. If the violation results in environmental harm to receiving waters, then a more severe response is required.

Compliance History. The history of compliance may be considered in determining the severity of the enforcement, that is, whether to take informal or severe enforcement action.

Good Faith. In the instance where the violator has shown good faith and honest intent to correct the instance of noncompliance, the severity of enforcement action should be reduced.

Construction Site Waste Management Enforcement

- City Ordinance Chapter 15.38

TRACKING

The City of Auburn stormwater coordinator will be responsible for tracking items related to this enforcement response plan and ensuring that all appropriate items are included in the annual report. When inspections are made by other departments, the results of those inspections will be given to the City of Auburn stormwater coordinator within 5 working days of the inspection so that he or she can make the appropriate entries. The data may be tracked manually or electronically, but should include the following information:

- Date of inspection or re-inspection
- Name of owner/operator of the facility and/or location or address
- Description of noncompliance
- Description of enforcement mechanisms/actions used
- Time frames for each step
- Dates for issuance of enforcement actions
- Deadline date for a violator returning to compliance
- Date of violation resolution

Private Structure Maintenance:

The City only has one publicly management pond currently. The pond will be inspected yearly to determine the best means of retrofitting to water quality standards.

- City Ordinance: 16.36.020 Detention Facilities