

### **391-3-7-.01 Definitions.**

(1) The following definitions shall apply in the interpretation and enforcement of these rules and regulations unless otherwise specifically stated.

(a) **“Best Management Practices”** means a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control and are designed in accordance with the design specifications contained in the “Manual for Erosion and Sediment Control in Georgia”. Best Management Practices also include, but are not limited to, design specifications from the most recent publication of the Georgia Stormwater Management Manual.

(b) **“Certification”** means an action by the Division that states in writing that a local issuing authority has met the criteria established in these rules and regulations.

(c) **“Complaint Investigation Process”** means a process followed by a local issuing authority or the Division when dealing with inquiries, complaints or concerns about land disturbing activities.

(d) **“Decertification”** means an action by the Division that states in writing that a local issuing authority has failed to meet the criteria established in these rules and regulations.

(e) **“Department”** means the Department of Natural Resources of the State of Georgia.

(f) **“Director”** means the Director of the Environmental Protection Division.

(g) **“District”** means the appropriate local Soil and Water Conservation District.

(h) **“Division”** means the Environmental Protection Division of the Department of Natural Resources.

(i) **“Erosion”** means the process by which land surface is worn away by the action of wind, water, ice, or gravity.

(j) **“Erosion and Sedimentation Control Plan”** or **“Plan”** means a plan for the control of soil erosion and sediment resulting from a land disturbing activity.

(k) **“Land Disturbing Activity”** means any activity which may result in soil erosion 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 those practices to the extent described in O.C.G.A. 12-7-17.

(l) **“Local Issuing Authority”** means the governing authority of any county or municipality which is certified pursuant to these rules and regulations and O.C.G.A. 12-7-8(a).

(m) **“Permanent Buffer Impact”** means any impact which does not meet the definition of “Temporary Buffer Impact.”

(n) **“Permit”** means the authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.

(o) **“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 or the State, any interstate body or any other legal entity.

(p) **“Project”** means the entire area of the proposed development site, regardless of the size of the area to be disturbed.

(q) **“Qualified personnel”** means any person who meets or exceeds the education and training requirements of Code Section 12-7-19.

(r) **“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.

(s) **“Sedimentation”** means the action or process of forming or depositing sediment.

(t) **“Soil and Water Conservation District Approved Plan”** means an erosion and sedimentation control plan approved in writing by the Soil and Water Conservation District in which the proposed land disturbing activity will take place.

(u) **“Stabilization”** means the process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or installing 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.

(v) **“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 and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(7).

(w) **“Stream Bank”** means the confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation. For non-trout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.

(x) **“Temporary Buffer Impact”** means an impact which, upon completion of the impact, yields no above ground, man-made materials or structure within the buffer, no change in grade, does not impair any buffer functions, and is completed in a timeframe determined by the Director.

(y) **“Trout Streams”** means all streams or portions of streams within the watershed as designated by the Division under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. 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.

(z) **“Watercourse”** means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and includes any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

(aa) **“Water Quality”** means the chemical, physical, and biological characteristics of the State’s water resources.

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