

391-3-6-.22 NPDES General Permit for Construction Activity Fees.

(1) **Exclusions.** Those land disturbing activities not subject to regulation under the State General Permit are exempt from the fees required by this section.

(2) **NPDES General Permit for Construction Activity Fees.** The requirements of this subsection are applicable to primary permittees that own or operate a site at which land disturbing activities occur in the State of Georgia.

(a) For the purpose of determining the disturbed acreage to which the fees of this subsection apply, the primary permittee shall use the erosion, sedimentation and pollution control plan created in compliance with the State General Permit showing the activities to be undertaken by any person at the site. This acreage shall be measured by methods that provide an appropriate measurement of the land area to the closest tenth (1/10th) of an acre of land disturbing activity proposed.

(b) Any Primary Permittee who has submitted a Notice of Intent to disturb land under a State General Permit, or who submits a Notice of Intent to disturb land under a State General Permit, shall submit a fee on the schedules described below which will cover the fee requirements for all stages or phases of development or land disturbing activity described in the Notice of Intent.

(3) Fee Schedule for Land Disturbing Activities in a Jurisdiction that is not Regulated by a Local Issuing Authority, after December 31, 2003.

(a) Determination of applicable fee. Each Primary Permittee shall determine the proposed extent of land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed. When a Primary Permittee pays the applicable fee of this subsection, that Primary Permittee shall not pay any additional State General Permit fees to the State unless the scope of work covered under the permit so paid for is increased. For each acre of proposed land disturbing activity, each Primary Permittee shall pay the fee established by this section prior to the commencement of any land disturbing activity.

(b) Primary Permittees shall pay the State of Georgia, as described in section 391-3-6-.22(7) below, \$80.00 per acre of land disturbed in a jurisdiction that is not regulated by a local issuing authority.

(4) Fee Schedule for Land Disturbing Activities in a Jurisdiction that is Regulated by a Local Issuing Authority, after December 31, 2003.

(a) Determination of applicable fee. Each Primary Permittee shall determine the proposed extent of land disturbing activities to be

performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed. When a Primary Permittee pays the applicable fee of this subsection, that Primary Permittee shall not pay any additional State General Permit fee to the State unless the scope of work covered under the permit so paid for is increased. For each acre of land disturbed, each Primary Permittee shall pay the fee established by this section prior to the commencement of any land disturbing activity.

(b) Primary Permittees shall pay the State of Georgia, as described in section 391-3-6-.22(7) below, \$40.00 per acre of land disturbed in a jurisdiction that is regulated by a local issuing authority.

(c) Primary Permittees shall pay to the local issuing authority, as described in section 391-3-6-.22(7) below, \$40.00 per acre of land disturbed in a jurisdiction that is regulated by a local issuing authority.

(5) Fee Schedule for Land Disturbing Activities Performed by Permittees Exempt from Local Issuing Authority Regulation pursuant to O.C.G.A. 12-7-17, after December 31, 2003.

(a) Determination of applicable fee. Each Primary Permittee shall determine the proposed extent of land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed. When a Primary Permittee pays the applicable fee of this subsection, that Primary Permittee shall not pay any additional State General Permit fee to the State unless the scope of work covered under the permit so paid for is increased. For each acre of land disturbed, each Primary Permittee shall pay the fee established by this section prior to the commencement of any land disturbing activity.

(b) Primary Permittees shall pay the State of Georgia, as described in section 391-3-6-.22(7) below, \$80.00 per acre of land disturbed regardless of jurisdiction.

(6) Fee Schedule for Land Disturbing Activities from August 13, 2003 through December 31, 2003.

(a) For on-going or completed projects that have submitted a Notice of Intent to disturb land under a State General Permit the Primary Permittee shall pay a fee based on the following:

(i) the number of acres or fraction of acres to the nearest tenth (1/10th) acre that have not reached final stabilization before August 13, 2003; and

(ii) the proposed extent of land disturbing activities yet to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed.

(b) For projects that did begin or will begin land disturbing activity during the period of August 13, 2003 through December 31, 2003, the Primary Permittee shall pay a fee based on the proposed extent of

land disturbing activities to be performed at the site covered by the permit in number of acres or fraction of acres to the nearest tenth (1/10th) acre to be disturbed.

(c) The dollar amount of the fees paid under this subsection shall be the same as the dollar amounts due in the applicable subsections 391-3-6-.22(3) through (5).

(d) Said payment is due and payable no later than January 31, 2004. Failure to pay outstanding fees under this provision on or before January 31, 2004 is a violation of these rules.

(7) Payment of Land Disturbing Activity Fees.

(a) Payment due date. Except as described in subsection 391-3-6-.22(6), all land disturbing activity fees required by this section shall be paid to the Division or to the local issuing authority, as appropriate, prior to the commencement of land disturbing activities at the site. Persons who fail to make appropriate payments and who commence work without payment shall be in violation of the State General Permit and the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq.

(b) Payment remittance. Payments required to be made to the State of Georgia, whether in a jurisdiction covered by a local issuing authority or a jurisdiction not covered by a local issuing authority shall be made payable to Georgia Dept. of Natural Resources and submitted on a form provided by the division. Payments required to be made to a local issuing authority shall be made in the manner specified by the local issuing authority and shall not be made to the division.

(c) Failure to pay. Failure to make payments required under these rules is a violation of these rules for each day on which land disturbing activity occurs on the site.

(8) Fees for Land Disturbing Activities by Out-of-State Businesses. The requirements of this subsection are applicable to any person performing land disturbing activities in the state of Georgia. Out-of-state businesses shall comply with all applicable state and local laws, rules and regulations.

Authority O.C.G.A. Secs. 12-5-23, 12-5-30 et seq. **History.** Original Rule entitled "NPDES General Permit for Construction Activity Fees" adopted. F. Nov. 5, 2003; eff. Nov. 25, 2003.