

**EROSION AND SEDIMENTATION
EDUCATION AND TRAINING CERTIFICATION
REQUIREMENTS**

**GEORGIA EROSION & SEDIMENTATION CONTROL
EDUCATION AND TRAINING CERTIFICATION PROGRAM
FACT SHEET**

**Georgia Environmental Protection Division,
Stakeholder Advisory Board and
Georgia Soil and Water Conservation Commission**

As part of House Bill 285, new education and training certification requirements were included in the 2003 amendments to the Georgia Erosion and Sedimentation Act (Act). House Bill 463 amended the Act during the 2007 session of the General Assembly. The education and training certification (E&TC) requirements (Code Section 12-7-19(a)(1)) in the Act state that “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 his or her level of involvement with the process, as developed by the Commission in accordance with this code section and in consultation with the Division and the Stakeholder Advisory Board created pursuant to Code Section 12-7-20.”

The Act (Code Section 12-7-19(a)(2)) also states that 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 the permittee and meets the applicable education or training certification requirements (Fundamentals Seminar (Level IA)). This Code Section became effective on May 14, 2007.

The Environmental Protection Division (EPD) recommends, but does not require, that at least two people from each permittee working at a project or site have completed the **Fundamentals Seminar (Level IA)**. In the event that a “certified person” is out due to illness, on vacation or called away on an emergency, then another “certified person” is available on-site to ensure that erosion and sedimentation control issues are under control, regardless of what situation arises. If the “certified person” leaves the site and he/she is the only individual on-site that has completed the Fundamentals Seminar (Level IA), then all land disturbing activities undertaken by that permittee should stop until the “certified person” returns. A “certified person” is an individual who has successfully completed the Fundamentals Seminar (Level IA).

The Act (Code Section 12-7-19(a)(4)) also states that “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 this code section, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall have until December 31, 2007, to meet those educational requirements specified in paragraph (4) of subsection (b) of Code Section 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.”

The last subsection reference of this passage pertains to the ***Subcontractor Awareness Seminar (Level I)***. A “certified subcontractor” is an individual who has successfully completed the Subcontractor Awareness Seminar (Level I). If a “certified subcontractor” is not on-site, the subcontractor should stop all land-disturbing activities on the permitted site. Therefore, the Georgia Environmental Protection Division recommends, but does not require, that each subcontractor have at least two “certified subcontractors” assigned to each permitted site. In the event that one of the “certified subcontractors” is called away from the site, then the other “certified subcontractor” would be available to be on-site during any land-disturbing activities.

The following is a list of positions/occupations who, if conducting land-disturbing activities and not otherwise exempt (Attachment - Exemptions Table) will need the required E&TC. The list is not a complete listing of all job titles, but rather is a sample of those that are more common. There may be other titles not included that could benefit from attendance at these E&TC courses. It is useful to consider your specific job responsibilities, and if those responsibilities include involvement with land-disturbing activities, then your attendance at one or more of these E&TC courses is necessary unless somebody else with your work crew/company/entity has already satisfied this requirement for every project or site. While some land-disturbing activities are exempt from the Act and its training requirements, many individuals will have to comply with these training requirements due to conditions in the State General Permits.

SUBCONTRACTOR AWARENESS SEMINAR (LEVEL I)

- Grading personnel, as well as grading and earthmoving equipment operators
- Irrigation system personnel (residence, commercial and industrial sites)
- Landscape personnel
- Utility personnel
- Wastewater personnel installing on-site systems (includes septic tank excavation and drain fields)
- Well drilling personnel (includes directional boring equipment operators)
- Plumbers and electricians (will require certification if conducting a land-disturbing activity within a permitted project site).
- Best Management Practices (BMP) installation and maintenance personnel
- Water quality sampling personnel
- Other personnel involved in land-disturbing activities acting as a subcontractor

If you are working in a subcontractor capacity and possess a Level IA certification you will not be required to take the Subcontractor Awareness Seminar (Level I).

If you are working in a subcontractor capacity and have attended a Fundamentals Seminar (Level IA) but do not possess a Level IA certification, you will not be required to attend the Subcontractor Awareness Seminar (Level I). However, you must submit a Subcontractor Awareness Seminar (Level I) application with a Fundamentals Seminar (Level IA) proof of attendance form to receive a “certified subcontractor” card.

FUNDAMENTALS SEMINAR (LEVEL IA)

- Builders, contractors, developers or site superintendents in responsible charge of erosion and sedimentation control activities on behalf of a primary, secondary or tertiary permittee
- E&SC inspectors (“certified personnel”) contracted by a permittee to ensure compliance with the State General Permit

It is important to note that a “certified subcontractor” (Level I) is not qualified to perform the duties of a “certified person” (Level 1A). Please note that a “certified inspector” (Level IB), “certified design professional” (Level II) or a “certified plan reviewer” (Level II) is qualified to perform the duties of a “certified person” (Level IA).

ADVANCED FUNDAMENTALS SEMINAR (LEVEL IB)

- Regulatory enforcement inspectors (i.e., Local Issuing Authority and EPD staff)
- Non-regulatory personnel inspectors (i.e., contracted by a Local Issuing Authority to do regulatory work)

A “certified inspector” is an individual who has successfully completed the Advanced Fundamentals Seminar (Level IB). It is important to note that a “certified design professional” (Level II) or a “certified plan reviewer (Level II) is not qualified to perform the duties of a “certified inspector” (Level 1B).

INTRODUCTION TO DESIGN SEMINAR (LEVEL II)

- Design professionals preparing ES&PC plans
- Plan reviewers (including EPD, GSWCC, NRCS and Local Issuing Authorities with “plan review authority”)

In cases where an individual is required to possess a “certified inspector” (Level IB) card and a “certified design professional” (Level II) or “certified plan reviewer” (Level II) card, the individual must attend and obtain:

- A passing exam score for the Advanced Fundamentals Seminar (Level IB) and the Introduction to Design Seminar (Level II), *or*
- A passing exam score for the Introduction to Design Seminar (Level II) and passing exam score for the Advanced Fundamental Seminar (Level IB) “Exam Only Session.”

While some land-disturbing activities are exempt from the Act, many entities or persons will have to comply with the E&TC requirements delineated in the State General Permits (Attachment – Exemptions Table). Please note that the determination of whether an activity is exempt is made by the Local Issuing Authority, or by EPD in areas where there is no Local Issuing Authority. Minor land-disturbing activities are not defined in the State General Permits; therefore, this exemption is not applicable to land-disturbing activities occurring within a project subject to the provisions of the State General Permits.

In summary, it is important to consider “what are my job responsibilities,” and if these responsibilities include involvement with land-disturbing activities, then your attendance at one or more of these E&TC courses may be necessary. Georgia’s E&TC program does not recognize reciprocity with any other state erosion and sedimentation education certification.

The Education and Training Certification Program is administered and implemented by the E&SC Education and Certification Program of the Georgia Soil and Water Conservation Commission (GSWCC), telephone: (706) 552-4474, email: certification@gaswcc.org. For additional information, access the GSWCC website: <http://gaswcc.georgia.gov/education-and-certification>. For enforcement inquiries, please contact the EPD Watershed Protection Branch at (404) 463-1511.

**EDUCATION AND TRAINING CERTIFICATION PROGRAM
FACT SHEET - EXEMPTIONS**

<p align="center">EXEMPTIONS O.C.G.A § 12-7-17 EROSION AND SEDIMENTATION ACT</p>	<p align="center">APPLICABLE EDUCATION AND TRAINING CERTIFICATION REQUIREMENTS</p>
<p>Surface mining, as the same is defined in Code Section 12-4-72.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any surface mining project which disturb one or more acres of land subject to the provisions of the state general permit (e.g., office buildings) must complete the appropriate certification course pursuant to Code Section 12-7-19. <i>Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.</i></p>
<p>Granite quarrying and land clearing for such quarrying.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any quarry project which disturb one or more acres of land subject to the provisions of the state general permit (e.g., office buildings) must complete the appropriate certification course pursuant to Code Section 12-7-19. <i>Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.</i></p>
<p>Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities that may result in minor soil erosion.</p>	<p align="center">Not Applicable</p> <p>NOTE: Minor land-disturbing activities are not defined in the state general permit; therefore, this exemption is not applicable to land-disturbing activities occurring within a project subject to the provisions of the state general permit.</p>
<p>Single-family residences, when such construction disturbs less than one acre and is not part of a common development with a planned disturbance equal to or greater than one acre; provided, however, that construction of any such residence shall conform to the minimum requirements in Code Section 12-7-6.</p>	<p align="center">Not Applicable</p>
<p>Agricultural operations as defined in Code Section 1-3-3 to include those practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; farm ponds, dairy operations, livestock and poultry management practices; and the construction of farm buildings.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any agricultural project which disturb one or more acres of land subject to the provisions of the state general permit (e.g., poultry houses, barns) must complete the appropriate certification course pursuant to Code Section 12-7-19. <i>Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.</i></p>

<p>Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices result in land-disturbing activities otherwise prohibited in the buffer, as established in Code Section 12-7-6, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property for a period of three years after the completion of such forestry practices.</p>	<p>Not Applicable</p>
<p>Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any NRCS project which disturb one or more acres of land subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19. <i>Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.</i></p>
<p>Any project involving less than one acre of disturbed area; provided that this exemption shall not apply to any land-disturbing activity within a common development with a planned disturbance equal to or greater than one acre or within 200 feet of the banks of any perennial state waters; provided, however, any such land-disturbing activity within 200 feet of the banks of any perennial state waters shall conform to the minimum requirements in Code Section 12-7-6, and further, a land-disturbing activity permit will be required by the Local Issuing Authority.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any such <u>land-disturbing activity within 200 feet of the banks of any perennial state waters in jurisdictions where there is a certified Local Issuing Authority</u> must complete the appropriate certification course pursuant to Code Section 12-7-19. Code Section 12-7-19(a)(3) specifies that persons or entities involved in projects not requiring a state general permit but otherwise requiring "certified personnel" on site may contract with "certified persons."</p>
<p>Construction or maintenance projects undertaken or financed in whole or part by the Department of Transportation, the Georgia Highway Authority, the State Road and Tollway Authority, or any county or municipality; provided, however, that any construction or maintenance projects which disturb one or more contiguous acres of land shall be subject to the provisions of the state general permit; in addition, the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority shall conform to the minimum requirements in Code Section 12-7-6 if a secondary permittee for a project located within a common development.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any project subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19.</p> <p>The Local Issuing Authority shall enforce compliance with the minimum requirements set forth in Code Section 12-7-6 where the permittee is a secondary permittee for a project located within a common development.</p>
<p>Any land-disturbing activities conducted by any public utility under the regulatory jurisdiction of the Public Service Commission or the Federal Energy Regulatory Commission, any cable system as defined in Code Section 36-18-1, or any agency of the United States engaged in the generation, transmission, or distribution of power; except where any public utility under the regulatory jurisdiction of the Public Service Commission or the Federal Energy Regulatory Commission, any cable system as defined in Code Section 36-18-1, or any agency of the United States engaged in the generation, transmission, or</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any project subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19; <i>except, for E&SC inspectors where the utility companies and utility contractors are secondary or tertiary permittees performing only service line installations or conducting repairs on existing line installations.</i></p>

<p>distribution of power is a secondary permittee for a project within a common development shall conform to the minimum requirements of Code Section 12-7-6.</p>	<p>The Local Issuing Authority shall enforce compliance with the minimum requirements set forth in Code Section 12-7-6 where the permittee is secondary permittee for a project located within a common development.</p>
<p>Public water system reservoirs.</p>	<p>All persons involved in the preparation of an ES&PC plan (Level II), "certified persons" responsible on behalf of the permittee (Level IA), E&SC inspectors (Level IA) and subcontractors (Awareness – Level I) for any public water system reservoir project which disturb one or more acres of land subject to the provisions of the state general permit must complete the appropriate certification course pursuant to Code Section 12-7-19. <i>Such land-disturbing activities and certification requirements are not regulated by the Local Issuing Authorities.</i></p>

Georgia Department of Natural Resources

Environmental Protection Division, Watershed Protection Branch

4220 International Parkway, Suite 101, Atlanta, Georgia 30354

Linda MacGregor, P.E., Branch Chief

404/675-6232

FAX: 404/675-6245

Reply To:
NonPoint Source Program
404/675-6240

February 21, 2007

MEMORANDUM

TO: Erosion and Sedimentation Control Local Issuing Authorities
Other Interested Parties

FROM: Linda MacGregor, Chief
Watershed Protection Branch

SUBJECT: Erosion and Sedimentation - Education and Training Certification
Fact Sheet and Enforcement Strategy

The purpose of this memorandum is to inform Local Issuing Authorities and other interested parties of two important issues involving the State of Georgia's erosion and sedimentation control Education and Training Certification (E&TC) requirements. The first issue is the application of E&TC requirements to utility contractors. The second is the statewide policy on enforcement of the E&TC requirements.

Attached is a copy of a revised Fact Sheet as well as a copy of the letter to Georgia Power Company that acknowledges and clarifies the E&TC requirements that apply to certain utility companies and utility contractors working as secondary permittees in Common Developments. This clarification was brought about through recent conversations with Georgia Power and other utility representatives after the original E&TC Fact Sheet was released for distribution in November 2006. As mentioned in the accompanying letter, this clarification is necessary due to an oversight made during the formulation of the 2003 amendments to the Georgia Erosion and Sedimentation Act (Act), as well as the absence of a definition of "service line installations" in the NPDES Construction Activity General Permit. The February 2007 revision of the Fact Sheet corrects our previous interpretation of the E&TC requirements, as well as clarifies other language that was causing confusion among the regulated community and the regulatory agencies.

The third attachment is the Georgia Environmental Protection Division (EPD) Enforcement Strategy regarding enforcement of the E&TC requirements. We believe that it is important to have a consistent enforcement strategy throughout the state. This will reduce confusion and hopefully increase compliance. As discussed in this strategy, EPD will use enforcement discretion when dealing with an individual who has taken the required E&TC course but is currently awaiting his/her certification card. In addition, due to the language in Paragraph 12-7-8(a)(1) of the Act, Local Issuing Authorities should refrain from taking enforcement action for the absence of training certification towards individuals who enjoy one of the exemptions in Section 12-7-17 of the Act. In such situations, if that land

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disturbing activity is regulated under one of the NPDES General Permits for Construction Activity, EPD has the authority to take enforcement action for such violations of these Permits.

The original November 2006 Fact Sheet is currently being discussed and distributed at the erosion and sedimentation control workshops (a/k/a Road Shows) that EPD is conducting around the State. EPD strongly encourages all Local Issuing Authorities to attend one of these workshops as described in EPD's previous invitation to you.

ATTACHMENTS

cc: EPD District Managers
SSWCC Regional Representatives
Brent Dykes

Georgia Department of Natural Resources

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February 21, 2007

Ms. Tanya Blalock
Environmental Manager, Water Programs
Environmental Affairs, Bin 10221
Georgia Power Company
241 Ralph McGill Blvd., NE
Atlanta, GA. 30308-3374

Re: Education and Training Certification
For Utility Contractors

Dear Ms. Blalock:

The Georgia Environmental Protection Division (EPD) is in receipt of January 3, 2007 e-mail from Burns Wetherington explaining the rationale for Georgia Power and its utility contractors being exempt from inspection and monitoring requirements when performing service line installations as a secondary permittee in common developments. The rationale explains that because inspections by utility contractors acting as secondary permittees do not require qualified personnel, meeting the Education and Training Certification (E&TC) requirements is not mandated. Additionally, Mr. Wetherington's e-mail also explains the exemption for Public Service Commission (PSC) regulated utilities in the Georgia Erosion and Sedimentation Act (E&S Act).

It should be pointed out that the language in the NPDES Construction Activity General Permits for inspections remained essentially unchanged in the 2003 renewal from the original 2000 Permit. During the negotiations and discussions that preceded the issuance of these NPDES General Permits, it was EPD's understanding that the term "service line installations" pertained only to the individual service connections between a building and the utility line serving that street. EPD also understands that utilities have a different view of this term, and they use it to describe all lines providing service to customers within a common development. However, because NPDES General Permit No. GAR100003 does not define the term "service line installations," ambiguity exists with respect to the current Permit requirements.

The intent of the General Permits was to have qualified individuals in all the trades pertaining to land disturbing activities be aware of erosion and sedimentation, such that no group or entity would be unfamiliar with E&S requirements. EPD does recognize that PSC regulated utilities [as well as other utilities listed in O.C.G.A. 12-7-17(10)] operating under

the NPDES General Permits are subject to E&TC requirements for qualified personnel when acting as primary permittees. Mr. Wetherington has pointed out that this is not the case with the NPDES Construction Activity General Permit No. GAR100003 regarding inspections by utilities that are regulated as secondary permittees. Mr. Wetherington has also indicated that PSC regulated utilities are subject to one specific section of the Georgia Erosion and Sedimentation Act that requires installation and maintenance of best management practices for erosion and sediment control. Other sections of the Georgia Erosion and Sedimentation Act, including the E&TC requirements, are not applicable to utility companies that are regulated by the PSC. EPD believes that the language in the Act that exempts utility contractors for the certification requirements was an oversight made while drafting the 2003 amendments to the E&S Act through House Bill 285.

It is EPD's position that the E&TC provisions in the Act were intended to apply to all construction activity. E&TC for utilities and utility contractors that are regulated as secondary permittees will be addressed when the three NPDES General Permits are reissued in 2008. In the interim, EPD acknowledges the differing interpretations of the existing language, but recommends that all utility staff involved as secondary permittees for service line installations take the E&TC Level I A course. This will ensure that all affected utility staff and utility contractors have the necessary E&TC certification in hand once the General Permits are renewed next year. In addition, as delineated in Part IV of the NPDES General Permits for Construction Activity, all persons involved in the preparation of Erosion, Sedimentation and Pollution Control Plans (including utility companies) must have completed the E&TC Level II course by December 31, 2006. It is EPD's understanding that Georgia Power Company already requires this of its design professionals.

If you have any questions concerning this issue, I can be reached by calling (404) 675-6240.

Sincerely,

Lawrence W. Hedges
Program Manager
NonPoint Source Program

LH/rrs

cc: Jim Sommerville, EPD
Brent Dykes, SSWCC
Jason Ulseth, SSWCC

File: Georgia Power Company