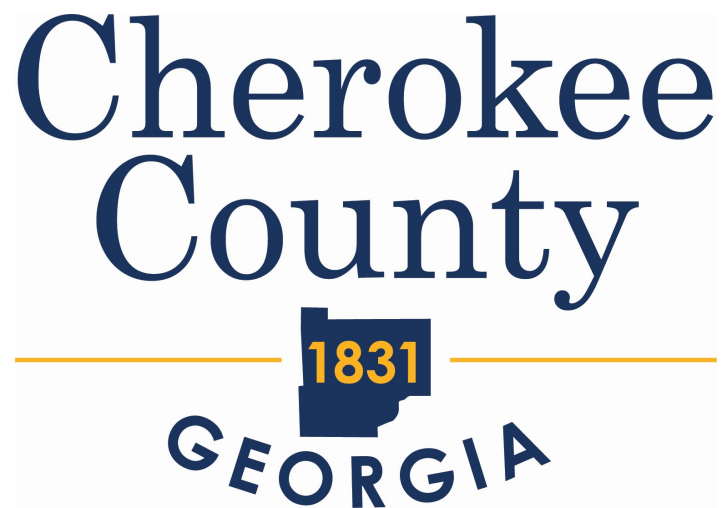


# **Cherokee County Phase II MS4 Permit**

**Stormwater Management Program 2023-2027**



Prepared by:

CHEROKEE COUNTY  
ENGINEERING DEPARTMENT  
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Issued to EPD: May 26, 2023

**STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION**

**Storm Water Management Program (SWMP)**

General NPDES Permit No. GAG610000 for  
Small Municipal Separate Storm Sewer Systems (MS4)

**1. General Information**

- A. Name of small MS4: **Cherokee County, GA**
- B. Name of responsible official: **Geoffrey E. Morton, PE**  
Title: **County Manager**  
Mailing Address: **1130 Bluffs Parkway**  
City: **Canton** State: **GA** Zip Code: **30114**  
Telephone Number: **678-493-6000**
- C. Designated stormwater management program contact:  
Name: **Benjamin L. Morgan, PE, CFM**  
Title: **County Engineer**  
Mailing Address: **1130 Bluffs Parkway**  
City: **Canton** State: **GA** Zip Code: **30114**  
Telephone Number: **678-493-6071**  
Email Address: **[blmorgan@cherokeega.com](mailto:blmorgan@cherokeega.com)**
- D. Provide the river basin(s) to which your MS4 discharges: **Etowah River – Coosa Basin**
- E. Provide the latitude and longitude of the MS4 center (e.g. City Hall, County offices, MS4 mailing address) using Global Positioning System (GPS) –WG 84:  
Latitude: **34.26802° N** Longitude: **84.47155° W:**

**2. Sharing Responsibility**

- A. Has another entity agreed to implement a control measure on your behalf?  
**Yes: X**
1. Name of entity: **Upper Etowah River Alliance and Cherokee County Water & Sewage Authority**
2. Control measure or component of control measure to be implemented by entity on your behalf:

The county has an ongoing Memorandum of Agreement with the Upper Etowah River Alliance (UERA) to partner in providing public education and public involvement activities related to stormwater pollution prevention. Specific BMP's where the county and the Alliance partner and share responsibility are:

Public Education BMP # 2 - Public Presentations on Stormwater Pollution Prevention.

Public Involvement BMP # 3 - The annual Etowah River Cleanup

**The County is heavily involved with these activities and UERA is not solely responsible for implementation.**

The county has an ongoing Memorandum of Agreement with the Cherokee County Water and Sewer Authority (CCWSA) to partner in water quality monitoring data with Cherokee County for the Impaired Waters Monitoring and Implementation Plan. **The County is heavily involved with these activities and CCWSA is not solely responsible for implementation. CCWSA provides some sampling data.**

- B. Attach an additional page if necessary to list additional shared responsibilities. **It is mandatory that you submit a copy of a written agreement between your MS4 and the other entity demonstrating written acceptance of responsibility.**

3. **Minimum Control Measures\* and Appendices**

- A. Public Education and Outreach
- B. Public Involvement/Participation
- C. Illicit Discharge Detection and Elimination
- D. Construction Site Stormwater Runoff Control
- E. Post-Construction Stormwater Management in New Development and Redevelopment
- F. Pollution Prevention/Good Housekeeping
- G. Appendix – Enforcement Response Plan
- H. Appendix – Impaired Waters

**4. Certification Statement**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Geoffrey E. Morton, PE

Title: County Manager

Signature:  \_\_\_\_\_

Date: 5/25/23

## **Storm Water Management Program**

### **4.2.1 Public Education and Outreach on Storm Water Impacts**

40 CFR Part 122.34(b)(1) Requirement: The permittee will implement a public education program to distribute educational materials to the community and/or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

The program will consider a wide range of topics, such as litter control, illicit discharges, household hazardous waste disposal, residential pesticide, fertilizer, and herbicide application, Fats, Oils and Grease (FOG), stormwater management, stormwater facility maintenance, and GI/LID techniques. Public education materials will be utilized from numerous websites & organizations, including the following: U.S.EPA ([www.epa.gov](http://www.epa.gov)), Clean Water Campaign ([www.cleanwatercampaign.org](http://www.cleanwatercampaign.org)), the Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)), the Metro North Georgia Water Planning District (<http://mydropcounts.org/educational-resources/> & <http://northgeorgiawater.org/protect-our-water/>), and the Atlanta Regional Commission. Training will also be conducted on the new runoff reduction/quality requirement as outlined in section 4.2.5.1 of the permit.

**A. Best Management Practice (BMP) #1– Stormwater Management Web Page**

1. **Target audience:** The target audiences include the general public, local conservation groups, Home Owner Associations (HOA), local authorities, and the development community. The County Stormwater Management webpage (BMP #1) will provide broad access for the general public to educational information and notices of upcoming events.

2. **Description of BMP:**

Cherokee County maintains a Stormwater Management webpage on the County website. There is a quick link to the Stormwater webpage from the County home page. On the Stormwater Management webpage itself, there is a contact information for the County Engineer. Also, there are numerous links for stormwater management information, including a link for citizens to report stormwater problems via email.

The County will continue to add and update educational information on the Cherokee County Stormwater Management web page as per the following:

- Update webpage as described in MCM Illicit Discharge Detection and Elimination, BMP #4; Education.
- Notice of scheduled events pertaining to stormwater to be hosted by Cherokee County or other entities. Invitations to volunteers to participate in scheduled events.
- Advertise the following on the County Stormwater Management webpage:
  - the annual Etowah River Clean-Up
  - the annual “Bring One for the Chipper” Christmas tree recycling event
- Information on the impact of polluted stormwater on water quality, channel stability, and aquatic habitats in rivers, streams, and lakes.
- Information on hazards associated with discharges and improper disposal of yard waste, and toxic and hazardous wastes along with a list of approved disposal sites, including a link to the Cherokee County Recycling Center webpage.
- Information on how citizens can prevent stormwater pollution by recycling, proper septic tank maintenance, non-polluting lawn care activities, rain gardens, composting, proper use of fertilizer, proper disposal of toxic household & garden chemicals, auto maintenance, pet waste disposal.
- Digital versions of brochures and links to information websites from the above referenced websites
- Information on stormwater management structure maintenance.

3. **Measurable goal(s):**

- (a) Monitor “hits” annually.
- (b) Update webpage at least semi-annually and as new events are scheduled and new stormwater information is available from the above referenced websites.
- (c) Track number of reports of illicit discharge or illegal connections received via the “hotline” phone number and reporting link on the webpage.
- (d) Track number of reports of stormwater problems from the webpage reporting link.

4. **Documentation to be submitted with each annual report:**

- (a) Report “hits” annually.
- (b) Provide print out of updated webpage
- (c) Track number of reports of illicit discharge or illegal connections received via the “hotline” phone number and reporting link on the webpage.
- (d) Track number of reports of stormwater problems from the webpage reporting link.

**5. Schedule:**

- a. Interim milestone dates (if applicable): N/A – Ongoing
- b. Implementation date (if applicable): N/A – Ongoing
- c. Frequency of actions (if applicable): As needed
- d. Month/Year of each action (if applicable): As described above

**6. Person (position) responsible for overall management and implementation of the BMP: Ben Morgan, PE, CFM (County Engineer)**

7. **Rationale for choosing BMP and setting measurable goal(s):** The County believes that a high percentage of the population either owns or has access to a computer with Internet access. As such, a stormwater page (with links) on the County’s official web site should provide easily accessible information on stormwater.

8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by monitoring the “hits” on the Stormwater webpage; tracking the number of reports via phone “hotline” and email reporting link; and participation in public events advertised.

**B. BMP #2 - Public Presentations on Stormwater**

1. **Target audience:** The target audiences include the general public, local conservation groups, Home Owner Associations (HOA), local authorities, and the development community.
2. **Description of BMP:** Cherokee County will present, produce and/or fund three public presentations annually (speaking engagements, seminars, or workshops). The County has a Memorandum of Agreement with the Upper Etowah River Alliance (UERA) adopted on August 5, 2008 to produce and distribute educational material specific to the Etowah River Watershed and to partner on the production of presentations, seminars, workshops, and displays at special events. In addition, the County may provide funding for certain UERA activities. A copy of the MOA is included in Appendix C.
3. **Measurable goal(s):** Three presentations will be conducted or funded annually.
4. **Documentation to be submitted with each annual report:** List of presentations given annually, with brief description of topic, method of presentation, number of attendees and audience type.
5. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): On-going
  - c. Frequency of actions (if applicable): Three times a year
  - d. Month/Year of each action (if applicable): As noted above
6. **Person (position) responsible for overall management and implementation of the BMP** Ben Morgan, PE, CFM (County Engineer)
7. **Rationale for choosing BMP and setting measurable goal(s):** There are many opportunities within the county to address the development community, civic groups, students, and special interest groups with information on stormwater pollution prevention. For some groups, general information can be given and for special interest groups, specific water quality information pertaining to the interest is more suitable.
8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by tracking the number of presentations given and the number of attendees.



### **C. BMP #3 – Distribution and Tracking of Educational Material on Stormwater Pollution Prevention**

1. **Target audience:** The target audiences include the general public, local conservation groups, Home Owner Associations (HOA), local authorities, and the development community.
2. **Description of BMP:** Cherokee County Stormwater staff will distribute brochures and posters on various topics relating to protecting stormwater runoff from pollution to six (6) public locations annually. The County will also track the number of brochures picked up by the public.
3. **Measurable goal(s):**
  - a. Distribute and track pick-ups of a total minimum of at least 100 brochures and/or posters annually among six (6) or more public locations.
4. **Documentation to be submitted with each annual report:**
  - a. Provide a list of distribution location, number of brochures distributed, date, topic of focus, and number of brochures picked up by the public.
  - b. Report number and types of brochures and posters, and the type of locations where they are delivered.
  - c. Annually track the number of brochures picked up by the public.
5. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): On-going
  - c. Frequency of actions (if applicable): On-going
  - d. Month/Year of each action (if applicable): As noted above
6. **Person (position) responsible for overall management and implementation of the BMP** Ben Morgan, PE, CFM (County Engineer)
7. **Rationale for choosing BMP and setting measurable goal(s):** Brochures and posters on specific topics related to protecting stormwater runoff quality which are placed in certain locations can be effective in reaching certain audiences that may not respond to general stormwater printed materials (e.g. auto repair brochures at auto parts stores, pet waste posters at kennels, etc.).
8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by tracking the number and type of printed materials distributed.

**D. Best Management Practice (BMP) #4– Educational Presentation at Etowah River Clean-up**

1. **Target audience:** The target audience include the general public that volunteer during the annual Etowah River Clean-Up.
2. **Description of BMP:**  
Cherokee County will provide information on the Cherokee County Stormwater Management Program during the Annual Etowah River Cleanup. This information may include a “booth” setup or a general discussion that contains information on the program in general, including, but not limited to, illicit discharges, complaint reporting, stormwater facility maintenance, development control, water quality, GI/LIDs, flood hazard areas, spill prevention and countermeasures, etc.
3. **Measurable goal(s):** Provide an information discussion or “booth” setup on the Cherokee County Stormwater Management Program at the Etowah River Clean-Up annually
4. **Documentation to be submitted with each annual report:** Documentation of the presentation/discussion at the Etowah Clean-Up. Documentation may include a summary of the discussion and/or pictures of the “booth” setup.
5. **Schedule:**

a. <u>Interim milestone dates (if applicable):</u>	N/A
b. <u>Implementation date (if applicable):</u>	On-going
c. <u>Frequency of actions (if applicable):</u>	Annually
d. <u>Month/Year of each action (if applicable):</u>	Annually at the Etowah River Clean-Up
6. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
7. **Rationale for choosing BMP and setting measurable goal(s):** The County believes that providing additional information on the stormwater program at the clean-up will garner additional interest in stormwater.
8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by tracking the participation in the Etowah River Clean-up.

#### **4.2.2 Public Involvement/Participation**

**40 CFR Part 122.34(b)(2) Requirement:** The permittee will comply with State and local public notice requirements when implementing a public involvement/participation program.

##### **A. Best Management Practice (BMP) #1 – Recycling Program**

1. **Target audience/stakeholder group:** The target audience/stakeholder group is the general public of Cherokee County.
2. **Description of BMP:**  
In 2009, the Cherokee County Recycling Center collaborated with Waste Management to become a single-stream recycling facility, accepting all forms of recyclables and no longer requiring sorting by type. Single stream recycling allows residents to recycle cans, paper, and plastic products without the need to separate the items by type. Recyclables collected are tracked by tonnage. A link to the Recycling Center webpage and educational information about how recycling prevents stormwater pollution is posted on the Stormwater Management webpage.
3. **Measurable goal(s):**
  - a) Operate the recycling center a minimum of 5 days per week
4. **Documentation to be submitted with each annual report:**
  - a) Track number of vehicles utilizing the recycling center.
  - b) Report tonnage of recyclables collected per year in each annual report.
  - c) Provide pdf image of educational information posted on Stormwater Management webpage about how recycling prevents stormwater pollution in each Annual Report
5. **Schedule:**

a.	<b>Interim milestone dates (if applicable):</b>	N/A
b.	<b>Implementation date (if applicable):</b>	On-going
c.	<b>Frequency of actions (if applicable):</b>	
	i.	Record tonnage of recyclables and number of vehicles utilizing the recycling center– Annually
	ii.	Include Recycling Center educational information on webpage continuously
d.	<b>Month/Year of each action (if applicable):</b>	N/A
6. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer) & Troy Brazie (Cherokee Recycling Center Manager).
7. **Rationale for choosing BMP and setting measurable goal(s):** The Cherokee County Recycling Program has been operating successfully for approximately 18 years. Continuation of the program will serve as a valuable tool in providing the public with opportunities to practice conservation and pollution prevention. Implementation of this BMP should reduce the amount of floatables within the MS4 and downstream receiving waters.

8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by amount of participation in the Recycling Program: tracking the number of vehicles & tonnage of recyclables brought to the Recycling Center and other drop-off points.

**B. BMP #2– Electronics Recycling Day**

1. **Target audience/stakeholder group:** The target audience/stakeholder group is the general public of Cherokee County.
2. **Description of BMP:**

Cherokee County Recycling Center sponsors an annual Electronics Recycling Day to recycle such items as computers, printers, fax machines, copiers, USP batteries, cell phones, televisions, microwaves, etc. The event is held in the fall at the County Administrative Offices on Bluffs Parkway.
3. **Measurable goal(s):**
  - a) Sponsor one electronic recycling event annually.
  - b) Post an image of the promotion flyer for the event the Stormwater Management webpage annually.
  - c) Distribute flyers advertising the event at the recycling center
4. **Documentation to be submitted with each annual report:**
  - a) Provide a pdf image of the flyer posted on Cherokee County Social Media Webpage
  - b) Report tonnage of items recycled in each annual report.
  - c) Report number of vehicles/people participating in the event.
  - d) Report number of people exposed to advertising the event at the recycling center
5. **Schedule:**
  - a. **Interim milestone dates (if applicable):** N/A
  - b. **Implementation date (if applicable):** On-going
  - c. **Frequency of actions (if applicable):** Annually in Sept/Oct
  - d. **Month/Year of each action (if applicable):** N/A
6. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
7. **Rationale for choosing BMP and setting measurable goal(s):** The Cherokee County Recycling Program has been operating successfully for approximately 18 years. Continuation of the program will serve as a valuable tool in providing the public with opportunities to practice conservation and pollution prevention. Implementation of this BMP should reduce the amount of floatables within the MS4 and downstream receiving waters.
8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by amount of participation in the Recycling Program: tracking the tonnage of recyclables and number of vehicles at the event.

**C. BMP #3 – Etowah River Cleanup**

1. **Target audience:** The target audiences include the general public & local conservation groups.
2. **Description of BMP:**

The County Engineer for Cherokee County helps to coordinate, advertise and facilitate the Annual Etowah River Cleanup in association with the DNR's Rivers Alive event. The Stormwater Manger works with the Cherokee County School District, Upper Etowah River Alliance (UERA), Cherokee County Water and Sewer Authority, and Rivers Alive to put on this annual event.

To encourage volunteer participation, promotional information is distributed to teachers and students by the Cherokee County school system. The UERA submits notices of the event to the local newspapers and posts it on the UERA webpage. The Stormwater Manger advertises the event on the Stormwater webpage. Cherokee County provides a hot dog lunch. Volunteers are provided with trash bags and refreshments. Cherokee County provides for hauling of all the litter collected at the event, recycles what can be recycled, and disposes of the rest at a local landfill.

The County Engineer presents stormwater educational information on to the volunteers during the pre-cleanup talk.
3. **Measurable goal(s):**
  - a. Participate in sponsoring one volunteer clean-up event on the Etowah River annually.
4. **Documentation to be submitted with each annual report:**
  - a. Provide pdf image of promotion flyer/invitation to volunteer for the event as posted on the Stormwater Management webpage in each annual report.
  - b. Provide photos and sign-in sheets from the cleanup event in each annual report.
5. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): On-going
  - c. Frequency of actions (if applicable): Annually
  - d. Month/Year of each action (if applicable):
    - i. September– Promote Clean-up on Stormwater webpage.
    - ii. September or October 2023 - 2027 – Hold Clean-up
6. **Person (position) responsible for overall management and implementation of the BMP** Ben Morgan, PE, CFM (County Engineer), Lori Forrester (Cherokee County Water and Sewer Authority), and Upper Etowah River Alliance,

7. **Rationale for choosing BMP and setting measurable goal(s):** The Etowah River Watershed is of great importance and concern to Cherokee County and its residents. By holding this annual event, the County ensures the removal of litter and debris that reaches the Etowah River. This event provides the public to become personally involved with the protection of local water quality and natural resources.
  
8. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by the number of participants and the amount (volume) of trash and debris collected from the riverbanks.

**D. BMP #4 – Stormwater Hotline**

1. **Target audience:** The target audience include the general public.

2. **Description of BMP:**

Citizens can access the Stormwater Hotline by phone or e-mail from links on the Stormwater webpage. The Stormwater Division responds to all questions with information about county ordinances/regulations, stormwater drainage/hydrology issues, stream buffers, erosion control, etc. For citizens who call about stormwater drainage problems located on their property but outside of the County's maintenance zone, the Stormwater Division may make a site visit to discuss storm water drainage problems and offer solutions the property owner can carry out themselves.

For stormwater complaints and reported problems, the Stormwater Division investigates as follows: The GIS stormwater inventory map is used to determine the potential cause of the problem by viewing aerial photos, stormwater structures inventory, streams and topographic contours. Subdivision plats are pulled to locate any drainage easements. A representative of the Stormwater Division visits the site to investigate, and resolves the issue or offers suggestions to the property owner on how to improve the problem. Where appropriate, the complaint is sent to an Inspector from another County Department or to the Roads & Bridges Department. Many complaints require a case-by-case approach with several departments working together to resolve the issues. The County Engineer is consulted for a final decision in questions regarding county responsibility versus citizen responsibility for stormwater drainage problems on private properties.

3. **Measurable goal(s):**

- a. Respond to 100% of all e-mails and calls to the Stormwater Hotline within three (3) business days.
- b. Take appropriate action for 100% of questions and complaints.
- c. Track each Stormwater Hotline contact and a written description of its resolution on in the digital Citizen Complaint database.
- d. Provide pdf copies of the digital Citizen Complaint database in each annual report.

4. **Documentation to be submitted with each annual report:** Copy of digital Citizen Complaint database.

5. **Schedule:**

- a. Interim milestone dates (if applicable): N/A
- b. Implementation date (if applicable): On-going



- c. Frequency of actions (if applicable):
    - i. Investigate complaints – As calls and e-mails are received
    - ii. Respond to Stormwater Hotline contacts –As calls and e-mails are received
    - iii. Track number of Stormwater Hotline contacts – As received
  - d. Month/Year of each action (if applicable): As noted above
- 6. Person (position) responsible for overall management and implementation of the BMP Ben Morgan, PE, CFM (County Engineer)**
- 7. Rationale for choosing BMP and setting measurable goal(s):** The Stormwater Hotline allows the County to provide consistent and effective responses to questions and complaints from citizens and resolution of stormwater and other drainage or water quality problems on private property or within the County right-of-way).
- 8. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by tracking the number of citizen contacts and the number of stormwater issues resolved.

### **4.2.3 Illicit Discharge Detection and Elimination**

40 CFR Part 122.34(b)(3) Requirement: Cherokee County has developed, implemented, and enforces a program to detect and eliminate illicit discharges into our MS4. Cherokee County has and will continue to:

- A) Develop a storm sewer system map showing the location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls;
- B) Effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into our storm sewer system and implemented appropriate enforcement procedures and actions;
- C) Implement a plan to detect and address non-storm water discharges, including illegal dumping, to our system; and
- D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

**The following BMPs are in compliance with Table 4.2.3 (a) of the Permit**

**A. Best Management Practice (BMP) #1– Legal Authority (Illicit Discharges and Illegal Connections)**

- 1. Description of BMP:** The County adopted the Illicit Discharge and Illegal Connection Model Ordinance from the MNGWPD on June 21, 2005. The ordinance gives the County the right to enter property to check for violations, the authority to require illicit connections be removed, and allows enforcement against an ordinance violator. A copy of the Ordinance has been transmitted to EPD previously, and is included with this permit submittal. The County’s Illicit Discharge and Illegal Connection Ordinance No. 2005-O-005, effective June 21, 2005, along with the Amendment to Section 4, effective September 18, 2007, were both evaluated and were found to be fully adequate to provide the authority to implement the IDDE program as described in the 2023-2027 SWMP
- 2. Measurable goal(s):** Evaluate the illicit discharge and illegal connection ordinance annually.
- 3. Documentation to be submitted with each annual report:** If the County’s Illicit Discharge and Illegal Connection is modified during the 5-year permit period, a copy of the modified ordinance will be provided to EPD with the following annual report.
- 4. Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): N/A
  - c. Frequency of actions (if applicable): N/A
  - d. Month/Year of each action (if applicable): N/A
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The Illicit Discharge & Illegal Connection Ordinance allows the County to carry out its IDDE program and enforce any violations found, thus preventing stormwater pollution to the maximum extent practicable (MEP).

**B. BMP #2 – Outfall Map and Inventory (Illicit Discharges and Illegal Connection)**

1. **Description of BMP:** The County has completed and updates annually its MS4 outfall inventory and map for preventing Illicit Discharges and Illegal Connections. The map is part of the County GIS database which includes Attribute Tables for all applicable structures. The County annually updates the GIS database for the addition of any newly constructed outfalls in areas previously mapped.
2. **Measurable goal(s):** Continue to update Cherokee County's GIS outfall inventory and map as new outfalls are modified in the Urbanized Area based on the 2010 Census.
3. **Documentation to be submitted with each annual report:** Provide a copy of the most current outfall inventory and map with each annual report; including the number of outfalls added during the reporting period.
4. **Schedule:**

a.	Interim milestone dates (if applicable):	N/A
b.	Implementation date (if applicable):	Ongoing
c.	Frequency of actions (if applicable):	Ongoing
d.	Month/Year of each action (if applicable):	Ongoing
5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Mapping all outfalls and receiving waters is an essential step to enable the dry weather screening program which allows the County to carry out its IDDE program and enforce correction of any violations found, thus preventing stormwater pollution to the maximum extent practicable (MEP).

**C. BMP #3 – IDDE Plan (Illicit Discharges and Illegal Connections)**

1. **Description of BMP:** Cherokee County conducts dry weather screening procedures that consist of inspecting outfalls and sampling any dry weather flow to determine if upstream facilities/connections are discharging non-stormwater flows to the drainage system. Copies of the County's current Dry Weather Screening Procedures and a copy of a DWS outfall inspection form are included with this SWMP.
2. **Measurable goal(s):**
  - a. Conduct dry weather screening (DWS) inspections on 100% of the outfalls within the 5- year permit period in accordance with the County's Dry Weather Screening Procedures.
  - b. Implement investigative procedures on 100% of the outfalls where the results of a DWS inspection indicates a potential illicit discharge, based on the inspection procedures and/or sampling results defined in the County's Dry Weather Screening Procedures (attached).
  - c. Ensure any identified illicit discharges are eliminated in accordance with the County's existing Illicit Discharge and Illegal Connection Ordinance, Section 8. Violations, Enforcement and Penalties, and in accordance with the County's Enforcement Response Plan (ERP). This specific section of ERP was approved by EPD in 2018.
3. **Documentation to be submitted with each annual report:**
  - a. Total number of outfalls in inventory and number and percentage of DWS inspections conducted;
  - b. A location map showing all outfalls and indicate which ones were screened during the current reporting period;
  - c. Copies of all Dry Weather Screening forms;
  - d. Results of any DWS inspections/sampling in which an illicit discharge is discovered;
  - e. Results of all investigations/source tracing of any illicit discharges or illegal connections found;
  - f. Description of all enforcement actions taken to eliminate illicit discharges and illegal connections.
4. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): Ongoing
  - c. Frequency of actions (if applicable): Ongoing
  - d. Month/Year of each action (if applicable): As noted above

5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer), Jaime Gianfala (Chief Marshal)
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Tracking the number of illicit discharges and illegal connections to the MS4 found by the dry weather screening process will inform the County of the effectiveness of this program.

Example Table:

<b>Year</b>	<b>Total Number IDDE Outfalls</b>	<b>Number IDDE Outfalls Inspected</b>	<b>% Inspected</b>
2023	XX	XX	20%
2024	XX	XX	20%
2025	XX	XX	20%
2026	XX	XX	20%
2027	XX	XX	20%
<b>Total</b>	XX	XX	100%

**D. BMP #4 – Education (Illicit Discharges and Illegal Connections)**

1. **Description of BMP:** Cherokee County will continue its educational activities regarding illicit discharges and illegal connections and the resultant hazards to water quality. The following items will be continued to for the County’s educational activities regarding Illicit Discharges and Illegal Connections:
  - a. Stormwater Webpage: The Stormwater webpage will continue to include the following:
    - A “hotline” phone number on the Stormwater webpage specifically for reports of Illicit Discharges and Illegal Connections. (This is in addition to the contact numbers for the Stormwater Division members and link for citizens to report stormwater problems via email.)
    - Educational material on the problems caused by illicit discharges and illegal connections.
    - Links and information on the webpage explaining the hazards associated with illegal discharges and improper disposal of toxic and hazardous wastes.
    - Lists or links to approved hazardous materials disposal sites.
    - A link to the Cherokee County Recycling Center Webpage.
  - b. Continue educating County employees at annual employee training sessions (see section 4.2.6 Pollution Prevention/Good Housekeeping, BMP #5-Employee Training) about the hazards of illicit discharges and the proper disposal of hazardous materials, grass clippings and vegetative debris cleaned from stormwater structures. In addition, discuss how to recognize potential illicit connection for employees who perform maintenance work on MS4 structures. During training sessions, use the opportunity to include how to avoid personal household illicit discharges and illegal connections.
  - c. Present illicit discharge/stormwater educational information to the volunteers at the Etowah River Clean-up during the pre-cleanup talk (see section 4.2.2 Public Involvement/Participation, BMP #3 Etowah River Clean-up).
2. **Measurable goal(s):**
  - a. Maintain County Stormwater webpage as described in 1.a. above. The webpage shall be checked semi-annually and updated as needed.

- b. Conduct employee training annually (as described under 4.2.6 Pollution Prevention, BMP #5-Employee Training) and include the educational information as described in 1.b above.
  - c. During each annual Etowah River Clean-up, provide educational information to volunteers as described in 1.c. above.
- 3. Documentation to be submitted with each annual report:**
  - a. Provide a PDF printout of the webpage and identify any updates
  - b. Provide confirmation of all annual employee training sessions in each annual report.
  - c. Provide copies of sign-in sheets from each Clean-up in each annual report.
- 4. Schedule:**
  - a. Interim milestone dates (if applicable): Ongoing
  - b. Implementation date (if applicable): Ongoing
  - c. Frequency of actions (if applicable): Ongoing
  - d. Month/Year of each action (if applicable): As noted above
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by the number of hits on the webpage and the number of county employees trained; and Etowah River Cleanup volunteers educated; also by the number of illicit discharges found by Dry Weather Screening, citizen reports, and discoveries by county employees.



**E. BMP #5 – Complaint Response (Illicit Discharges and Illegal Connections)****1. Description of BMP:**

The County's procedure for responding to complaints regarding illicit discharges and illegal connections is as follows:

Receipt: Complaints are received in the Stormwater Management Division by phone, email, or in person at the County Administrative Office. Complaints are initially recorded in a digital database.

Investigation: Priority response is given to reports of illicit discharges considering their intermittent nature. Reports of illicit connections will be investigated within 1-3 business days. Procedures are followed as defined in BMP #3 IDDE Plan for screening/sampling and source tracing as needed. If dry weather flow conditions do not exist at the time of the initial investigation, a follow-up visit will be made during the next period of dry weather flow to attempt to encounter another episode of the reported illegal discharge. The Inspector will document the investigation a Dry Weather Screening Form. Follow-up site visits will be made as necessary.

Response: If a violation is discovered, the Enforcement Procedures defined in BMP #3 IDDE Plan are carried out.

Tracking: The complaint date, type, status, and final resolution will be entered into the digital Citizen Complaint database. Inspections are documented on Dry Weather Screening Forms. A copy of the Citizen Complaint database will be submitted for Annual Report documentation along with the Dry Weather Screening Forms.

**2. Measurable goal(s):**

- a) Respond to 100% of all complaints within 3 business days.

**3. Documentation to be submitted with each annual report:**

- a) Provide pdf copies of all Citizen Complaint Forms and Dry Weather Screening Forms related to citizen reports of potential or actual illicit discharges or illegal connections in each annual report.
- b) Provide a pdf copy of the digital IDDE Complaints tracking database for all IDDE complaints in each annual report.

**4. Schedule:**

- |    |  |                |
|----|--|----------------|
| a. | Interim milestone dates (if applicable):   | Ongoing        |
| b. | Implementation date (if applicable):       | Ongoing        |
| c. | Frequency of actions (if applicable):      | Ongoing        |
| d. | Month/Year of each action (if applicable): | As noted above |

5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Prompt attention to reports by citizens of illegal discharges and illicit connections and enforcement of correction enables the County to minimize any pollution to state waters to the maximum extent practicable (MEP).

#### **4.2.4 Construction Site Storm Water Runoff Control**

The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Storm water discharges from construction activity disturbing less than one acre must be included in the permittee's program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include:

- A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance;
- B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- D) Procedures for site plan review which incorporate consideration of potential water quality impacts;
- E) Procedures for receipt and consideration of information submitted by the public; and
- F) Procedures for site inspection and enforcement of control measures.

**A. Best Management Practice (BMP) #1 – Legal Authority (Construction Site Stormwater Runoff Control)**

1. **Description of BMP:** The most current Cherokee County Soil Erosion and Sedimentation Control Ordinance No. 2017-0-005, adopted June 6, 2017, requires (in Section IV. C. 23) construction site operators to control waste at the construction site such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste to prevent stormwater pollution. A copy of the Ordinance is included with this SWMP.
2. **Measurable goal(s):** The ESC ordinance will be evaluated annually.
3. **Documentation to be submitted with each annual report:** If the ESC Ordinance is revised during the reporting period, a copy of the revised ordinance will be submitted with the annual report.
4. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): Ordinance adopted 06/17
  - c. Frequency of actions (if applicable): N/A
  - d. Month/Year of action (if applicable): N/A
5. **Person (position) responsible for overall management and implementation of the BMP:** Brantley Day, AICP (Community Development Agency Director), Ben Morgan, PE, CFM (County Engineer), Chris Reed (Development Inspection Manager)\
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By fully enforcing the County's Soil Erosion & Sedimentation Control Permit during site inspections, sediment and pollutants and waste from construction sites will be prevented from entering the MS4 or state water to the maximum extent practicable (MEP).

**B. BMP #2 – Site Plan Review (Construction Site Stormwater Runoff Control)****1. Description of BMP:**

Cherokee County is its own Issuing Authority, and remains in compliance with the Georgia Erosion and Sediment Control Act (GESA) of 1975 as amended in 2003. Accordingly, all developers are required to comply with the local E&S Ordinance and obtain a land disturbance permit prior to the start of any land disturbing activities (LDA) that will: a) disturb one (1.0) or more acres of land; or b) disturb less than one (1.0) acre of land within 200 feet of state waters.

Erosion Sedimentation and Pollution Control Plans (ESPCP) are submitted to Cherokee County in the LDA Permit application. ESPCP plans are reviewed by a certified plan reviewer for compliance with the Cherokee County Soil Erosion and Sedimentation Control Ordinance and for compliance with the requirements of GESA. The plan reviewer position is funded partly by the County and partly by the National Resources Conservation Service (NRCS).

Regulations of GESA and the Cherokee County E&S Ordinance include the requirement to control turbidity in the site runoff, control impacts on receiving streams and implementation of the minimum control measures. Once an ESPCP is approved by the NRCS, the developer is issued a Land Disturbing Activities Permit by Cherokee County and can commence with land disturbing activities.

- 2. Measurable goal(s):** Review 100% of the site plans to ensure compliance with E&S ordinance and GESA
- 3. Documentation to be submitted with each annual report:** Provide a list of the site plans received and the number of site plans reviewed, approved, or denied during the reporting period in each annual report.
- 4. Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): Ongoing
  - c. Frequency of actions (if applicable): Ongoing
  - d. Month/Year of action (if applicable): Ongoing
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer),
- 6. Rationale for choosing BMP and setting measurable goal(s):** This is a BMP required by the permit. The County is performing this effort as part of its responsibility as an Issuing Authority under the State's Erosion and Sedimentation Act.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By ensuring that a proper Erosion, Sedimentation, and

Pollution Control Plan is submitted, reviewed and approved for all Land Disturbance Activities Permits issued, the county is setting up each construction site to prevent stormwater pollution from eroded sediment to the maximum extent practicable (MEP).

**C. BMP #3 – Inspection Program (Construction Site Stormwater Runoff Control)**

1. **Description of BMP:** The Cherokee County inspection program is implemented in accordance with the GSWCC requirements. The purpose of the inspections is to ensure that structural and non-structural BMPs at construction sites are properly designed and maintained and that construction site waste is properly controlled.
2. **Measurable goal(s):**
  - a) 100% of the active construction sites will be inspected in accordance with the GSWCC requirements.
3. **Documentation to be submitted with each annual report:** Provide a list of active construction sites and any inspections conducted during the reporting period in each annual report.
4. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): Ongoing
  - c. Frequency of actions (if applicable): As-needed
  - d. Month/Year of action (if applicable): See above
5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer), Chris Reed (Development Inspection Services Manager), Paul Laney, CBO, MCP (Director of Building Development Services)
6. **Rationale for choosing BMP and setting measurable goal(s):** This is a BMP required by the permit. The County is performing this effort as part of its responsibility as an Issuing Authority under the State's Erosion and Sedimentation Act.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** This BMP can be evaluated by tracking all violations & enforcement actions on development and construction sites. By conducting thorough site inspections at appropriate times for proper design, installation, functioning and maintenance of structural and non-structural BMPs, and for proper waste disposal, the county is ensuring that each development/construction site is managed to prevent stormwater pollution to the maximum extent practicable (MEP).

**D. BMP #4 – Enforcement Procedures (Construction Site Stormwater Runoff Control)****1. Description of BMP:**

Cherokee County's Soil Erosion and Sedimentation Control Ordinance is based on the state Model E&S ordinance and requires measures be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity equal to or greater than one acre. It also applies to any land-disturbing activity of less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

County inspectors follow enforcement procedures outlined in Section VII. of the County E&S Ordinance for any site inspection of a development or building site which is found to be out of compliance with the E&S ordinance. The inspector notifies the permit holder or responsible representative verbally (if possible) of the violation at the time of inspection, and in written form.

The responsible party will receive a written Notice of Violation with a timeline for compliance (not to exceed five days). An immediate Stop Work Order is issued, in lieu of a warning, if the violation presents an imminent threat to 1) public health/safety (e.g. tracking dirt or mud onto public roads) or 2) waters of the state (e.g. discharge of sediment or other pollutants to a stream), or 3) if land disturbing activities are conducted without obtaining the necessary permit.

The site will be re-inspected within the specified timeline to ensure that the appropriate corrective measures have been implemented. A second Notice of Violation will be issued if the site is still found to be out of compliance with the approved ESPCP plan or E&S ordinance. If a third inspection finds the site to still be out of compliance, a Stop Work Order will be issued which will remain in effect until adequate corrective measures have been implemented. If the responsible party is not adequately responsive in the time frame allowed, the Inspector will contact the County Marshal to issue a citation resulting in a court hearing and a possible fine. The Stop Work Order will be lifted only after the site is brought into full compliance.

Cherokee County inspectors will also inspect development/construction sites for improper disposal of litter and construction debris during all inspections. If such activity is discovered, Cherokee County will require the responsible party to clean up the site, or face enforcement measures as described above and as found in the County's Soil Erosion & Sedimentation Control Ordinance; the Illicit Discharge and Illegal Connection Ordinance and/or the Solid Waste Ordinance. Documentation of all enforcement actions taken will be kept by County staff in the Engineering Department files.



An Enforcement Response Plan was developed by the County in accordance with Part 4.3 of the permit. The ERP was revised per EPD in 2018 and is included as an appendix of this SWMP.

2. **Measurable goal(s):** Ensure the enforcement taken for 100% of the noted violations at construction sites.
3. **Documentation to be submitted with each annual report:** Provide documentation of all enforcement actions taken during the reporting period in each annual report, including the number and type (e.g. Notice of Violation, Stop Work Order) and status (e.g. pending, resolved).
4. **Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): Ongoing
  - c. Frequency of actions (if applicable): As-needed
  - d. Month/Year of action (if applicable): See above
5. **Persons (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer), Chris Reed (Development Inspection Services Manager), Paul Laney, CBO, MCP (Director of Building Development Services), Jaime Gianfala (Chief Marshal)
6. **Rationale for choosing BMP and setting measurable goal(s):** This is a BMP required by the permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** This BMP can be evaluated by tracking the number of violations & enforcement actions on development and construction sites. By fully implementing the enforcement procedures of the County's Erosion & Sedimentation Control Permit during site inspections, the County is ensuring that each construction site is managed to prevent stormwater pollution from eroded sediment and other pollutants to the maximum extent practicable (MEP).

**E. BMP #5 – Complaint Response for Construction Site Stormwater Runoff Control****1. Description of BMP:**

The County's procedure for responding to complaints regarding development or construction sites is as follows:

Receipt: Complaints are received in the Engineering Department or Building Department by phone, email or in person at the County Administrative Office.

Investigation: An Inspector investigates the site of the complaint within 3 business days, and document any problems found on a Site Inspection Form. Follow-up site visits are made as necessary.

Response: If a problem or violation is found, the Inspector communicates with the responsible party (developer, builder or official representative) to discuss remediation of the problem. If necessary, the Inspector follows the Enforcement Procedures described in BMP #4.

Tracking: All complaints are tracked in the digital database with complaint date, type, status, and final resolution. The database is saved on in the Stormwater Management shared folder. The digital database was created in response to EPD Audit comments from 2017.

- 2. Measurable goal(s):** Respond to 100% of complaints within 3 business days & implement E&S complaint response procedures as described in the above.
- 3. Documentation to be submitted with each annual report:** Provide a copy of the digital database for complaints handled during the reporting period (e.g. complaint date, type of complaint, complaint status) in each annual report.
- 4. Schedule:**
  - a. Interim milestone dates (if applicable): N/A
  - b. Implementation date (if applicable): Ongoing
  - c. Frequency of actions (if applicable): As-needed
  - d. Month/Year of action (if applicable): See above
- 5. Persons (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer), Chris Reed (Development Inspection Services Manager), Paul Laney, CBO, MCP (Director of Building Development Services)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This is a BMP required by the permit.

7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The effectiveness of this BMP can be evaluated by tracking and recording all complaints received about construction sites. Prompt attention to reports by citizens of erosion & sedimentation control problems on development/construction sites enables the County to minimize discharge of pollution to state waters to the maximum extent practicable (MEP).

**F. BMP #6 – Certification for Construction Site Stormwater Runoff Control****1. Description of BMP:**

GESAs, as amended in 2003, requires that all construction site operators and all local government staff involved with E&S inspections or ECPCP review receive training from the GWSCC on proper E&S control. Cherokee County requires that all its E&S inspectors receive this training. Newly hired County inspectors must begin this training within three months of the hire date and complete the training within six months. The County will also require all construction site operators working in Cherokee County to have received this training within one year. Proof that they are certified must be submitted with the Land Disturbing Activities Permit application.

**2. Measurable goal(s):** Ensure that any MS4 staff involved in construction activities subject to the Construction General Permits (CGPs) are trained and certified in accordance with the rules adopted by the Georgia Soil and Water Conservation Commission, review of current staff shall be done annually.

**3. Documentation to be submitted with each annual report:** Provide the number and type of current certifications held by MS4 staff in each annual report.

**4. Schedule:**

- |    |  |  |
|----|--|--|
| a. | Interim milestone dates (if applicable): | N/A  |
| b. | Implementation date (if applicable):     | Ongoing  |
| c. | Frequency of actions (if applicable):    |  |
|    | i.                                       | Certification training on as-needed basis          |
|    | ii.                                      | List of current certifications with annual report. |
| d. | Month/Year of action (if applicable):    | See above  |

**5. Persons (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)

**6. Rationale for choosing BMP and setting measurable goal(s):** This is a BMP required by the permit.

**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** E&S training and certification is a requirement of GESAs. GSWCC Soil Erosion Control Certification helps ensure that staff is properly trained in inspecting ESC structural BMPs.

#### **4.2.5 Post-Construction Storm Water Management in New Development and Redevelopment**

The permittee must develop, implement, and enforce a program to address stormwater runoff into the MS4 from new development and redevelopment projects, including projects less than one acre if they are part of a larger common plan of development or sale, as described in Parts 4.2.5.1 and 4.2.5.2. The program must ensure that controls are in place that will prevent or minimize water quality impacts. At a minimum, the Post-Construction Stormwater Management in New Development and Redevelopment Program must contain the following requirements:

- Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community
- Use an ordinance or other regulatory mechanism to address post construction runoff from new development and redevelopment projects to the extent allowable under State and local law; and
- Ensure adequate long-term operation and maintenance of the BMPs.

##### **4.2.5.1 Stormwater Design Manual**

The permittee must implement either the appropriate parts of the latest version of the Georgia Stormwater Management Manual (GSMM) or an equivalent or more stringent local design manual. All permittees must implement the GSMM to the maximum extent practicable. The permittee must provide documentation to EPD in the 2018 annual report to demonstrate the date of the adoption of the appropriate design manual(s).

Documentation of the design manual adoption must be provided to EPD with that year's annual report. Implementation must begin upon adoption. At a minimum, the permittee shall apply the standards for new development and redevelopment to any site that meets one or more of the following criteria:

- New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater.
- Redevelopment that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area) or that involves land disturbing activity of 1 acre or more, including projects less than 1 acre if they are part of a larger common plan of development or sale.

For sites meeting the above criteria, the permittee shall ensure that the minimum performance standards are applied during the site plan preparation and/ or review process. The performance standards must be implemented to the maximum extent practicable.

The performance standards to be implemented are as follows:

##### **Stormwater Runoff Quality/Reduction:**

Stormwater runoff shall be adequately treated prior to discharge.

The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable. The determination by the MS4 that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then additional water quality treatment is not required. If the 1.0 inch cannot be retained onsite, the

remaining runoff from a 1.2-inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM or in the equivalent manual.

Stream Channel/Aquatic Resource Protection:

Stream channel and/or aquatic resource protection shall be provided by using the following approaches: 1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; 2) erosion prevention measures such as energy dissipation and velocity control; and 3) preservation of the applicable stream buffer.

Overbank Flood Protection:

Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the predevelopment rate for the 25-year, 24-hour storm event.

Extreme Flood Protection:

Extreme flood protection shall be provided by controlling the 100- year, 24-hour storm event such that flooding is not exacerbated.

Trout Stream Protection

For receiving waters with a trout stream designation, which contain outfalls from the permittee's MS4, the permittee's SWMP must address the protection of trout waters from impacts from the MS4 outfalls due to elevated temperature.

#### **4.2.5.2 Linear Transportation Projects**

The performance standards in Part 4.2.5.1 must be applied during the design of all construction projects. However, the performance standards may be infeasible to apply, all or in part, for linear transportation projects being constructed by the permittee, local governments, or authorities. The permittee may develop a feasibility program which sets reasonable criteria for determining when implementing the performance standards in linear transportation projects is infeasible. The permittee may develop this feasibility program and submit it to EPD for review. Upon submittal to EPD, the permittee, local governments, and authorities may begin implementation of this feasibility program for linear transportation projects only.

#### **4.2.5.3 Green Infrastructure/Low Impact Development (GI/LID)**

The permittee 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 road design and parking requirements. During the review, the permittee should consider the inclusion of incentives for use of GI/LID practices into the regulatory documents.

**A. Best Management Practice (BMP) #1– Legal Authority (Post-Construction Storm Water Management)**

1. Description of BMP:

- A. Cherokee County’s current Development Ordinance includes *Section 6.0: Post Development Stormwater Management* which is based on the MNGWPD Model Ordinance. It requires installation and maintenance of post construction storm water management BMPs in permitted construction sites to address post-construction runoff from new development or redevelopment projects; to the extent allowable under State and local law. A copy of Section 6 of the County Development Ordinance is included with this SWMP. Specific pertinent sections are referenced below.
- B. The County adopted the current edition of the Georgia Stormwater Management Manual (GSMM) as its technical design guideline on December 1, 2020. The 2016 GSMM standards are applied in all LDA permit plan reviews. (*Section 6.02*).
- C. Cherokee County is located outside of the 11-county coastal management program service area, subject to the GSMM and the Metropolitan North Georgia Water Planning District and as such applies the GSMM standards for new development and redevelopment to any site that meets the following criteria in accordance with the permit:
- New development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 1 acre or greater.
  - Redevelopment that creates or adds or replaces 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 1 acre or more. (*Section 6.05. Applicability*)
- D. For sites meeting the above criteria, the County will ensure that the minimum standards defined in the permit and the 2016 GSMM are implemented where practicable during the site plan preparation process in the categories of:
- 1) Stormwater Runoff Quality/Reduction
    - a. the County is requiring that the stormwater management system be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable. The determination by the MS4 that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then additional water quality treatment is not required. If the 1.0 inch cannot be retained onsite, the remaining runoff from a 1.2-inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM or in the equivalent manual. This timeframe is to allow sufficient study, training, and planning on the part of the municipality. All site plan reviewers, construction site inspectors, and

other personnel whose duties involve post construction stormwater runoff will receive training in the new GSMM and the runoff quality/reduction standard during that implementation phase. Pilot projects, advisory committees, and other programs intended to study and implement the runoff quality/reduction requirement will be implemented as part of this SWMP Section 4.2.1, Public Education and Outreach on Stormwater Impacts.

- 2) Stream Channel Aquatic Resource Protection
- 3) Overbank Flood Protection
- 4) Extreme Flood Protection
- 5) Trout Stream Protection

E. 4.2.5.2 Linear Transportation Projects - The performance standards in Part 4.2.5.1 may be infeasible to apply, all or in part, for linear transportation projects being constructed by the permittee. The permittee had developed a feasibility program which sets reasonable criteria for determining when implementing the performance standards in linear transportation projects is infeasible.

The LTFP was submitted to EPD for review prior to February 15, 2020, concurrent with the 2019 Phase II MS4 annual report. This demonstrated full compliance with the County's SWMP. Since that time, EPD has confirmed that the LTFP is voluntary. Acknowledging that the LTFP is voluntary, the County is submitting this document as a courtesy to EPD. The County may decide not to pursue the LTFP at any point since the program is voluntary and may become cost-prohibitive for these projects. The County has the autonomy and duty to its constituents to avoid excessive/voluntary regulations where appropriate, especially with regard to linear transportation projects. Additionally, concurrent operating revisions to the SWMP have been available historically to allow the County to effectively regulate and implement the permit to the maximum extent practicable.

**2. Measurable goal(s):**

- a. The County will evaluate the ordinance annually and modify the ordinance if necessary.
- b. If the ordinance is revised during the reporting period, submit a copy of the adopted ordinance with the annual report.
- c. Continue to train development community and applicable county staff in the new GSMM and the runoff quality/reduction standard as part of this SWMP Section 4.2.1, Public Education and Outreach on Stormwater Impacts.

**3. Documentation to be submitted with each annual report:**

- a. If the stormwater ordinance is revised during the reporting period, submit a copy of the adopted ordinance with the annual report.
- b. Report any training conducted for the development community and applicable county staff in the new GSMM and the runoff quality/reduction standard as part of this permit, Section 4.2.1, Public Education and Outreach on Stormwater Impacts.



4. **Schedule:**
  - a. **Interim milestone dates (if applicable):** N/A
  - b. **Implementation date (if applicable):** On-going
  - c. **Frequency of actions (if applicable):** As noted above
  - d. **Month/Year of each action (if applicable):** As noted above
  
5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
  
6. **Rationale for choosing BMP and setting measurable goal(s):** This is a BMP required by the permit.
  
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By fully enforcing the county's Post-Construction Storm Water Management ordinance during site plan review and construction inspections, pollution of stormwater runoff from developed sites will be minimized to the MEP.

**B. BMP #2 – Inventory (Post-Construction Storm Water Management)****1. Description of BMP:**

The County has developed and will annually update an inventory of post-construction stormwater BMPs to include all County-owned BMPs and those privately-owned BMPs designed after Dec 9, 2008 that are located within the current urbanized area and those publicly-owned structures owned by other entities (e.g. Board of Education and other entities not covered by an MS4 permit that the permittee has the legal authority to inspect) with construction completed after December 6, 2012.

The inventory shall include information on the number and type of structures, and ownership (i.e. publicly-owned, privately-owned, publicly-owned by other entities). The inventory must be updated as new structures are completed or existing structures are identified. The permittee may choose to also include non-permittee owned structures designed prior to the December 9, 2008 deadline for adoption of the GSMM on the inventory. The permittee must ensure that maintenance agreements are executed for all newly designed non-permittee owned structures.

**2. Measurable goal(s):** Annually update the map and inventory of post-construction stormwater management structures, including those structures added during the reporting period in each annual report.

**3. Documentation to be submitted with each annual report:** Provide the updated inventory in each annual report.

**4. Schedule:**

- |  |                    |
|--|--------------------|
| <b>a. Interim milestone dates (if applicable):</b>   | N/A                |
| <b>b. Implementation date (if applicable):</b>       | On-going           |
| <b>c. Frequency of actions (if applicable):</b>      | As described above |
| <b>d. Month/Year of each action (if applicable):</b> | As described above |

**5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)

**6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.

**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By establishing the location and ownership of all post-construction storm water management structures (as described above), the County is able to implement the inspection program described in BMP #3 and BMP #4 below which will minimize water quality impacts from polluted stormwater runoff to the maximum extent practicable (MEP).

## C. **BMP #3 – Inspection Program**

### 1. **Description of BMP:**

In accordance with the County Development Ordinance, Section 6.0 Post Development Stormwater Management, a post-construction BMP inspection program has been implemented to monitor the condition of various stormwater BMPs installed within the Urbanized Area.

The County inspects all publicly-owned and certain privately owned BMPs (detention/retention ponds, infiltration structures, stormwater wetlands, and other non-proprietary water quality treatment facilities) within the UA to determine if they are in proper working condition and if any maintenance is required. The inventory described in BMP #2 above tracks all of the BMPs inspections.

**County-owned BMPs:** The County's Stormwater Inspectors will inspect 100% of post-construction BMPs owned by the County within the 5-year permit term. The inspection is documented on a Post-Construction BMP Inspection form. The inspections include examinations for both structural and water quality concerns. From these inspections, maintenance is performed as described in BMP #4 below and according to the County's Operations and Management Procedures (included in Appendix) to ensure functional operation of the BMP structure during future storm events.

**Privately-owned BMPs:** The County's Stormwater Inspectors will inspect 100% of privately owned post-construction BMPs designed after December 9, 2008 located in the urbanized area, within the 5-year permit term. Maintenance Agreements exist on all privately-owned post-construction stormwater BMPs designed after December 9, 2008 (as identified in the Inventory from BMP #2). The owner is responsible for inspections conducted throughout the year as defined in the Maintenance Agreement (which is typically based on the Maintenance Schedule from the GSMM).

2. **Measurable goal(s):** Conduct inspections of all post-construction stormwater management structures (BMPs) included on the BMP Inspection Inventory described in BMP #2 above, so that 100% of the structures are inspected within the 5-year permit term.

3. **Documentation to be submitted with each annual report:**

a. Provide a tracking list on the BMP Inspection Inventory and map of the number and percent of BMPs inspected during the reporting period in each annual report. The County will include a column on the inventory to demonstrate that 100% of the structures were inspected at the end of the 5-year period.

- b. Provide digital copies of all post-construction BMP inspection forms in each annual report.

**4. Schedule:**

- a. **Interim milestone dates (if applicable):** N/A  
 b. **Implementation date (if applicable):** On-going  
 c. **Frequency of actions (if applicable):** Inspect post-construction private BMPs in the urbanized area, and public BMPs included in the BMP#2 Inventory annually so that 100% are inspected with the 5 year permit term.  
 d. **Month/Year of each action (if applicable):** As described above

**5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)

**6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.

**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By conducting regular inspections on County-owned post-construction BMPs and on privately-owned BMPs with Maintenance Agreements, post-construction water quality impacts will be minimized to the maximum extent practicable under this Permit.

Example Table:

<b>Year</b>	<b>Total Number Structures</b>	<b>Number Structures Inspected</b>	<b>% Inspected</b>
2023	XX	XX	20%
2024	XX	XX	20%
2025	XX	XX	20%
2026	XX	XX	20%
2027	XX	XX	20%
<b>Total</b>	XX	XX	100%

**D. BMP #4 – Maintenance Program****1. Description of BMP:**

The County Post-Construction Stormwater Management ordinance outlines requirements for regular inspections and maintenance of post-construction BMPs. Maintenance may include removal of debris, litter, and sediment; mowing, removal of trees, outfall repair, conveyance upgrading or repair, bank stabilization; and control structure maintenance. All debris, litter and sediment removed are disposed of at a local landfill.

**County-owned BMPs:** The County will perform maintenance to the maximum extent practicable (MEP) on all County-owned post-construction BMPs in response to scheduled and unscheduled County inspections. Maintenance is performed in accordance with the GSMM Operations and Maintenance Procedures.

**Privately-owned BMPs:** Private owners are responsible for maintenance of their post-construction BMPs according to the Maintenance Agreement. For all privately owned BMPs with construction completed after the effective date of the permit (December 6, 2012), the County will retain a copy of the Maintenance Agreement in its files. The County will work with the owners, as necessary, to educate them regarding their inspection and maintenance responsibilities. The education process will include review of BMP inspections, the types of contractors that could be employed to assist the private entity with maintenance activities and proper disposal of debris removed from the BMP.

When an owner's inspection or a regular County inspection indicates the BMP needs maintenance, the County will notify the private BMP owner about the problem and will enforce maintenance according to the terms of the Maintenance Agreement and the County Development Ordinance; Section 6.16. - Ongoing Inspection and Maintenance of Stormwater Facilities and Practices and Sections 6.14 and 6.18. - Violations, Enforcement and Penalties.

The County will perform maintenance on privately-owned BMPs on an emergency basis only and may assess the owner for the cost of repair work as defined in the Development Ordinance; Section 6.18, E. - Failure to Maintain.

**2. Measurable goal(s):**

- a. Plan/identify maintenance needs on 100% of the County-owned ponds to the extent feasible within the 5-year permit term.
- b. Notify 100% of property owners where stormwater pond maintenance is required to the extent feasible within the 5-year permit term.

**3. Documentation to be submitted with each annual report:**

- a. On all County-owned post-construction stormwater BMPs, provide in each annual report: List of County BMPs maintained during the reporting period;
  - 1) List of County BMPs maintained during the reporting period;
  - 2) Type of maintenance performed;
  - 3) Written report of maintenance activities performed.

b. For privately-owned post-construction BMPs with Maintenance Agreements finalized after the submittal deadline date for the SWMP (June 6, 2013), provide in each annual report:

- 1) Summary list of all Maintenance Agreements on file.
- 2) Written report of any County enforcement activities based on Maintenance Agreement requirements.
- 3) Written report of any maintenance performed by the County on privately-owned BMPs on an emergency basis

**4. Schedule:**

- |    |   |                    |
|----|---|--------------------|
| a. | <b>Interim milestone dates (if applicable):</b>   | N/A                |
| b. | <b>Implementation date (if applicable):</b>       | On-going           |
| c. | <b>Frequency of actions (if applicable):</b>      | On-going           |
| d. | <b>Month/Year of each action (if applicable):</b> | As described above |

**5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)

**6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.

**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By conducting regular maintenance on County-owned post-construction BMPs and enforcing Maintenance Agreements on privately-owned BMPs, post-construction water quality impacts will be minimized to the maximum extent practicable.

**E. BMP #5 – GI / LID Program****1. Description of BMP:**

The County has developed a program describing the GI/LID practices (e.g. better site planning techniques, better site design techniques) that have and will be implemented. The program will include:

- Procedures for evaluating the feasibility and site applicability of different GI/LID techniques and practices to be considered;
- The GI/LID structures allowed to be constructed within the County’s jurisdiction;
- Procedures for the inspection and maintenance of the GI/LID structures, including County owned structures, publicly-owned structures owned by other entities, and privately-owned non-residential (e.g. who inspects, who maintains, inspection and maintenance schedule, method of documentation of inspection and maintenance activities).

The GI/LID program was submitted and approved EPD by in 2021; a copy is included in this SWMP. If the GI/LID program is revised during the reporting period, the revised program will be submitted to EPD for review with the annual report.

2. **Measurable goal(s):** The County will evaluate the program annually and modify the ordinance if necessary.
3. **Documentation to be submitted with each annual report:** If the GI/LID program is revised during the reporting period, the revised program will be submitted to EPD for review with the annual report.
4. **Schedule:**
  - a. **Interim milestone dates (if applicable):** On-going
  - b. **Implementation date (if applicable):** On-going
  - c. **Frequency of actions (if applicable):** On-going
  - d. **Month/Year of each action (if applicable):** As described above
5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Developing a GI/LID program as described above will allow the County to transition with the development community to effectively implement these stormwater management BMP’s as required by the permit.

**F. BMP #6 – GI / LID Structures Inventory****1. Description of BMP:**

The County has developed and will annually update an inventory of water quality-related GI/LID structures located within the Urbanized Area constructed after the effective date of the permit, December 6, 2012 (at a minimum). GI/LID structures constructed prior to this date will be inventoried based on current knowledge of their locations (after ground-truthing) and as found during field work. The total number of each type of structure will be tracked (e.g. bioretention/rain gardens, bioswales, infiltration filter strips, pervious pavement, cisterns, green roofs, stormwater wetlands, etc.).

The GI/LID Inventory will be recorded in the County's GIS Stormwater Database. All new water quality-related GI/LID structures on new approved development/construction plans will be digitized and added to the Inventory.

**2. Measurable goal(s):**

Update and maintain an inventory of water quality-related GI/LID structures located within the Urbanized Area constructed after the effective date of the permit, December 6, 2012 (at a minimum).

**3. Documentation to be submitted with each annual report:** The inventory will be submitted with each succeeding annual report.**4. Schedule:**

- |  |                    |
|--|--------------------|
| <b>a. Interim milestone dates (if applicable):</b>   | N/A                |
| <b>b. Implementation date (if applicable):</b>       | On-going           |
| <b>c. Frequency of actions (if applicable):</b>      | On-going           |
| <b>d. Month/Year of each action (if applicable):</b> | As described above |

**5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)**6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Developing an inventory of all water-quality related GI/LID structures located in the county will provide the County's Stormwater Management team with an opportunity to observe what types of structures are being installed and the potential to observe how well the different types of structures seem to function in the local soils. This information could be useful as more GI/LID structures are proposed on new development plans.



**G. BMP #7 – GI/LID Inspection Program****1. Description of BMP:**

The County will conduct inspections are conducted on 100% of the GI/LID structures included in the inventory created in BMP 6 within a 5-year period. The inspections will be completed in accordance with the schedule submitted in the GI/LID program. The County will provide documentation of the inspections conducted during the reporting period in each annual report.

**2. Measurable goal(s):** Perform inspections on 100% of the GI/LID structures within the 5-year period.

**3. Documentation to be submitted with each annual report:** As noted in item 2 above.

**4. Schedule:**

- a. **Interim milestone dates (if applicable):** N/A
- b. **Implementation date (if applicable):** Ongoing
- c. **Frequency of actions (if applicable):** Ongoing
- d. **Month/Year of each action (if applicable):** As described above

**5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)

**6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.

**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Developing a GI/LID program as described above will allow the County to transition with the development community to effectively implement these stormwater management BMP's as required by the permit.

Example Table:

<b>Year</b>	<b>Total Number GI/LID Structures</b>	<b>Number GI/LID Structures Inspected</b>	<b>% Inspected</b>
2023	XX	XX	20%
2024	XX	XX	20%
2025	XX	XX	20%
2026	XX	XX	20%
2027	XX	XX	20%
<b>Total</b>	XX	XX	100%

**H. BMP #8 – GI/LID Maintenance Program****1. Description of BMP:**

Maintenance on the County-owned GI/LID structures will be performed as needed. The number of structures and percentage of the total structures maintained during the reporting period will be provided in each annual report.

The County will ensure that maintenance procedures will be implemented in accordance with the GI/LID program for privately-owned GI/LID structures. The County will provide documentation of these activities in each annual report.

**2. Measurable goal(s):**

- a) Perform inspections on 100% of the GI/LID structures within the 5-year period.
- b) Plan/identify as-needed maintenance requirements on 100% of the County-owned GI/LID structures as described above to the extent feasible within the 5-year period.
- c) Notify property owners of maintenance requirements on 100% of privately owned non-residential GI/LID structures to the extent feasible within the 5-year period.

**3. Documentation to be submitted with each annual report:** As noted in item 2 above.**4. Schedule:**

- |           |   |                    |
|-----------|---|--------------------|
| <b>a.</b> | <b>Interim milestone dates (if applicable):</b>   | N/A                |
| <b>b.</b> | <b>Implementation date (if applicable):</b>       | Ongoing            |
| <b>c.</b> | <b>Frequency of actions (if applicable):</b>      | Ongoing            |
| <b>d.</b> | <b>Month/Year of each action (if applicable):</b> | As described above |

**5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)**6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.**7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Maintaining a GI/LID program as described above will allow the County to transition with the development community to effectively implement these stormwater management BMP's as required by the permit.

#### **4.2.6 Pollution Prevention/Good Housekeeping for Municipal Operations**

40 CFR Part 122.34(b)(6) Requirement: The permittee must develop and implement an operation and maintenance program that includes a training component with the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials available from the USEPA and other organizations as guidance, the permittee must, as a part of this program, include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

**A. Best Management Practice (BMP) #1 – MS4 Control Structure Inventory and Map**

- 1. Description of BMP:**

The County completed its MS4 map within the 2010 census Urbanized Area in 2017. The map is part of a GIS database which includes an Inventory (Attribute Table) of all catch basins, ditches, pipes, and publicly-owned detention ponds.
- 2. Measurable goal(s):** Throughout the 5-year permit term, annually update the County's existing inventory and map of the MS4 control structures located within the entire Urbanized Area based on the 2010 census.
- 3. Documentation to be submitted with each annual report:**
  - a. Submit the most current inventory and map with each annual report
  - b. In each annual report, provide the number of structures added to the Inventory and the total number of structures overall (within the UA - 2010 census) for that reporting period.
- 4. Schedule:**
  - a. **Interim milestone dates (if applicable):** N/A
  - b. **Implementation date (if applicable):** N/A
  - c. **Frequency of actions (if applicable):** On-going
  - d. **Month/Year of each action (if applicable):** As described above
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** This BMP provides the County with a continually updated map/database of the MS4 including all outfalls and their receiving waters and enables the County to perform inspections and maintenance on all MS4 structures and dry weather screening on all outfalls, thus protecting water quality in receiving waters to the maximum extent practicable (MEP).

**B. BMP #2 – MS4 Inspection Program**

## 1. Description of BMP:

The County conducts regular inspections of its MS4 infrastructure located within the urbanized area for both structural and water quality concerns to ensure short- and long-term functionality. The County's Stormwater Inspectors will examine structures annually so that 100% of the structures are inspected within the 5-year permit term. These inspections are recorded in the GIS stormwater database. A data management system will be used to document and track the inspections. The data management system will list the structures and the dates inspected. This will allow the County to easily demonstrate compliance with the 100% within 5-years requirement at the end of the permit cycle.

In addition, individual inspections are conducted by a Roads & Bridges Department inspector in response to citizen complaints and to reports from road crews who have found problems. These inspections and the maintenance work done are recorded in individual Work Orders and Daily Work Records.

From these inspections, maintenance and system cleaning is performed according to the County's O&M Procedures to ensure functional operation of the drainage system during future storm events. A summary list of MS4 maintenance activities performed is generated from the Roads & Bridges digital Stormwater Maintenance Report and Work Order Statistics. (Also see BMP #3 MS4 Maintenance Programs below.)

2. **Measurable goal(s):** Perform inspections of the MS4 control structures annually so that 100% of the structures are inspected within a 5-year period.
3. **Documentation to be submitted with each annual report:** Provide the total inventory and percentage of structures inspected during the reporting period in each annual report.
4. **Schedule:**
  - a. **Interim milestone dates (if applicable):** N/A
  - b. **Implementation date (if applicable):** N/A
  - c. **Frequency of actions (if applicable):** On-going
  - d. **Month/Year of each action (if applicable):** As described above
5. **Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer), Stephen Dobson (Director of Public Works)
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** With systematic ongoing inspections of the County's MS4 structures, a regular program of maintenance can be conducted which will prevent potential water quality problems to the MEP.

Example Table:

<b>Year</b>	<b>Total Number GI/LID Structures</b>	<b>Number GI/LID Structures Inspected</b>	<b>% Inspected</b>
2023	XX	XX	20%
2024	XX	XX	20%
2025	XX	XX	20%
2026	XX	XX	20%
2027	XX	XX	20%
<b>Total</b>	XX	XX	100%

**C. BMP #3 – MS4 Maintenance Program**

- 1. Description of BMP:**

The County Roads & Bridges Department performs maintenance on the MS4 control structures as determined from county inspections and from citizen complaints (as described in BMP #2 MS4 Inspection Program). Maintenance is performed according to the County's Operations and Maintenance Procedures (O&M Procedures) revised September, 2013.
- 2. Measurable goal(s):** Conduct maintenance and repairs on the MS4 in response to inspections and according to the county's O&M Procedures.
- 3. Documentation to be submitted with each annual report:** Provide a summary list of the number of structures and types of maintenance and repairs performed during each reporting period from Roads & Bridges Dept. Stormwater Maintenance Report and Work Order Statistics in each annual report.
- 4. Schedule:**
  - a. Interim milestone dates (if applicable):** N/A
  - b. Implementation date (if applicable):** On-going
  - c. Frequency of actions (if applicable):** On-going
  - d. Month/Year of each action (if applicable):** As needed
- 5. Person (position) responsible for overall management and implementation of the BMP:** Stephen Dobson (Director of Public Works)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** A regular program of maintenance and repairs of the MS4, both pro-active and reactive, will prevent potential erosion and water quality problems to the maximum extent practicable (MEP).

**D. BMP #4 – Street and Parking Lot Cleaning (Roadside Litter Pickup)**

1. **Description of BMP:**  
The County administers a program to utilize community service labor to pick up roadside trash and debris along right of way within the urbanized area. The County provides bus service and supervision for the community service laborers. The program operates weekly. All trash and debris removed is disposed of at a local state approved landfill or recycled at the County Recycling Center. All activities are documented by location and miles cleaned.
2. **Measurable goal(s):** Conduct the roadside litter pickup program as described above on a regular schedule, achieving a minimum of 10 miles of cleanup annually.
3. **Documentation to be submitted with each annual report:** Track the road names, number of miles of roads cleaned, and the pounds of debris collected during each reporting period and submit in each annual report.
4. **Schedule:**

a.	<b>Interim Milestone Dates:</b>	N/A
b.	<b>Implementation Date:</b>	Ongoing
c.	<b>Frequency of actions:</b>	
	○ <b>Right of Way in urbanized area picked up –</b>	Weekly
	○ <b>Report on litter collected in annual report -</b>	Annual
d.	<b>Month/Year of each action:</b>	Ongoing
5. **Person (position) responsible for overall management and implementation of the BMP:** Troy Brazie (Recycling Center Manager)
6. **Rationale for choosing BMP and setting measurable goal(s):** Picking up roadside trash and debris will prevent it from entering the MS4. Since the County has a significant number of court-assigned Community Service Workers each week, the County has elected to reduce roadway pollution in this manner rather than street sweeping.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** The continuous weekly operation of the Litter Pick-up program reduces the amount of roadside litter helping to prevent pollution of state waters to the maximum extent practicable (MEP).



**E. BMP #5 – Employee Training**

- 1. Description of BMP:**

The County conducts a stormwater training program for employees. The training will include such topics as good housekeeping at municipal facilities, illicit discharge detection, construction site inspections, and green infrastructure. At a minimum, this training occurs annually. The County will provide documentation of the educational activities conducted during the reporting.
- 2. Measurable goal(s):** Implement the employee training program annually as specified in the SWMP (above).
- 3. Documentation to be submitted with each annual report:** Provide sign-in sheets or documentation for each employee training session conducted during the reporting period in each annual report.
- 4. Schedule:**
  - a. **Interim Milestone Dates:** N/A
  - b. **Implementation Date:** Ongoing
  - c. **Frequency of actions:** Annual training
  - d. **Month/Year of each action:** As described above.
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer) and other Department Heads as needed
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Regular training sessions in topics such as good housekeeping at municipal facilities, illicit discharge detection, construction site inspections, and green infrastructure keeps staff qualified with proper knowledge of stormwater practices and support water quality to the maximum extent practicable (MEP).

**F. BMP #6 – Waste Disposal**

- 1. Description of BMP:**

The County Roads & Bridges Department removes waste and sediment from the MS4 on an on-going basis. All waste and sediment removed from County storm water structures, pipes, and ditches is temporarily stored in the Roads & Bridges stockyard on Chattin Drive. The temporary stockpile is surrounded by silt fence and drains to a sediment basin. When a large enough volume has accumulated, it is hauled to local state permitted landfills.
- 2. Measurable goal(s):** Conduct disposal of debris and sediment removed from the MS4 as described in SWMP (above); a minimum of 100 pounds of debris and sediment will be disposed of annually.
- 3. Documentation to be submitted with each annual report:** Provide summary data from Roads & Bridges SW Maintenance Reports on drainage structures and pipes cleaned of debris and sediment and disposed of as described in each annual report.
- 4. Schedule:**
  - a. **Interim Milestone Dates:** N/A
  - b. **Implementation Date:** On-going
  - c. **Frequency of actions:** As needed
  - d. **Month/Year of each action:** As needed
- 5. Person (position) responsible for overall management and implementation of the BMP:** Stephen Dobson (Director of Public Works)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** Removal of debris and sediment from the County's storm water system is important for maintenance and proper operation and to limit the amount of waste that might flow through the system causing water pollution. Tracking the number of structures cleaned each year will ensure that the amount of waste that might flow through the system causing water pollution is limited to the maximum extent practicable (MEP).

**G. BMP #7– New Flood Management Projects**

- 1. Description of BMP:**  
All plans for new County flood management structures are reviewed to ensure the project design applies the water quality performance standards required by the current Georgia Stormwater Management Manual (GSMM).
- 2. Measurable goal(s):** 100% of plans will be reviewed to ensure they comply with the GSMM.
- 3. Documentation to be submitted with each annual report:** Provide the number of plans reviewed where flood management projects were assessed for water quality impacts in each annual report.
- 4. Schedule:**
  - a. **Interim Milestone Dates:** N/A
  - b. **Implementation Date:** On-going
  - c. **Frequency of actions:** As needed
  - d. **Month/Year of each action:** As above
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By adhering to the GSMM standards in all county and private flood management project designs, water pollution from development will be minimized to the maximum extent practicable (MEP).

**H. BMP #8– Existing Flood Management Projects****1. Description of BMP:**

Cherokee County will evaluate existing County-owned flood management structures located within 303(d) listed watersheds that were built prior to 2006 for potential water quality retrofits based on standards in the GSMM. Assess at least one (1) structure annually or if the permittee has less than five (5) structures, then assess 100% within a 5-year period.

Each evaluation will assess the structure for existing levels of water quality impact and specify any possible retrofits that could be made according to a checklist/procedure approved by EPD and included with this SWMP. Then a determination will be made as to whether these water quality enhancements/retrofits are cost-effective and achievable within the context of a public project. Where feasible, the County will attempt to incorporate water quality enhancements to existing municipal BMPs provided that it can be accomplished in a cost-effective manner.

- 2. Measurable goal(s):** Use EPD-approved checklist to evaluate a minimum of one (1) existing County-owned flood management BMP annually for potential retrofitting opportunities to address water quality.
- 3. Documentation to be submitted with each annual report:** Provide information on any assessment and/or retrofitting activities conducted during the reporting period in each annual report.
- 4. Schedule:**
  - a. **Interim Milestone Dates:** N/A
  - b. **Implementation Date:** On-going
  - c. **Frequency of actions:** One evaluation annually
  - d. **Month/Year of each action:** As above
- 5. Person (position) responsible for overall management and implementation of the BMP:** Ben Morgan, PE, CFM (County Engineer)
- 6. Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
- 7. How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** By assessing existing county flood management structures for potential water quality retrofits, retrofitting opportunities may be found to reduce water quality impacts in certain areas to the maximum extent practicable (MEP).

## I. **BMP #9 – Municipal Facilities**

### 1. **Description of BMP:**

Cherokee County has identified six of its facilities which store and utilize various hazardous or potentially polluting materials related to equipment maintenance and landscape maintenance:

- 1) Public Works Stockyard
- 2) Public Works Facility
- 3) Recycling Center
- 4) Fleet Maintenance
- 5) Hobgood Park
- 6) Riverside Athletic Complex at JJ Biello Park
- 7) Veterans Park

The inventory of County facilities with potential to cause pollution will be updated annually. Inspections of the facilities will be conducted on 100% of the municipal facilities within the 5-year permit period. Follow-up inspections will be conducted at any site where potential pollution problems are found during regular inspections. Inspection forms are including as part of this SWMP submittal to EPD.

The procedures to be followed for all inspections are listed below:

- Ensure the facility follows proper good housekeeping procedures to prevent pollution of stormwater:
  - Store chemicals, such as fertilizers, herbicides, pesticides, paints, salt for de-icing, solvents or automotive products in areas not exposed to precipitation or storm water runoff.
  - Check containers regularly to ensure they are sound, or if they have the potential to leak, are stored in a retaining (diked) area.
  - Properly dispose of spent chemicals and containers.
  - Ensure that spill response procedures and spill response kits are in place and being used properly. These procedures should detail who will respond to a spill, how the spill will be contained or diverted, and steps that will be taken to clean up the spill. All employees who have the potential to cause or encounter a spill are trained in the proper procedures and know who to contact in the event of a spill.
  - The facility should minimize the amounts of hazardous materials used.
  - Use of herbicides, pesticides, and fertilizers on public lands (e.g. parks, roadway shoulders) should be minimized and properly controlled.
  - Washing of County vehicles should be done (per County policy) at a commercial carwash with proper pollution prevention measures in place (e.g. a grit/oil/water separator).
- Evaluate all aspects of facility operations to determine if procedures need to be developed or revised to improve pollution prevention.

2. **Measurable goal(s):**
  - a. Submit an annual update of the inventory of county facilities with the potential to cause pollution listed in the SWMP (above) in each annual report.
  - b. Conduct inspections periodically so that 100% of the facilities will be inspected within the 5-year permit period to ensure adherence to the pollution prevention procedures. Conduct follow-up inspections in 6–8 weeks if inspections reveal improper implementation of pollution prevention procedures.
3. **Documentation to be submitted with each annual report:**
  - a. Provide documentation of the inspections conducted during the reporting period in each annual report.
  - b. Ensure employees that come in contact with materials such as motor oil, solvents, pesticides, etc. are trained with proper guidelines for handling, storage, application, and disposal of materials, good housekeeping, and general pollution prevention by the respective department heads. Documentation of training by the respective department heads will be included in the annual report. A formal training by the Stormwater Department will occur if improper procedures are discovered during facility inspections.
4. **Schedule:**
  - a. **Interim Milestone Dates:** N/A
  - b. **Implementation Date:** On-going
  - c. **Frequency of actions:** As described above.
  - d. **Month/Year of each action:** As above
5. **Person (position) responsible for overall management and implementation of the BMP:** Stephen Dobson (Public Works Department), Jay Worley (Recreation & Parks), Troy Brazie (Recycling Center), Tony Bryant (Fleet Services), Ben Morgan, PE, CFM (County Engineer)
6. **Rationale for choosing BMP and setting measurable goal(s):** This BMP is required by the Permit.
7. **How you will determine whether this BMP is effective in accordance with Part 5.1.4 of the Permit:** This BMP effectiveness can be determined by results of inspections of the listed facilities which will show if proper handling and storage of hazardous materials is being conducted and employees are properly trained, thus protecting water quality to the maximum extent practicable (MEP).

**APPENDIX A 4.3 Enforcement Response Plan (ERP)**

1. The County is an existing permittee & the ERP has been developed and is being implemented. The ERP describes the action to be taken for violations of the Storm Water Management Program. The ERP was completed and approved by EPD on 8/13/15. As part of this SWMP, EPD has requested additional revision to the ERP which are included herein.

Final EDP approval date: 10/31/18

2. The ERP is in accordance with Part 4.3 of the NPDES Permit, the ERP and includes escalating enforcement responses for repeat and continuing violations.



## **Cherokee County Enforcement Response Plan**

**Prepared 2014**

**Revised October 2018**

### **Introduction**

Cherokee County has developed the Enforcement Response Plan as required by the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) permit effective December 6, 2012. The Plan describes the actions to be taken by the County in response to violations associated with the MS4 Permit and the County's Stormwater Management Plan (SWMP). Two County ordinances referenced in this plan are:

- I. Illicit Discharge and Illegal Connection Ordinance No. 2005-O-005**
- II. Soil Erosion and Sedimentation Control Ordinance No. 2010-O-004**
- III. Post Developed Stormwater Management Ordinance No. 2007-9-18 (A section and addendum of the Cherokee County Development Ordinance) adopted on September 18, 2007)**

The County Stormwater Management staff works together with the Development Inspection Division, the Building Department and the County Marshal's Office, as needed, to investigate violations and enforce the three ordinances as related to prevention of stormwater pollution.

### **Tracking of Enforcement Activities**

The Stormwater Coordinator maintains a log and copies of all documents pertaining to identified violations and enforcement actions. The log includes the following information:

- Names/Property
  - Address where violation occurred
  - Type of site
  - Type of Violation
  - Violator's Name & Contact Information
  - Property Owner's Name & Contact Information (if different from violator)
- Dates
  - Discovery of violation
  - Issuance of Notice of Violation and any subsequent enforcement actions



- Inspections and re-inspections
- Enforcement Activities
  - Results of Inspections
  - Communication with violators and/or property owners.
  - Chain of Command – track enforcement actions by County Departments or other Agencies involved
  - Actions by County: e.g. Issuance of Notice of Violation, Stop Work Order, Citation, Court Fine, etc.
  - Required timeframe to correct violation
- Final Resolution
  - Date
  - Final Inspection
  - Verification

Copies of Notice of Violations issued and any other correspondence will be maintained on file by the Stormwater Coordinator. Copies of all documents will be submitted with the Annual Report as required.

The two following sections include:

- A. Citings from the ordinance pertinent to enforcement
- B. Examples of Violations Requiring Enforcement
- C. Step-by-Step Procedures for Enforcement
- D. Responsibility for Enforcement Measures

## **I. Enforcement Response Plan for the Cherokee County Illicit Discharge and Illegal Connection Ordinance No. 2005-O-005**

### **A. Citings from the Cherokee County Illicit Discharge and Illegal Connection Ordinance (IDDE) pertinent to Enforcement**

#### **Section 2. General Provisions**

##### **2.1. Purpose and Intent**

The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Cherokee County separate storm sewer system to the maximum extent practicable as required by Federal law. This ordinance establishes methods for controlling the introduction of pollutants into the Cherokee County separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are to:

- (1) Regulate the contribution of pollutants to the Cherokee County separate storm sewer system by any person;
- (2) Prohibit illicit discharges and illegal connections to the Cherokee County separate storm sewer system;
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Cherokee County separate storm sewer system; and,
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance

#### **Section 6. Access and Inspection of Properties and Facilities**

The Marshal's Office shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

- (1) If a property or facility has security measures in force which 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 Marshal's Office.
- (2) The owner or operator shall allow the Marshal's Office 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.
- (3) The Marshal's Office shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Marshal's Office to conduct monitoring and/or sampling of flow discharges.
- (4) The Marshal's Office may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data

available to the Marshal's Office. 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 calibrated to ensure their accuracy.

- (5) 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 Marshal's Office and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delays in allowing the Marshal's Office access to a facility is a violation of this ordinance.
- (7) If the Marshal 's Office has been refused access to any part of the premises from which stormwater is discharged, and the Marshal 's Office is able to demonstrate probable cause to believe that there may be a violation of this ordinance, 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 this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Marshal's Office may seek issuance of a search warrant from any court of competent jurisdiction.

## **Section 8. Violations, Enforcement and Penalties**

### **8.1. Violations**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this ordinance, 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.

In the event the violation constitutes an immediate danger to public health or public safety, the Marshal's Office 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. The Marshal's Office is authorized to seek costs of the abatement as outlined in Section 6.5.

### **8.2. Notice of Violation**

Whenever the Marshal's Office finds that a violation of this ordinance has occurred, the Marshal's Office may order compliance by written notice of violation.

#### **A. The notice of violation shall contain:**

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;

- (4) A description of the remedial measure necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) 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,
- (6) A statement that the determination of violation may be appealed to the Marshal's Office by filing a written notice of appeal within thirty (30) days of service of notice of violation.

B. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges and illegal connections;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and abatement costs; and,
- (6) The implementation of pollution prevention practices.

8.3. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the Marshal's Office. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the Marshal's Office, or other appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.

8.4. Enforcement Measures After Appeal

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, within thirty (30) days of the decision of the appropriate authority upholding the decision of the Marshal's Office, then representatives of the Marshal's Office 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 shall be 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.

8.5 Costs of Abatement of the Violation

Within thirty (30) 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 30 days of such 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 said 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.

Any person violating any of the provisions of this article shall become liable to Cherokee County by reason of such violation.

- 8.6 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 Engineering Department shall deem appropriate, after the Engineering Department has taken one or more of the actions described above, the Engineering Department may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation.
- 8.7 Criminal Penalties - For intentional and flagrant violations of this ordinance, the Marshal's Office may issue a citation to the alleged violator requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- 8.9 Remedies Not Exclusive  
The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law and the Marshal's Office may seek cumulative remedies. The Marshal's Office may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**B. Examples of Illicit Discharge and Illegal Connection Violations Requiring Enforcement**

The following are examples of types of violations for which the county will take enforcement:

**Illegal Dumping into the MS4:** leaves and yard debris, sediment, fertilizer, herbicides, insecticides, paint, cleaning products, motor oil, gasoline, garbage, or any solids or liquids other than storm water.

**Illicit Connections to the MS4:** Any drainage or discharge via pipe, ditch, or other direct conveyance from sewer or septic systems, gray-water drainage, sinks, dishwashers, washing machines, or any discharge other than storm water.

**C. Step-by-Step Procedures for Enforcement of IDDE Ordinance**

**Step 1.** Violation Discovery – from citizen complaint or through county field work.

Investigate within 1-3 days

**Step 2.** Determine Enforcement Mechanism(s) to be used - based on Section 8 of IDDE Ordinance.

**Step 3.** Determine Appropriate Level of Response – Consider the following factors:

- Magnitude of problem
- Duration of problem
- Effect on waters of the State
- Effect on MS4
- Compliance history of violator
- Good faith of violator

**Step 4.** Does Violation pose immediate danger to public, to the MS4, or Waters of the State?

**If YES** – County Marshal is authorized by IDDE Ordinance to enter private property and take immediate corrective action without providing prior notice. Enforcement action will initiate with a Stop Work Order and proceed as defined in the Escalating Enforcement Actions below.

**If NO** – Issue 1st Notice of Violation (NOV) to property owner requiring compliance with IDDE Ordinance. Set a deadline for correction within a time-frame deemed practicable and reasonable for the situation, typically up to 10 days. Provide written warning of further penalties for failure to correct violation (as listed below).

**Step 5.** Has violation been corrected before or by deadline date?

**If Yes** –

No further enforcement action required.

**If No** –

**Pursue appropriate escalation of Enforcement Actions:**

1. Issue 2<sup>nd</sup> Notice of Violation – set a new deadline for compliance if

reasonable effort toward compliance has been made, typically no more than 3-5 days. Provide written warning of further penalties for failure to correct violation (as listed below).

2. Options for continued non-compliance after deadline set in 2<sup>nd</sup> NOV:
  - a. Suspend, modify, or revoke Land Development Permit
  - b. Withhold Certificate of Occupancy
  - c. Issue Citation by County Marshal
    - i. Citation requires violator to appear for a court hearing where penalties are determined.
    - ii. Potential Penalties:  
Civil Penalty or Criminal Penalty: up to \$1000 per day for failure to comply. County may take corrective action with cost to be borne by violator. For nonpayment of incurred costs, County shall place a lien on property.

*A. D. Responsibility for Enforcement Measures for the IDDE Ordinance*

The Inspectors from Stormwater Management are responsible for initial investigation of all IDDE violations and for issuing NOVs or SWOs. The Inspectors work with the Stormwater Coordinator for guidance during the enforcement process. Also coordination with any other county departments is pursued when necessary. Any necessary citations are issued by the County Marshal's office.

## **II. Enforcement Response Plan for the Cherokee County Erosion and Sedimentation Ordinance No. 2017-O-005**

### **A. Citings from the Soil Erosion and Sedimentation Control Ordinance (ESC)**

#### **Sec. VI. - Inspection and enforcement.**

- (a) The Cherokee County Engineering Department 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 article, 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 article.
- (b) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- (c) The Cherokee County Engineering Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, 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 90 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 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

(Ord. No. 2017-O-005, § VI, 6-6-17)



**Sec. VII - 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 article 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 article, 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 article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 26-70(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 article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, 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 article under county ordinances approved under this article 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.

(Ord. No. 2017-O-005, § VII, 6-6-17)

**B. Examples of Erosion and Sedimentation Control Violations Requiring Enforcement**

Specific situations where the County issues a Stop Work Order immediately as the first Notice of Violation are:

- 1) stream buffer disturbance,
- 2) sediment from intentional soil disturbance entering state waters/buffers,
- 3) significant volume of sediment leaving a site of intentional soil disturbance,
- 4) allowing significant sediment to discharge onto a county road (safety issue) from a site of intentional soil disturbance.

The following outlines the County's ESC requirements and is printed on the back side of the County's "Ordinance Violation Notices" which are posted on site when a Non-Compliance Violation is issued. Failure to comply with any of these requirements constitutes a violation for which the county will take enforcement:

**Cherokee County Soil Erosion and Sedimentation Control Requirements****Silt Fence Requirements**

- Only GDOT approved silt fence will be accepted.
- Type C silt fence is required on concentrated flow areas and slopes steeper than 3:1. Two rows of Type C are required adjacent to all state waters where land disturbance occurs within 200' of all State's waters (includes most streams, ponds and lakes).
- Silt fences must be cleaned out when ½ full.
- Damaged silt fence must be replaced (fences with tears, holes or over 6 months old).
- Type A silt fence must have minimum 1 ½" posts, Type C silt fence must have steel posts.
- Silt fence must be trenched into ground 6" deep.

**Soil Stabilization**

- The disturbed area shall be stabilized with grass, straw, mulch and seed, matting or a combination of these as soon as possible.
- Mulch shall be applied to a depth of 2-4" providing complete coverage of disturbed soil.

**Stream Buffer Requirements**

- All streams have a State 25' undisturbed buffer as measured from top of the bank.
- Streams have a Cherokee County 50' undisturbed buffer as measured from the top of the bank. An additional 25' beyond the 50' stream buffer cannot have impervious surface(s).

**Street Requirements**

- Mud or any form of sediments originating from the site of soil disturbance shall not be allowed on any County road.
- If mud is deposited on the road, the owner/contractor will be responsible for cleaning the street; washed or swept as instructed by the inspector.

**Construction Pads**

- Gravel construction pads are utilized to prevent mud from being tracked onto the road from equipment that is leaving the site. Erosion control inspector will determine if a construction pad is required at the site.
- Construction pads shall be 20' wide x 50' long x 6" deep.
- A geotextile fabric must be used underneath gravel/rock. Gravel/rock size is typically 1.5" to 3.5".

Note: The newer silt fence type called belted silt retention fencing or C-pop may be used in place of Type C.

### C. Step-by-Step Procedures for Enforcement of ESC Ordinance

**Step 1.** Violation Discovery – from citizen complaint or county field work. Investigate within 1-2 days

**Step 2.** If the violation involves any of the 4 following situations (described in B. above): issue Stop Work Order (SWO) effective immediately:

- Stream Buffer disturbance
- Sediment entering state waters/buffers
- Significant sediment leaving site
- Significant sediment discharging to county road

**Step 3.** Determine if site has a County LIA issued Land Disturbance Activity Permit or Erosion & Sedimentation Control Permit:

**If No** - issue Stop Work Order (SWO) effective immediately. Require violator to correct ESC violation within 5 days. LDA or ESC permit must be obtained before work can resume.

**If Yes** – Proceed to Step 4.

**Step 4.** Determine Appropriate Level of Initial Response – based on Section VII of ESC Ordinance.

- If 1<sup>st</sup> or 2<sup>nd</sup> violation, issue Notice of Violation (NOV) to permittee requiring correction of violation within 5 days.
- If 3<sup>rd</sup> violation, issue Stop Work Order effective immediately and remain in effect until violation corrected or mitigated.

Provide written instructions on required corrective actions and written warning of further penalties for failure to correct violation (as listed below).

**Step 5.** Has violation been corrected by deadline date?

**If Yes** – No further enforcement action required.

**If No** – **Escalating Enforcement Actions: pursue appropriate option.**

1. Issue 2<sup>nd</sup> Notice of Violation – set a new deadline for compliance if reasonable effort toward compliance has been made, typically no more than 3-5 days. Provide written warning of further penalties for failure to correct violation (as listed below).
2. Issue Stop Work Order (SWO)– if Land Disturbance Permit or Soil Erosion Control Permit is in place; issue SWO on all soil disturbance and other potentially polluting activities until correction of violation is complete. Provide written warning of further penalties for failure to correct violation (as listed below).
3. Options for continued non-compliance after deadline set in 2<sup>nd</sup> NOV or SWO:
  - a. Suspend, modify, or revoke Land Development Permit
  - b. Withhold Certificate of Occupancy
  - c. Issue Citation by County Marshal
    - i. Citation requires violator to appear for a court hearing where penalties are determined.
    - ii. Potential Penalties:
 

Forfeiture of Performance Bond -Section VII. C.  
Civil Penalty: up to \$2500 per day for failure to comply. County may take corrective action with cost to be borne by violator.

#### D. Responsibility for Enforcement Measures for the ESC Ordinance

The Inspectors from Stormwater Management, Development Inspection, and Building Department are responsible for initial investigation of any violations and for issuing NOV's and SWO's. The Inspectors work with their respective supervisors for guidance during the enforcement process. Also coordination with each

of the various departments is pursued when necessary. Any necessary citations are issued by the County Marshal's office.

### **III. Enforcement Response Plan for the Cherokee County Post Developed Stormwater Management Ordinance – Post Construction Structures**

#### **A. Citings from the Post Developed Stormwater Management Ordinance (PDSM)**

##### **II. 6.08. Ongoing Inspection and Maintenance of Stormwater Facilities and Practices**

###### **a. Maintenance Responsibility**

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

The owner of the property on which work has been done pursuant to this Ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

A maintenance schedule shall be developed for the life of all stormwater management facilities and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance agreement shall be included in the approved stormwater management plan.

###### **b. Maintenance Inspections**

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Cherokee County Engineering Department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Cherokee County Engineering Department, may correct the violation as provided in Section E. hereof.

The Cherokee County Engineering Department shall ensure that preventative maintenance is performed by inspecting all stormwater management systems. Inspection shall occur during the first year of operation and at least once every three years thereafter. In addition, a maintenance agreement between the owner and Cherokee County shall be executed for privately-owned stormwater management systems as described in Section 6.04.D.

Inspection reports shall be submitted to and maintained by the Cherokee County Engineering Department for all stormwater management systems.

Inspection reports for stormwater management systems shall include:

- (1) The date of inspection;
- (2) Name of inspector;
- (3) The condition of:
  - (a) Vegetation or filter media
  - (b) Fences or other safety devices

- (c) Spillways, valves, or other control structures
- (d) Embankments, slopes, and safety benches
- (e) Reservoir or treatment areas
- (f) Inlet and outlet channels and structures
- (g) Underground drainage
- (h) Sediment and debris accumulation in storage and forebay areas
- (i) Any nonstructural practices
- (j) Any other item that could affect the proper function of the stormwater management system

(4) Description of the need for maintenance

After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have 30 days or other time frame mutually agreed to between the Cherokee County Engineering Department and the owner to correct the deficiencies. The Cherokee County Engineering Department shall then conduct a subsequent inspection to ensure completion of repairs.

If repairs are not undertaken or are not found to be done properly, then enforcement procedures following Section 6.09. of this ordinance shall be followed by the Cherokee County Engineering Department.

**d. Right-of-Entry for Inspection**

The terms of the inspection and maintenance agreement shall provide for the Cherokee County Engineering Department 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 ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

**e. 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 Cherokee County Engineering Department.

**f. Failure to Maintain**

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Cherokee County, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 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. Cherokee County 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 such property and collected in the ordinary manner for such taxes.

**B. Examples of Violations Requiring Enforcement**

Specific situations where the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health include, but are not limited to:

- 1) Failure to maintain as per the recorded maintenance agreement.
- 2) Excessive tree growth in an above ground facility on embankments, slopes, benches, interior, etc.
- 3) Sediment and debris accumulation in storage and forebay areas
- 4) Clogging of Spillways, valves, inlet and outlet channels and structures, or other control structures
- 5) Failure of fences or other safety devices
- 6) Lack of maintenance causing problems downstream
- 7) Any other item that could affect the proper function of the stormwater management system

**C. Step-by-Step Procedures for Enforcement of PDSM Ordinance**

**Step 1.** Failure to Maintain Discovery – from owner inspection, citizen complaint or county field work. Complaints will be investigated within 7-14 business days unless it's identified as a public safety issue. If a public safety issue, the complaint will be investigated within 1-2 business days.

**Step 2.** The Cherokee County Engineering Department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed.

**Step 3.** If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Cherokee County, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 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. Cherokee County 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 such property and collected in the ordinary manner for such taxes.

**D. Responsibility for Enforcement Measures for the PDSM Ordinance**

The Stormwater Management Department is responsible for investigation of failures or refusals to meet the requirements of the inspection and maintenance agreement.

**Appendix B Impaired Waters**

1. The County's Population based on the 2010 U.S. Census exceeds 10,000.
2. The MS4 has developed an Impaired Waters Plan/Monitoring and Implementation Plan including:
  - A list of impaired waters and the pollutant(s) of concern.
  - A Monitoring and Implementation Plan, that includes:
    - Sample location;
    - Sample type, frequency, and seasonal considerations;
    - Monitoring implementation schedule;
  - A map showing the location of the impaired waters and all identified MS4 outfalls located on the impaired waters or occurring within one linear mile upstream of the waters or a schedule for confirming those outfalls; and
  - Description of proposed BMPs.
  - Description of the method used to annually assess data trends for each pollutant of concern.
3. The Impaired Waters Plan/Monitoring and Implementation Plan was finalized by EPD on October 1, 2015. The plan was modified in 2023. The Impaired Waters Plan is included as an appendix.