

# **State Utilities Office**

## **Notice of Intent (NOI) and Utility Certification**

**Office of Utilities**

Jeff Baker, P.E.

State Utilities Engineer



**District Quarterly Utility Meeting**  
**October 2009**

# Notice of Intent (NOI) and Utility Certification

- Included in GDOT's NOI when Utility Work is part of Contract Pay Items
- Available: Water/Sewer, recently Gas Facilities
- SUO is working with the other utilities to include power, phone, and cable
  - Reimbursable – GDOT reimbursing Utility Company
  - Public Interest Determination (see O.C.G.A. 32-6-170)
    - Recommendations/determinations should be made at PFPR or soon thereafter
  - Providing Utility Aid
  - Non-reimbursable –Utility Company reimbursing GDOT
    - When feasible/Utilities are not equipped/staffed

# The Georgia Erosion and Sedimentation Act of 1975

- Passed 1975
- Effective 1977
- Amended 1980
- Amended 1985
- Amended 1989
- Amended 1994
- Amended 1995
- Amended 2000
- Amended 2001
- Amended 2003
- Amended 2004
- Amended 2007

## **Stay informed!**

At the end of each legislative session, interested parties should obtain a copy of any amendments and enactments

[www.georgia.gov](http://www.georgia.gov)

[www.gaswcc.georgia.gov](http://www.gaswcc.georgia.gov)

# Notice of Intent (NOI) and Utility Certification

## Special Notice to Contractors

- Per HB 463 signed into law in 2007, individuals working in a Subcontractor capacity performing land disturbing activities under a primary, secondary or tertiary NPDES permittee are required to attend the GASWCC “Awareness Seminar”. GDOT is not offering this seminar. However, follow this link for more information ["Subcontractor Awareness Seminar"](#) or visit the following web address <http://gaswcc.georgia.gov> for available seminar dates presented by GASWCC. The seminar will be 2 hours in length with no examination. Upon successful completion, those individuals will be issued a “Certified Subcontractor” card.
- Those working in a subcontractor capacity performing land disturbing activities under NPDES permit coverage will need to become “Certified Subcontractor” by December 31, 2007. If you are currently working in a subcontractor capacity and possess a Level IA certification you are not required to take the Subcontractor Awareness

# Special Notice to Contractors

- 161.1.03.B.4 & 161.3.05.G – The Contractor is to prepare stream diversions and stream diversion channels utilizing an EPD NPDES General Permit defined Design Professional. Additional construction access for the construction of or removal of work bridges, temporary work road/access, etc. that will impact stream banks and bottoms requires similar plan preparation and a 12 week review period.
- 161.1.03.B.5 – Temporary asphalt or concrete batch plants - the Contractor is to submit plans and NOIs to the Environmental Protection Division for coverage of both infrastructure and industrial permits for the construction and operation of such plants, respectively.
- 161.3.05.B – Temporary grassing of projects, regardless of size, will be weekly unless a shorter interval is required under subsection 107.23.
- 161.3.05.H – State Water Buffers – new section requiring more effort to avoid buffer removal or impacts, e.g. sequence of buffer delineation, buffer delineation review, notification of GDOT when additional surface waters that are not shown in the plans are encountered.
- 161.5.01.D – Establishes protocol for resolution of Consent Orders & Notices of Violation.
- 163.3.05.J – Ditch checks are now referred to as Check Dams. There are 3 types; Fabric (type c silt fence), Baled Straw and Rip Rap. Rip Rap will be measured per each. Fabric and Hay Bale check dams will be measured per linear foot (meter).

# Three Types of General Permits

- GAR100001 – Stand Alone Construction
- GAR100002 – Infrastructure Construction
- GAR100003 – Common Development Construction

*NPDES General Permits  
were re-issued August 1, 2008*

Permits are available on the GA EPD website: [www.gaepd.org](http://www.gaepd.org)  
or [www.gaswcc.georgia.gov](http://www.gaswcc.georgia.gov)

# ES&PC Plan Awareness for Utilities

- GDOT GHCA GUCC Task Force for Utility Coordination
- Chief Engineer/Deputy Commissioner
- State Construction Engineer
- State Environmental/Location Engineer
- Director of Preconstruction
- Environmental Compliance Bureau Administrator
- State Utilities Engineer Jeff Baker

# **SPECIAL PROVISION**

## **Section 161— Notice of Intent and Utility Certification**

- Many utility activities have enjoyed the benefit of a false perception that being near perimeter BMPs placed within our right of way meant GDOT had fully accounted for that work in GAR100002's required Erosion and Sediment Pollution Control Plan (ESPCP).



# Notice of Intent (NOI) and Utility Certification

## Utility Certification Form

- Most utility related land disturbing activities never rise to the 1 acre threshold that brings the GAR100002 permit requirements to bear.

# Erosion, Sedimentation and Pollution Control Plan (ESPCP)

- GDOT is therefore requiring Utility companies to address their individual responsibilities via preparation of an Erosion, Sedimentation and Pollution Control Plan (ESPCP) related to any removal, relocation, adjustment or construction of utility facilities specified in the work plan. This consideration must be completed utilizing an EPD NPDES General Permit defined Design Professional.

# The Design Professional may have the following choices:

Depending on the amount of work specified in your work plan and the approximate location to State Waters

- Submit a copy of the Notice of Intent (NOI) for GAR100002 permit coverage.
- Prepare a Certification Statement with your stated exemption and your commitment to apply the minimum BMP's.

# Notice of Intent (NOI) and Utility Certification

## 2<sup>nd</sup> Submission – Copy of NOI only

### Erosion, Sedimentation and Pollution Control Plan

- By law (O.C.G.A. 32-6-171), the utilities have 30 to 120 days to submit
- Deadline based on complexity of project
- By law (O.C.G.A. 32-6-171), a Work Plan is required by every utility
- Prior to ES&PC Plan development the design professional or duly authorized representative must visit the site:
  - O.C.G.A. 12-7-9(a)
  - DNR Rules 391-3-7.10

# NOI & Preparation of an Erosion, Sedimentation and Pollution Control Plan (ESPCP) 1 Acre Consideration

- Construction Entrance/Exit
- Proper site preparation
- Types of Construction Equipment and Their Uses
- Excavation
- Spoil-Pile Placement
- Within 200' banks of "State Water's"

# Design professional credentials as defined in the GAR100002 permit

- Erosion, Sedimentation and Pollution Control (ES&PC) Plans must be prepared by a “certified design professional” (Level II) licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology or land surveying or a “certified design professional” (Level II) that is a Certified Professional in Erosion and Sedimentation Control (CPESC).

# Questions concerning GAR100002 eligibility and State Water Buffers should be directed to:

Georgia Environmental Protection Division  
Georgia Department of Natural Resources  
2 Martin Luther King Jr. Drive, Suite 1152 East  
Tower

Atlanta, GA 30334

Telephone: 404.657.5947 or 888.373.5947  
(toll-free throughout Georgia)

# Submission of a Certification Statement

- The Utility owner shall demonstrate that their work is exempt from NPDES permitting requirements.
- Commitment to apply the minimum Best Management Practices established within O.C.G.A 12-7-1 at all times their activities are occurring with the right of way or easement areas associated with the project as specified in the work plan.



# Notice of Intent (NOI) and Utility Certification

## Exemptions

- Stream Crossing for Water and Sewer Lines
- Stream Crossings for Aerial Utility Lines

# Notice of Intent (NOI) and Utility Certification

## “Certified Design Professional”

- Means a (Level 2) and holds a certificate in designing “Erosion, Sedimentation and Pollution Control Plans.

# Notice of Intent (NOI) and Utility Certification

Utility Work Plan =

- +Utility Plans
- +Utility Adjustment Schedules
- +Permits *+Special Provisions*

- By law (O.C.G.A. 32-6-171), a Work Plan is required by every utility

# Notice of Intent (NOI) and Utility Certification

## Certification Statement – FFPR

Identify: Potential Issues – Utility Accommodation v. Constructability

It is now or Construction! Constructability v. Relocation Design – Can it be Done? Look at ESPCP, Hydraulic Component Structures, Drainage, Staging, Detours, Alignment Changes, etc v. Utilities Best Management Practices (BMP's) Within 200' banks of "State Water's" & "Stream Buffer Variance"

# Notice of Intent (NOI) and Utility Certification

## During Construction

- The Utility, its subcontractors, or continuing subcontractors, shall each provide to the Department's Engineer and the Prime Contractor's designated Worksite Erosion Control Supervisor (WECS) the following:

# Contact information for a designated individual

- Who has successfully completed applicable Georgia Soil and Water Conservation Commission Certification Course(s),
- Positive identification
- Certification numbers
- Telephone numbers

# “Certified Personnel” or “Certified Person”

- Means any person who holds a certificate (Level 1A) and works in area of inspection of best management practices (BMPs) on construction sites. BMPs are vegetative and structural measures to control and prevent erosion.

Questions concerning the available  
certification programs should be  
directed to:

The Georgia Soil and Water Conservation  
Commission (GASWCC)

4310 Lexington Road

P. O. Box 8024

Athens, GA 30603

Education & Certification Program

Phone: (706) 542-1840

[certification@gaswcc.org](mailto:certification@gaswcc.org)



# Notice of Intent (NOI) and Utility Certification

- Every site must have an approved set of plans. Plans should be on site and followed at all times.
- If the approved plan no longer meets the conditions of the site it is the responsibility of the primary permittee to contact the design professional and have the plans amended.
- If there is a significant change or a change made regarding the hydraulic component the revised plan must be submitted to the appropriate authority for review.

# Notice of Intent (NOI) and Utility Certification

- Prior to the submission of a Notice of Termination (NOT) to the Georgia Environmental Protection Division for GAR100002

# Notice of Intent (NOI) and Utility Certification

- Utility shall coordinate a joint inspection of the work area. The inspection team shall consist of at least the Utility's designated contact person, the Department's Engineer and the Contractor's WECS.

# Notice of Intent (NOI) and Utility Certification

## Termination of Coverage

*FINAL STABILIZATION* means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures have been used.

# Notice of Intent (NOI) and Utility Certification

Senate Bill 19 became law effective July 1, 2007

- Revises O.C.G.A. Sections 32-6-170 and 32-6-171
- From the revised law, Board Rule 672-19 was established and implemented January 1, 2008
- January 1, 2010 on any GDOT project that will be Let March 19, 2010

# Notice of Intent (NOI) and Utility Certification

Utility Work Plan =

- +Utility Plans
- +Utility Adjustment Schedules
- +Permits *+Special Provisions*

- Coordination revolves around the Utility's Work Plan!

# Notice of Intent (NOI) and Utility Certification

Questions