

**Responses to Comments Received During the Public Comment Period  
May 7, 2007 to June 6, 2007  
Proposed Amendments to Rules for Environmental Planning Criteria,  
Chapter 391-3-16**

<b>Summarized Comments</b>	<b>EPD Response</b>
Grandfathering language too vague	Grandfathering language was revised.
Concern about the distance measurement of 7 mile radius should be better served as stream mile	Implementation of a 7-stream mile measurement would be a relatively small refinement and difficult for local governments to manage.
Concern about the distance measurement of 7 mile radius is arbitrary	7 mile radius was in the original rule language which was drafted and reviewed beginning in 1987 by the Growth Strategies Advisory Group comprised of 116 persons representing various interests throughout Georgia and was vetted in 20 public hearings in October-November 1989.
Concerns about the definition change of Perennial Stream and the increased number of acres impacted by buffers	Definition was revised to make the Perennial Stream definition in this Rule consistent with other rules that EPD enforces.
Concern that the agricultural, forestry and mining interest remain substantially outside the purview of the revised regulation	Required education programs outlined within the Rule will help educate these sectors on the importance of the suggested and required management principles. Additionally these sectors have established best management practices specifically tailored to address their respective land disturbance activities.
Concern about using effective impervious area instead of total impervious area	Effective Impervious Area is a better measurement of the volume of storm water that needs to be managed from the property.
Please designate the headwaters of some of our most breathtaking rivers as Outstanding Natural Resource Waters to provide them with some of the highest level of protection possible under the Clean Water Act	Outstanding Natural Resource Waters designations are outside the scope of this rulemaking. EPD does have a procedure for such designation if local governments and stakeholders are interested.
Supportive of rule	No response required.
Concerns about these rules infringing on private property rights	The proposed rule is consistent with the statutory requirements of the State of Georgia with regard to the state's regulatory authority to protect water quality.

**Responses to Comments Received During the Public Comment Period  
May 7, 2007 to June 6, 2007  
Proposed Amendments to Rules for Environmental Planning Criteria,  
Chapter 391-3-16**

<b>Summarized Comments</b>	<b>EPD Response</b>
Removing the 10% EIA requirement on the 75' buffer option (Option 2) impacts water quality and appears less protective than other options	The more prescriptive monitoring requirements and the addition of septic tank maintenance will ensure that water quality will be protected without the 10% EIA requirement on the 75 foot buffer option.
These rules do not substantially advance legitimate state interests and will deny economically viable use of private property	The proposed rule establishes options for development within the existing buffer and merely prescribes a framework local governments may use to set their own ordinances. Any decision to adopt an option would be made by local authorities.
Stakeholder workgroups convened with charge to write new water supply watershed rules from a technical and implementation perspective	Stakeholder workgroups were in an advisory capacity with the final iteration of the rule being proposed by GA EPD.
Lack of transparency and accountability in State Government	Public participation was conducted through the implementation of the Advisory Workgroups and four public hearings. All records are available for public review.
Failure of EPD & DNR to provide meaningful answers to relevant questions on freshwater management, and to provide opportunity for cognitive discussion	Public participation was conducted through the implementation of the Advisory Workgroups and four public hearings.
Use of vague and ambiguous words & phrases	Definitions of key words and concepts are in the original Rule and also many of the concepts will be addressed in guidance documents to be developed after passage of the Rule.
Inaccuracy, imprecision, lack of necessary data & information and numerous uncertainties result in significant errors and improprieties	Technical resources from within EPD, from a Georgia university, from local governments, from environmental groups, and from the consulting community were involved in the rule making.

**Responses to Comments Received During the Public Comment Period  
May 7, 2007 to June 6, 2007  
Proposed Amendments to Rules for Environmental Planning Criteria,  
Chapter 391-3-16**

<b>Summarized Comments</b>	<b>EPD Response</b>
Use of pseudo science and international "Precautionary Principle" as basis for buffer zone expropriation of private property and for changing the nature of titles and rights of ownership	The proposed rule is consistent with the statutory requirements of the State of Georgia with regard to the state's regulatory authority.
USGS reports indicate no change or significant problem with water quality, quantity, or temperature in Chattahoochee River above Lake Lanier Dam	In 2006, there were 45 impaired stream segments north of Lake Lanier Dam (30 fecal, 5 pH, 10 biological integrity). Rule is in anticipation of increased development in the state which if left unchecked will degrade water quality further.
Water quantity and quality problems in Chattahoochee River watershed are attributable to Atlanta metropolitan area growth and inadequate infrastructure	Rule is applied throughout all watersheds in the state, including the Chattahoochee both north and south of the Metro area. The purpose of the rule is to ensure protection of drinking water supplies.
Improper and unwarranted expropriation of private property used as collateral for special grants and loan eligibility	Existing Rule requires a 100 foot buffer and a 150 foot setback for water supply watersheds. Proposed Rule allows local government to adopt an ordinance that will allow development as close as 50' with certain management practices implemented. In this case, the local government must be a Local Issuing Authority (LIA), but receiving grants and funding is not tied to being an LIA. The 50' buffer is the same as the buffer on most North GA streams (trout streams).
The Integrated Sustainable Development Programs being implemented in Georgia are discriminatory toward rural people, property rights and small and medium size business owners	An evaluation/impact analysis by the Small Business Environmental Assistance Program states that the proposed rule amendments do not impose excessive regulatory costs or burdens on small businesses. Additionally, the Proposed Rule is consistent with the statutory requirements of the State of Georgia with regard to the state's regulatory authority.

**Responses to Comments Received During the Public Comment Period  
May 7, 2007 to June 6, 2007  
Proposed Amendments to Rules for Environmental Planning Criteria,  
Chapter 391-3-16**

<b>Summarized Comments</b>	<b>EPD Response</b>
<p>No impact study has been done, and the unfounded costs and burdens will be laid upon local authorities and taxpayers</p>	<p>The proposed rule does not require any action or impose any additional cost on local authorities or taxpayers. The proposed rule establishes options for development within the existing buffer. Any decisions to adopt an option would be made by local authorities who will evaluate the relative cost and benefit of any of the options made available by the proposed rule. Moreover, the proposed rule merely prescribes a framework local governments may use to set their own ordinances.</p> <p>Additionally, the Small Business Environmental Assistance Program has done an evaluation/impact study that states that the proposed rule amendments do not impose excessive regulatory costs or burdens on small businesses.</p>
<p>Buffer amendment is unfounded, deceptive, unwarranted, and is not for the public good or for a public purpose and should be abated</p>	<p>The proposed rule does not require any action or impose any additional cost on local authorities or taxpayers. The proposed rule establishes options for development within the existing buffer. Any decisions to adopt an option would be made by local authorities who will evaluate the relative cost and benefit of any of the options made available by the proposed rule. Moreover, the proposed rule merely prescribes a framework for local governments to use to set their own ordinances.</p>
<p>Private property owners were: (1) not included in the stakeholder group process even though they are the intended victims of the buffer expropriation scheme, (2) were denied access to relevant communications regarding that negotiation process, and (3) do not support the “compromise” position taken by the “Sixteen County Coalition” and their attorney</p>	<p>Two Advisory Teams were formed. On these teams, there were representatives from local governments who are also property owners and developers in the region. In addition to their own personal ownership, these local officials are representatives of their constituencies.</p> <p>All documents related to this rulemaking are, and have been, available for public review and copying at the EPD offices.</p>

**Responses to Comments Received During the Public Comment Period  
May 7, 2007 to June 6, 2007  
Proposed Amendments to Rules for Environmental Planning Criteria,  
Chapter 391-3-16**

<b>Summarized Comments</b>	<b>EPD Response</b>
<p>This proposed buffer amendment is an integral part of the International Man and Biosphere Program (MAB) and the regional Southern Appalachian Man &amp; Biosphere Project (SAMAB) that is designed and intended to expropriate private property through core areas, buffer zones, corridors and transitional areas where human activity might be allowed if it complies with the integrated regional protected area management prescriptions and schemes</p>	<p>The proposed rule is consistent with the statutory requirements of the State of Georgia with regard to the state's regulatory authority.</p>
<p>The sustainable development programs and conservation easement projects being implemented in Georgia have and will result in unwarranted trespass upon and across private property and impose undue costs and risks upon private property owners</p>	<p>Not relevant to this rule.</p>