



Part I Implementation Program: Compliance with Environmental Planning Criteria

1. Status of Part V Ordinances

The following table illustrates the status of the adoption of local ordinances by the City of Milton consistent with the Georgia Dept. of Natural Resources Environmental Protection Division Part V Rules for Environmental Planning Criteria (Chapter 391-3-16):

Table I.1. – Ordinances

EPD Part V Criteria	Adopted?	Reference
Water Supply Watersheds	Partial	
Large Water Supply Criteria	N/A	Ordinance No. 06-12-72. City of Milton Chapter 14 - Land Development and Environmental Protection; Article 6: Stream Buffer Protection; Section 6: Compatibility with other Buffer Regulations and Requirements; (B) additional standards/DNR Part V Criteria for Small Water Supply Watersheds (see pg. 64/108)
<p>NOTES: The Small Water Supply ordinance provides criteria that meet or exceed the Large Water Supply criteria required under DNR part 5. These criteria require 100' undisturbed buffers and 150' setbacks on all perennial streams within 7 miles upstream of a public water supply reservoir or public water supply intake. Beyond 7 miles, the required buffer is 50' and the required setback is 75'.</p>		
Small Water Supply Criteria	Yes	Ordinance No. 06-12-72. City of Milton Chapter 14 - Land Development and Environmental Protection; Article 6: Stream Buffer Protection; Section 6: Compatibility with other Buffer Regulations and Requirements; (B) additional standards/DNR Part V Criteria for Small Water Supply Watersheds (see pg. 64/108)
<p>NOTES: This ordinance follows the DNR part 5 guidelines for Small Water Supply criteria. These criteria require 100' undisturbed buffers and 150-foot setbacks on all perennial streams within 7 miles upstream of a public water supply reservoir or public water supply intake. Beyond 7 miles, the required buffer is 50' and the required setback is 75 feet.</p>		
Water Supply Reservoir Management Plans	No	No reservoir affected and no ordinance required
Protection of Groundwater Recharge Areas	No	The ordinance does not provide criteria for Protection of Groundwater Recharge Areas. Here is the DNR recommended guidelines for Protection of Ground Water Recharge areas.



Notes: The ordinance does not provide criteria for Protection of Groundwater Recharge Areas. The DNR Part V recommended guidelines for Protection of Ground Water Recharge areas are as follows:

391-3-16-.02 Criteria For Protection of Groundwater Recharge Areas

1) Background. Variable levels of recharge area protection can be based upon the State's hydrogeology (e.g., areas such as the Dougherty Plain where a major aquifer crops out would receive a relatively high degree of protection whereas other areas, such as the shale hills of northwest Georgia, would receive a lower degree of protection). Recharge area protection within the significant recharge areas would be further refined, based upon the local susceptibility or vulnerability to human induced pollution (e.g., high, medium, or low). The significant recharge areas have already been identified and mapped (about 22-23% of the State). Pollution susceptibility mapping is ongoing. Existing statutes are adequate for protecting the remaining recharge areas (about 77-78% of the State).

(2) Definitions:

(a) "Aquifer" means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: this is the same definition as in the Groundwater Use Act).

(b) "DRASTIC" means the standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluation pollution susceptibility).

(c) "Pollution Susceptibility" means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

(d) "Pollution Susceptibility Maps" means maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low ground-water pollution potential.

(e) "Recharge Area" means any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

(f) "Significant Recharge Areas" means those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density or lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces. Significant recharge areas are as follows in the various geologic provinces of Georgia:

1. In the Valley and Ridge and in the Cumberland Plateau, significant recharge areas are outcrop areas of carbonate rock where low slope (less than 8% slope) conditions prevail. Such areas commonly are characterized by karst topography (caves and sinkholes).
2. In the Piedmont and in the Blue Ridge, rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge areas are those with thicker soils. Field mapping indicates that thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than 8%.
3. In the Coastal Plain, the significant recharge areas are the surface outcroppings of the large and extensively used drinking water aquifers (e.g., the Floridian, the Clayton, etc.) and soils having high permeability according to the 1976 1:750,000 Soils Association Map of Georgia.

(3) The following criteria pursuant to O.C.G.A. 12-2-8 shall apply in significant recharge areas:

(a) The Department of Natural Resources shall not issue any permits for new sanitary landfills not having synthetic liners and leachate collection systems.

(b) The Department of Natural Resources shall not issue any new permits for the land disposal of hazardous wastes.

(c) The Department of Natural Resources shall require all new facilities permitted or to be permitted to treat,



Wetlands Protection	No	Not addressed in current ordinance
<p>store, or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.</p> <p>(d) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1). Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.</p> <p>(e) New agricultural waste impoundment sites shall be lined if they are within:</p> <ol style="list-style-type: none"> 1. a high pollution susceptibility area; 2. a medium pollution susceptibility area and exceed 15 acre-feet; 3. a low pollution susceptibility area and exceed 50 acre-feet. <p>As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheepsfoot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)</p> <p>(f) New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-1"):</p> <ol style="list-style-type: none"> 1. 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area; and 2. 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area. 3. 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area. <p>(g) New mobile home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitation as identified on Table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-2")</p> <ol style="list-style-type: none"> 1. 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a high pollution susceptibility area; 2. 125% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a medium pollution susceptibility area; and 3. 110% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a low pollution susceptibility area. <p>(h) If a local government requires a larger lot size than that required by (f) above for homes or by (g) above for mobile homes, the larger lot size shall be used.</p> <p>(i) Local governments at their option may exempt from the requirements of (f) or (g) any lot of record on the date of their adoption of those lot size standards.</p> <p>(j) No construction may proceed on a building or mobile home to be served by a septic tank unless the county health department first approves the proposed septic tank installation as meeting the requirements of the county.</p>		



Notes: A definition of wetlands was found in the tree ordinance but wetlands protection is not addressed by the city's ordinance.

Based on the importance of wetlands for the public good in the land-use planning process as mandated by O.C.G.A. 12-2-8, the State of Georgia desires all local governments to adopt the Georgia Dept. of Natural Resources, Environmental Protection Division criteria for wetlands protection defined in Section 391-3-16-.03 Criteria for Wetlands Protection. The following provides the text of a proposed resolution to be considered by the City Council upon completion of the Comprehensive Plan process to define their minimal criteria for local wetlands protection.

The following are definitions and criteria for developing local and regional land-use plans with respect to wetlands:

The Department of Natural Resources shall establish a freshwater wetlands database and minimum criteria for local government consideration of wetlands protection in the land use planning process. DNR's database shall include field checked mapping of wetlands. The criteria are designed to assist in the identification and protection of wetlands, and do not constitute a state or local permit program.

The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a public interest review. Most activities in wetlands will require a Section 404 permit from the Corps of Engineers. If wetlands are altered or degraded, mitigation to offset losses will be required as a condition of a Section 404 Permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands. Section 401 of the Clean Water Act requires certification by the State for any permit issued under Section 404. Other state and federal laws are also applicable to wetlands and wetlands protection.

(a) Definition of Freshwater Wetlands. "Wetlands" mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

(b) At a minimum, the following categories of freshwater wetlands and aquatic habitats will be defined, identified and mapped by the State:

1. Open water - areas of open water, primarily reservoirs, ponds, lakes, rivers, and estuaries.
2. Non-forested emergent wetlands - freshwater marshes dominated by a variety of grasses, sedges, rushes, and broadleaved aquatics associated with streams, ponded areas, and tidally-influenced non-saline waters.
3. Scrub/shrub wetlands - non-forested areas dominated by woody shrubs, seedlings, and saplings averaging less than 20 ft. in height; these wetlands may intergrade with forested wetlands, non-forested emergent wetlands, and open water.
4. Forested wetlands - natural or planted forested areas having a dominant tree crown closure of hardwoods, pines, gums, cypress, or any combination of these types. These areas are usually in stream or river floodplains, isolated depressions, and drainways, and contain standing or flowing water for a portion of the year. Subcategories: (i) Hardwood floodplain forests, (ii) Coniferous floodplain forests, (iii) Mixed floodplain forests, and (iv) Non-alluvial forested wetlands
5. Altered wetlands - areas with hydric soils that have been denuded of natural vegetation and put to other uses, such as pasture, row crops, etc., but that otherwise retain certain wetlands functions and values.

(c) Wetlands will be appropriately identified and mapped in the land-use plans developed by local and regional governments. A “minimum” area will be established for identification and mapping of wetlands in land-use plans. The “minimum-area” established will be contingent upon the methodology used in developing the State’s wetlands database and on other available information, but under no conditions will an identified wetland “minimum area” exceed 5 acres. Land-use plans should address at least the following considerations with regard to wetlands classes identified in the database:

1. Whether impacts to an area would adversely affect the public health, safety, welfare, or the property of others.
2. Whether the area is unique or significant in the conservation of flora and fauna including threatened, rare or endangered species.
3. Whether alteration or impacts to wetlands will adversely affect the function, including the flow or quality of water, cause erosion or shoaling, or impact navigation.
4. Whether impacts or modification by a project would adversely affect fishing or recreational use of wetlands.
5. Whether an alteration or impact would be temporary in nature.
6. Whether the project contains significant state historical and archaeological resources, defined as “Properties On or Eligible for the National Register of Historic Places”.
7. Whether alteration of wetlands would have measurable adverse impacts on adjacent sensitive natural areas.
8. Where wetlands have been created for mitigation purposes under Section 404 of the Clean Water Act, such wetlands shall be considered for protection.

(d) Uses of wetlands without long term impairment of function should be included in land use plans.

Acceptable uses may include:

1. Timber production and harvesting
2. Wildlife and fisheries management
3. Wastewater treatment
4. Recreation
5. Natural water quality treatment or purification
6. Other uses permitted under Section 404 of the Clean Water Act.

(e) Unacceptable uses may include:

1. Receiving areas for toxic or hazardous waste or other contaminants
2. Hazardous or sanitary waste landfills
3. Other uses unapproved by local governments

River Corridor Protection	Yes	Ordinance No. 06-12-72. City of Milton Chapter 14 - Land Development and Environmental Protection; Article 6: Stream Buffer Protection; Section 6: Compatibility with other Buffer Regulations and Requirements; additional standards (a) Metropolitan River Protection Act and (c) Chattahoochee Corridor Plan, DNR Part V Criteria for River Protection (see pg. 64/108)
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NOTES: This ordinance follows the guidelines for DNR Part 5 River Corridor Protection criteria and River Corridor Protection Plans. According to section (a) and (c) buffers are defined. The 100 foot required buffer for a river corridor is consistent with the Chattahoochee Corridor Plans’ 50-foot undisturbed vegetative buffer and its 150- foot impervious surface setback. These regulations do not include restrictions on land uses as mentioned in the DNR’s Part 5 criteria. However inclusion of the 100 foot buffer in (c) prohibits the development of such land uses.

Mountain Protection	No	
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Notes: There are no mountains under the criteria set forth by the DNR in the City of Milton. Therefore there are no recommended criteria for protecting these resources.