Rules and Regulations of the State of Georgia

Department 600 STATE SOIL AND WATER CONSERVATION COMMISSION

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 600-1 entitled "Organization", 600-2 entitled "State Committee Function", and 600-3 entitled "Watershed Development" have been adopted. Filed July 16, 1965 under the Georgia Administrative Procedure Act as Rules in effect in 1965 when the Administrative Procedure Act became effective.

Chapter 600-4 entitled "Inventory and Categorization of Dams" has been adopted. Filed July 21, 1978; effective August 10, 1978.

Chapters 600-1, 600-2, and 600-3 have been amended. Chapter 600-4 has been repealed. Filed February 24, 1995; effective March 16, 1995.

Grant Chapters 600-5-1 entitled "Qualifications of Grants", 600-5-2 entitled "Rural Gravel Road Maintenance Program", 600-5-3 entitled "No-Till Assistance Grant Program", 600-5-4 entitled "Partners for Wildlife Grants", and 600-5-5 entitled "Agricultural Nonpoint Source Grants" submitted February 24, 1995.

Chapters 600-6-1 entitled "Agriculture Water Quality/Best Management Practice ("BMP") Incentives Program ("BMP" Program)", and 600-6-2 entitled "Agriculture Irrigation Water Conservation Incentive Program" have been adopted. Filed November 19, 2001; effective December 9, 2001. Chapter 600-7-1 entitled "Agricultural Water Use Measurement Program" has been adopted. Filed January 29, 2004; effective February 18, 2004.

Rule 600-1-.03 has been amended. Filed March 16, 2004; effective April 5, 2004.

Grant Chapters 600-5-6 entitled "Bobwhite Quail Initiative" and 600-5-7 entitled "Agriculture Irrigation Water Conservation Incentive Program" submitted December 29, 2004.

Chapter 600-8-1 entitled "Education and Training Certification Requirements for Persons Involved With Land Disturbing Activities" has been adopted. Filed February 17, 2005; effective March 9, 2005.

Chapter 600-9-1 entitled "Procedures and Requirements for Election of Soil and Water Conservation District Supervisors" has been adopted. Filed August 29, 2005; effective September 18, 2005.

Chapters 600-8-1 and 600-9-1 have been repealed and new Chapters adopted. Filed July 24, 2007; effective August 13, 2007.

Cite as Ga. Comp. R. & Regs. R. dept. 600, ADMINISTRATIVE HISTORY

Chapter 600-1. ORGANIZATION.

Rule 600-1-.01. Description.

The Georgia Soil and Water Conservation Commission is an agency of the State created in Section 4, of an Act known as "The Soil Conservation Districts Law," approved March 26, 1937 (Ga. L. 1937, p.377), for the purpose of performing the functions conferred upon it in said act. The Commission is empowered "to perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this Act."

Cite as Ga. Comp. R. & Regs. R. 600-1-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original Rule entitled "Description" adopted. F. and eff. July 16, 1965.
Amended: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-1-.02. Membership of Commission.

The Conservation Commission is composed of five Soil and Water Conservation District Supervisors, one from each of the five GACDS Groups, appointed by the Governor for terms beginning with one, two, three, four and five-year terms in 1977 and for staggered five-year terms thereafter.

Cite as Ga. Comp. R. & Regs. R. 600-1-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original Rule entitled "Membership of Committee" adopted. F. and eff. July 16, 1965.
Amended: Rule retitled "Membership of Commission". F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-1-.03. Meetings.

(1) The Conservation Commission establishes its regular scheduled monthly meeting to be on the third Thursday of each month, at 8:00 a.m., at the Conservation Commission's headquarters office, presently located at 4310 Lexington Road, Athens, Georgia 30603 or such other location established by the Conservation Commission; provided, however, that the Chairman of the Conservation Commission, with due notice to Commission Members and the general public, may postpone or re-schedule such regular meeting on an as needed basis to accommodate the needs of the Commission or the general public.

(2) The Conservation Commission may also schedule special meetings in addition to its regular meetings provided in (1) above due notice is given to Commission Members and the general public.

(3) The meetings of the Conservation Commission are open and any person or group of persons may appear before the Conservation Commission at any of its regular meetings.

Cite as Ga. Comp. R. & Regs. R. 600-1-.03
Authority: O.C.G.A. Secs. 2-6-20, 2-6-27.
History. Original Rule entitled "Meetings" adopted. F. and eff. July 16, 1965.
Amended: F. Feb. 24, 1995; eff. Mar. 16, 1995.
Amended: F. Mar. 16, 2004; eff. Apr. 5, 2004.

Rule 600-1-.04. Officers of the Commission.

The Commission has as officers a chairman and a vice-chairman.

Cite as Ga. Comp. R. & Regs. R. 600-1-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original Rule entitled "Officers of the Committee" adopted. F. and eff. July 16, 1965.
Amended: Rule retitled "Officers of the Commission". F. Feb. 24, 1995; eff. Mar. 16, 1995.

Chapter 600-2. CONSERVATION COMMISSION FUNCTION.

Rule 600-2-.01. Duties of the Conservation Commission.

The Conservation Commission was created to serve as the Governor's representative and to act for him in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. The principal duties of the Commission are:

(a) The Commission shall issue appropriate regulations governing the conduct of hearings and referenda for the creation of Soil and Water Conservation Districts and provide for the registration prior to the date of the referendum of all eligible voters, or prescribe some other appropriate procedure for the determination of those eligible to vote in such referendum.

(b) Perform all State-level administrative functions necessary in the operation of Georgia's 40 Soil and Water Conservation Districts.

(c) Consistent with the Soil and Water Conservation Districts Law, approve or disapprove all District actions.

(d) Act in an advisory capacity on District programs and coordinate the programs of the 40 Soil and Water Conservation Districts in the State.

(e) Keep the State's 370 Soil and Water Conservation District Supervisors informed of activities and experiences of other districts and facilitate an interchange of advice and experience among Districts.

(f) Provide assistance when and where needed to District Supervisors in carrying out their powers and programs.

(g) On behalf of the Governor, receive, review and approve or disapprove applications for assistance under the provisions of P.L. 566(otherwise known as the Watershed Protection and Flood Prevention Act) and recommend priorities for planning on such applications. The Commission is also responsible for approval of final watershed work plans.

(h) Secure the cooperation and assistance of the United States and any of its agencies and of the agencies and counties of this state in the work of the Districts.

(i) Receive gifts, appropriations, materials, equipment, lands and facilities; manage, operate and dispense same.

(j) Keep Districts informed of any changes in the Districts Law, operational policies and procedures, and other matters of importance to the District.

(k) As prescribed by District Law, the Conservation Commission shall appoint one supervisor per county in all districts made up of two counties or more and two supervisors per county in all single-county districts. Appointments are made from a list of three nominees provided by the elected supervisors in the districts and are for terms of two years.

(l) The Conservation Commission shall supervise the conduct of elections for supervisors so that one eligible voter in each county is elected except in two-county districts where two supervisors are elected from each county and in single-county districts where three supervisors are elected from within the county. Supervisors are elected to four-year terms by the qualified electors in their counties upon timely submission of a petition signed by not less than thirty (30) qualified electors from the county in which the election will be held.

(m) The Commission may conduct such public meetings and public hearings as necessary for a final determination upon petition from 25 or more landowners asking for discontinuance of a District.

(o) Enter into contracts and agreements with the Districts, municipalities, and counties of this state, other agencies of this state, the United States and any agencies thereof, any association, and landowner or land occupier, or any person in order to carry out the purposes of this article.

(p) Receive grants from any agency of the United States Government or any agencies of this state, and to make grants to Districts, municipalities, or counties of this state, or other state agencies in order to carry out the purposes of this article.

Cite as Ga. Comp. R. & Regs. R. 600-2-.01
Authority: Ga. L. 1937, p.377; Ga. 1949, pp.190, 584; Ga. L. 1962, p.116; Ga. L. 1973 p.929; Ga. L. 1988, pp.269, 1336.
History. Original Rule entitled "Duties of State Commission" was filed and effective July 16, 1965.
Amended. Rule retitled "Duties of the Conservation Commission". F. Feb. 24, 1995; eff. Mar. 16, 1995.

Chapter 600-3. WATERSHED DEVELOPMENT.

Rule 600-3-.01. Process Watershed Applications.

In addition to the powers and duties granted to the Conservation Commission in other sections of the Act, the Commission has the following powers and duties with respect to watersheds.

(a) Holding public hearings in proposed watersheds to determine the extent of public interest, degree of anticipated cooperation, and any and all other date and information needed by the Commission in making decisions regarding feasibility of watershed applications.

(b) Receiving watershed applications. The Commission should receive two copies, each with a complete map of the proposed area.

(c) The Commission will request that the Natural Resources Conservation Service set up a field examination of the project area and submit a report on the feasibility of the project to the Conservation Commission.

(d) Reviewing the report of the field examination and approve or disapprove it.

(e) If approved, the Chairman will sign one copy of the watershed application for the Commission and transmit it to the NRCS for action.

(f) The Commission will notify watershed sponsors that the application has been approved.

(g) Selecting watersheds for preliminary investigations and surveys to determine if the projects are economy feasible.

(h) Notifying sponsors of this action.

(i) The Commission will review watershed work plans developed by the NRCS and approve and assign a priority or disapprove them. When approved, the NRCS authorizes watershed operations to get under way.

Cite as Ga. Comp. R. & Regs. R. 600-3-.01
Authority: Ga. L. 1955, p.257.
History. Original Rule entitled "Process Watershed Applications" was filed and effective July 16, 1965.
Amended: F. Feb. 24, 1995, eff. Mar. 16, 1995.

Chapter 600-4. INVENTORY AND CATEGORIZATION OF DAMS.

Rule 600-4-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.01
Authority: Ga. L. 1978, pp. 796-811.
History. Original Rule entitled "Purpose" entitled. Filed July 21, 1978, effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.02
Authority: Ga. L. 1978, pp. 795-811.
History. Original Rule entitled "Definitions" adopted. Filed July 21, 1978; effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.03
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Dam Inventory" adopted. Filed July 21, 1978, effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.04. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.04
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Dam Categorization" adopted. filed July 21, 1978; effective Aug. 10, 1978.
Repealed: F. Feb. 24, 1995; eff. March 16, 1995.

Rule 600-4-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.05
Authority: Ga. L. 1978, pp. 795-811.
History. Original Rule entitled "Dam-break Flood Assessment" adopted. Filed July 21, 1978, effective Aug. 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.06
Authority: Ga. L. 1978, pp. 796-811.
History. Original Rule entitled "Notification of Action" adopted. Filed July 21, 1978; effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.07
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Contracts" adopted. Filed July 21, 1978, effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.08
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Investigations" adopted. Filed July 21, 1978; effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.09
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Right to Enter Property" adopted. Filed July 21, 1978, effective August 10, 1978,
Repealed: F. M. 24, 1995, eff. March 16, 1995.

Rule 600-4-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.10
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Owner Reports" adopted. Filed July 21, 1978; effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.11
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Technical Assistance to Local Government" adopted. Filed July 21, 1978, effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Rule 600-4-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 600-4-.12
Authority: Ga. L. 1978, pp. 800-801.
History. Original Rule entitled "Liability for Damages" adopted. Filed July 21, 1978; effective August 10, 1978.
Repealed: F. Feb. 24, 1995; eff. Mar. 16, 1995.

Chapter 600-5. GRANTS.

Subject 600-5-1. QUALIFICATIONS OF GRANTS.

Rule 600-5-1-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program implemented by the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" received February 24, 1995.

Rule 600-5-1-.02. The Name of the Grant Program.

The Georgia Soil and Water Conservation Commission Conservation Grants Program.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled"The Name of the Grant Program" received February 24, 1995.

Rule 600-5-1-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia.

The Commission is authorized under 2-6-27 to receive and accept grant funding from outside sources and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General law of the State of Georgia" received February 24, 1995.

Rule 600-5-1-.04. The General Scope and Purpose of the Grant Program.

To provide for the conservation of soil and water resources of this state and for the control and prevention of soil erosion.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The General Scope and Purpose of the Grant Program" received February 24, 1995.

Rule 600-5-1-.05. General Terms and Conditions of the Grants.

Available to landowners and occupiers in Georgia as total cost or costshare according to the stipulations of individual grant programs and funding availability.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.05
Authority: O.C.G.A. Sec. 2-8-27.
History. Original grant description entitled "General Terms and Conditions of the Grant" received February 24, 1995.

Rule 600-5-1-.06. Eligible Recipients of the Grants.

Agencies, organizations and individuals who will use grants for implementation of conservation measures on Georgia lands.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.06
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Eligible Recipients of the Grant" received February 24, 1995.

Rule 600-5-1-.07. The Criteria for the Award of the Grants.

The installation of conservation measures which tend to provide longterm protection to soil and water resources in Georgia.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.07
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Criteria for the Award of the Grants" received February 24, 1995.

Rule 600-5-1-.08. Directions and Deadlines for Applying for Such Grants.

Varies according to specific program origination dates and individual program stipulations.

Cite as Ga. Comp. R. & Regs. R. 600-5-1-.08
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Directions and Deadlines for Applying for Such Grants" received February 24, 1995.

Subject 600-5-2. RURAL GRAVEL ROAD MAINTENANCE PROGRAM.

Rule 600-5-2-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program being implemented by the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" received February 24, 1995.

Rule 600-5-2-.02. The Name of the Grant Program.

The Rural Gravel Road Maintenance (Dry Hydrant) Grant Program.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.02
Authority: O.C.G.A. Sec. 2-6-27.

History. Original grant description entitled "The Name of the Grant Program" received February 24, 1995.

Rule 600-5-2-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or other General Law of the State of Georgia.

Funded from the Stripper Well Settlement Agreement and Petroleum Overcharge funds through the Governor's Office of Energy Resources.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of State of Georgia" received February 24, 1995.

Rule 600-5-2-.04. The General Scope and Purpose of the Grant Program.

To implement energy conservation measures to conserve energy, soil, and water.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The General Scope of the Grant Program" received February 24, 1995.

Rule 600-5-2-.05. General Terms and Conditions of the Grant.

Georgia Resource Conservation and Development Council will:

(1) Assist approved counties with developing a plan to implement a dry hydrant water delivery system.

(2) Assist the counties in locating and mapping the most strategic and available water supplies.

(3) Provide design and specification criteria for dry hydrants.

(4) Provide information and education programs on use and operation of dry hydrants as an energy conservation measure.

(5) Work with soil and water conservation districts and county commissioners in planning and holding public meetings on the use and benefits of dry hydrants.

(6) Ensure the labor and earth moving equipment are made available by local governments for installing the dry hydrants.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.05
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "General Terms and Conditions of the Grant" received February 24, 1995.

Rule 600-5-2-.06. Eligible Recipients of the Grant.

Non-Profit Resource Conservation and Development Councils (RC&D) and county governments of Georgia.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.06
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Eligible Recipients of the Grant" received February 24, 1995.

Rule 600-5-2-.07. The Criteria for the Award of the Grant.

(1) The RC&D must have non-profit status.

(2) Application must be approved by the local soil and water conservation district and the county unit of government.

(3) No more than 1 hydrant per 3 miles square will be approved.

(4) A water source survey and a location map of anticipated hydrant installation sites must be completed prior to approval of any application.

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.07
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Criteria for the Award of the Grants" received February 24, 1995.

Rule 600-5-2-.08. Directions and Deadlines for Applying for Such Grant.

Applications are accepted on a first come, first serve basis from counties wishing to participate. When available funds are spent or obligated, the remaining applicants are placed on a reserve list. Application form attached.

Rural Gravel Road Maintenance Program

Georgia Soil and Water Conservation Commission

P.O. Box 8024

Athens, Georgia 30603

Cite as Ga. Comp. R. & Regs. R. 600-5-2-.08
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Directions and Deadlines for Applying for Such Grants" received February 24, 1995.

Subject 600-5-3. NO-TILL ASSISTANCE GRANT PROGRAM.

Rule 600-5-3-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program being implemented in the fall of 1993.

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" received February 24, 1995.

Rule 600-5-3-.02. The Name of the Grant Program.

The No-Till Assistance Grant Program.

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Name of the Grant Program" received February 24, 1995.

Rule 600-5-3-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or other General Law of the State of Georgia.

Funded from the Stripper Well Settlement Agreement and Petroleum Overcharge funds through the Governor's Office of Energy Resources.

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia" received February 24, 1995.

Rule 600-5-3-.04. The General Scope and Purpose of the Grant Program.

To implement energy conservation measures to conserve energy, soil, and water.

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The General Scope and Purpose of the Grant Program" received

February 24, 1995.

Rule 600-5-3-.05. General Terms and Conditions of the Grant.

Georgia Resource Conservation and Development Council will:

(1) Provide through contractual arrangements or otherwise to soil and water conservation district cooperators a partial inventory of equipment for conservation tillage implementation including:

a. Conservation tillage drills/planters with seed attachments and acreage meters.

b. Energy efficient power units compatible with the drills.

c. Hydroseeders

d. Grass spriggers

(2) Assist landowners and occupiers with the planting or replanting of pasture or rowcrops and the stabilization of 1,000 acres.

(3) Develop and implement an information campaign to inform cooperators of conservation tillage benefits.

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.05
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "General Terms and Conditions of the Grant" received February 24, 1995.

Rule 600-5-3-.06. Eligible Recipients of the Grant.

Non-Profit Resource Conservation and Development Councils (RC&D's).

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.06
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Eligible Recipients of the Grant received February 24, 1995.

Rule 600-5-3-.07. The Criteria for the Award of the Grant.

The RC&D must have non-profit status. Application must be approved by the local soil and water conservation district.

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.07
Authority: O.C.G.A. Sec. 2-6-27.

History. Original grant description entitled "Thee Criteria for the Award of the Grants" received February 24, 1995.

Rule 600-5-3-.08. Directions and Deadlines for Applying for Such Grant.

Applications are accepted on a first come, first serve basis from counties wishing to participate. However, preference is given to those counties who have not previously participated in the program. When available funds are spent or obligated, the remaining applicants are placed on a reserve list.

No-Till Assistance Program

Georgia Soil and Water Conservation Commission

P.O. Box 8024

Athens, Georgia 30603

Cite as Ga. Comp. R. & Regs. R. 600-5-3-.08
Authority: O.C.G.A. Sec. 2-8-27.
History. Original grant description entitled "Directions and Deadlines for Applying for Such Grants" received February 24, 1995.

Subject 600-5-4. PARTNERS FOR WILDLIFE GRANTS.

Rule 600-5-4-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program implemented by the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" received February 24, 1995.

Rule 600-5-4-.02. The Name of the Grant Program.

The Georgia Soil and Water Conservation Commission and United States Fish and Wildlife Service Partners for Wildlife Grants Program.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Name of the Grant Program" received February 24, 1995.

Rule 600-5-4-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or other General Law of the State of Georgia.

The Conservation Commission is authorized under 2-6-27(6) to receive and accept grant funding from outside sources and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia" received February 24, 1995.

Rule 600-5-4-.04. The General Scope and Purpose of the Grant Program.

To provide funds for installation of soil and water conservation measures which are also wildlife habitat restoration measures under provisions of the "Partners For Wildlife" agreement with the U.S. Fish and Wildlife Service.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The General Scope and Purpose of the Grant Program" received February 24, 1995.

Rule 600-5-4-.05. General Terms and Conditions of the Grants.

For an agreed upon amount of funding, usually not to exceed $5,500 as total cost or as cost-share, landowners must install certain conservation and wildlife habitat restoration measures and maintain same for a period of ten years while keeping the area of the activity open for educational visits and inspection tours.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.05
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "General Terms and Conditions of the Grant" received February 24, 1995.

Rule 600-5-4-.06. Eligible Recipients of the Grants.

Owners of lands in the State of Georgia upon whose land exists conditions which fit the criteria of the U.S. Fish and Wildlife Service for wildlife habitat restoration and concurrent Conservation Commission conservation practice implementation and who are able and willing to meet the requirements of the Partners For Wildlife agreement.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.06
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Eligible Recipients of the Grant" received February 24, 1995.

Rule 600-5-4-.07. The Criteria for the Award of the Grant.

Availability of funding, conditions on the land which fit the requirements of the program, willingness of the owner to commit funds to install measures, willingness of the owner to adhere to longterm aspects of the agreement and physical capacity to accomplished the work.

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.07
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Thee Criteria for the Award of the Grants" received February 24, 1995.

Rule 600-5-4-.08. Directions and Deadlines for Applying for Such Grants.

Generally depending on the time of the availability of grant funds but usually in time for any work to be completed before the end of the calendar year.

Partners for Wildlife Grant Program

Georgia Soil and Water Conservation Commission

P.O. Box 8024

Athens, GA 30603

Cite as Ga. Comp. R. & Regs. R. 600-5-4-.08
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant descriptions and Deadlines for Applying for Such Grants" received February 24, 1995.

Subject 600-5-5. AGRICULTURAL NONPOINT SOURCE GRANTS.

Rule 600-5-5-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program implemented by the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" received February 24, 1995.

Rule 600-5-5-.02. The Name of the Grant Program.

The Agricultural Nonpoint Source Pollution Control Grants Program.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Name of the Grant Program" received February 24, 1995.

Rule 600-5-5-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or other General Law of the State of Georgia.

The Conservation Commission is authorized under 2-6-27 to receive and accept grant funding from outside sources and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original Grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia" received February 24, 1995.

Rule 600-5-5-.04. The General Scope and Purpose of the Grant Program.

To carry out the Commission's responsibilities as the lead state agency in working with other agencies, groups and individuals in controlling pollution from agricultural nonpoint sources through funding of agricultural water quality best management practices implementation demonstration projects. Costshare funds are made available to the Commission from the EPA through the Georgia EPD under auspices of Section 319(h) of the Federal Water Pollution Control Act.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.04
Authority: O.C.G.A. Secs. 2-6-27; 12-2-4; 12-2-6; 12-2-7.
History. Original grant description entitled "The General Scope and Purpose of the Grant Program" received February 24, 1995.

Rule 600-5-5-.05. General Terms and Conditions of the Grants.

Agencies, groups and individuals can apply for cost-share funds to install best management practices (BMP's) to demonstrate how they control nonpoint source pollution from agricultural activities. These grants are on an annual basis and the costshare cannot exceed 60% for the installation of BMP's. Grants cannot replace existing NPS funds from the state.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.05
Authority: O.C.G.A. Secs. 2-6-27; 12-2-4; 12-2-6; 12-2-7.

History. Original grant description entitled "General Terms and Conditions of the Grant" received February 24, 1995.

Rule 600-5-5-.06. Eligible Recipients of the Grants.

Agencies, groups, and individuals in Georgia who control water resources or runoff to water resources on agricultural lands.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.06
Authority: O.C.G.A. Secs. 2-6-27; 12-2-4; 12-2-6; 12-2-7.
History. Original grant description entitled "Eligible Recipients of the Grant" received February 24, 1995.

Rule 600-5-5-.07. The Criteria for the Award of the Grant.

The Recipient must have one (1) or more acres in size in an area identified as having a water quality impairment or high potential for impairment from NPS pollution from agricultural activities. The recipient must have a demonstrated need for the BMP's and resources adequate to meet minimum participation levels.

Priority for grant applications is assigned primarily on the basis of:

1. The seriousness of the NPS problem.
2. The degree of innovation which can be demonstrated to solve the problem.
3. Control of interstate problems.
4. The degree of surface and groundwater protection afforded.

   Other factors considered include watershed priority, available funds, development of water quality parameters and documentation of BMP effectiveness. Repeat grants are available but contingent on prior satisfactory progress.

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.07
Authority: O.C.G.A. Secs. 2-6-27; 12-2-4; 12-2-6; 12-2-7.
History. Original grant description entitled "The Criteria for the Award of the Grants" received February 24, 1995.

Rule 600-5-5-.08. Directions and Deadlines for Applying for Such Grants.

Application should be provided to the Conservation Commission prior to April 1. Applications after that date may not be funded in the same year. Information and assistance in developing applications is available from the Conservation Commission upon request. It is required that the

application first be reviewed by the appropriate soil and water conservation district prior to submission to the Conservation Commission.

Agricultural Nonpoint Source Pollution Prevention

Grants Program

Georgia Soil and Water Conservation Commission

P.O. Box 8024

Athens, Georgia 30603

Cite as Ga. Comp. R. & Regs. R. 600-5-5-.08
Authority: O.C.G.A. Secs. 2-6-27; 12-2-4; 12-2-6; 12-2-7.
History. Original grant description entitled "Directions and Deadlines for Applying for Such Grants" received February 24, 1995.

Subject 600-5-6. BOBWHITE QUAIL INITIATIVE.

Rule 600-5-6-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program implemented by the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" submitted December 29, 2004.

Rule 600-5-6-.02. The Name of the Grant Program.

Bobwhite Quail Initiative.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Name of the Grant Program" submitted December 29, 2004.

Rule 600-5-6-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia.

The Conservation Commission is authorized under 2-6-27(6) to receive and accept grant funding from outside sources and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia" submitted December 29, 2004.

Rule 600-5-6-.04. The General Scope and Purpose of the Grant Program.

To provide funds for installation of soil and water conservation measures to preserve habitat for wildlife, specifically bobwhite quail and song birds, under provisions of the intergovernmental agreement with the Department of Natural Resources.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The General Scope and Purpose of the Grant Program" submitted December 29, 2004.

Rule 600-5-6-.05. General Terms and Conditions of the Grants.

For an agreed upon amount of funding, usually not to exceed $15,000 total cost over a three year period of time as cost-share, landowners must install certain wildlife habitat conservation measures and maintain such measures for a specified period of time.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.05
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "General Terms and Conditions of the Grants" submitted December 29, 2004.

Rule 600-5-6-.06. Eligible Recipients of the Grants.

Owners of lands in the State of Georgia who reside in counties specified by the Department of Natural Resources and whose land meets the application requirements specified by the Department of Natural Resources.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.06
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Eligible Recipients of the Grants" submitted December 29, 2004.

Rule 600-5-6-.07. The Criteria for the Award of the Grant.

Availability of funding, conditions on the land which fit the requirements of the program, willingness of the owner to commit funds to install measures, willingness of the owner to adhere to long-term aspects of the agreement and physical capacity to accomplish the work.

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.07
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Criteria for the Award of the Grant" submitted December 29, 2004.

Rule 600-5-6-.08. Directions and Deadlines for Applying for Such Grants.

Generally dependent on the time of the availability of grant funds anytime between January and December.

Coordinator

Bobwhite Quail Initiative Program

DNR Wildlife Resources Division

116 Rum Creek Drive

Forsyth, GA 31029-6518

Cite as Ga. Comp. R. & Regs. R. 600-5-6-.08
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Directions and Deadlines for Applying for Such Grants" submitted December 29, 2004.

Subject 600-5-7. AGRICULTURE IRRIGATION WATER CONSERVATION INCENTIVE PROGRAM.

Rule 600-5-7-.01. Purpose.

In compliance with the "Fair and Open Grants" Article of the "Budget Accountability and Planning Act of 1993," following is the information on a grant program implemented by the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.01
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Purpose" submitted December 29, 2004.

Rule 600-5-7-.02. The Name of the Grant Program.

Agriculture Irrigation Water Conservation Incentive Program.

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.02
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Name of the Grant Program" submitted December 29, 2004.

Rule 600-5-7-.03. The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia.

The Conservation Commission is authorized under 2-6-27(6) to receive and accept grant funding from outside sources and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.03
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Citation to Statutory Basis for the Grant Program in the Official Code of Georgia Annotated or Other General Law of the State of Georgia" submitted December 29, 2004.

Rule 600-5-7-.04. The General Scope and Purpose of the Grant Program.

The purpose of the Agriculture Irrigation Water Conservation Incentive Program is to provide financial assistance through incentive payments and irrigation efficiency audits to agricultural producers to foster water conservation and enhance water quality.

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.04
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The General Scope and Purpose of the Grant Program" submitted December 29, 2004.

Rule 600-5-7-.05. General Terms and Conditions of the Grants.

For an agreed upon amount of funding, not to exceed $8,000 for irrigation retrofitting or $50,000 for renovation/construction of an agricultural water catchment structure as a cost-share. Landowners must install certain water conservation measures and maintain same for a period of three years.

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.05
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "General Terms and Conditions of the Grants" submitted December 29, 2004.

Rule 600-5-7-.06. Eligible Recipients of the Grants.

The Agriculture Irrigation Water Conservation Incentive Program shall be available to agricultural producers in counties and soil and water conservation districts given priority designations for inclusion in the program shall be under the authority of the Commission.

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.06
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Eligible Recipients of the Grants" submitted December 29, 2004.

Rule 600-5-7-.07. The Criteria for the Award of the Grant.

Eligible Agriculture Irrigation Water Conservation Projects are those projects that upgrade or modify an existing irrigation system(s) for the purpose of reducing stream and/or aquifer water withdrawals. In order to be eligible, projects must be recommended in an irrigation system audit conducted by the Commission. Eligible Agriculture Irrigation Water Conservation Projects shall include, but not be limited to, agricultural water catchment structures and renovation, the repair, modification, replacement or installation of sprinkler heads, center pivot end gun shutoff, sprinkler head piping and connections (not main line) and pressure restriction and/or flow reduction hardware on existing irrigation system(s).

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.07
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "The Criteria for the Award of the Grant" submitted December 29, 2004.

Rule 600-5-7-.08. Directions and Deadlines for Applying for Such Grants.

Generally dependent on the time of the availability of grant funds but usually in July of each calendar year.

Agriculture Irrigation Water Conservation Incentive Program

Georgia Soil and Water Conservation Commission

P.O. Box 8024

Athens, GA 30603

Cite as Ga. Comp. R. & Regs. R. 600-5-7-.08
Authority: O.C.G.A. Sec. 2-6-27.
History. Original grant description entitled "Directions and Deadlines for Applying for Such Grants" submitted December 29, 2004.

Chapter 600-6. AGRICULTURAL WATER QUALITY\CONSERVATION INCENTIVE PROGRAMS.

Subject 600-6-1. AGRICULTURAL WATER QUALITY\BEST MANAGEMENT PRACTICE ('BMP') INCENTIVES PROGRAM ('BMP' PROGRAM).

Rule 600-6-1-.01. Authority.

The State Soil and Water Conservation Commission was created under the Soil and Water Conservation Districts Law, O.C.G.A. 2-6-20, *et seq.* The Conservation Commission was created to serve as the Governor's representative and to act for him in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. The Conservation Commission is authorized under O.C.G.A. 2-6-27 to receive gifts, appropriations, materials, equipment, land and facilities and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-6-1-.01
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Authority" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-1-.02. Purpose and Scope.

The purpose of the BMP Program is to provide financial assistance through incentive-payments to agricultural producers in order to enhance water quality in return for recipients applying agricultural Best Management Practices.

Cite as Ga. Comp. R. & Regs. R. 600-6-1-.02
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Purpose and Scope" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-1-.03. Eligible Recipients.

The BMP Program shall be available to agricultural producers in all 159 counties and 40 soil and water conservation districts. Priority designations for inclusion in the program shall be under the authority of the Commission.

Cite as Ga. Comp. R. & Regs. R. 600-6-1-.03
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Eligible Recipients" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-1-.04. Eligible Best Management Practices.

Eligible Best Management Practices (BMPs) shall include, but not be limited to, diversions, filter strips, fencing along streams, field borders, alternative watering systems or sources, critical area plantings, grassed waterways, terraces, heavy use areas, closures of lagoons, riparian buffers or

equivalent controls, animal waste systems and application, manure stack houses and other waste-holding structures, and other practices or projects that enhance water quality.

Cite as Ga. Comp. R. & Regs. R. 600-6-1-.04
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Eligible Best Management Practices" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-1-.05. General Terms and Conditions of BMP Program.

(1) Funding - Funds available to the Commission to provide financial incentives for the BMP program shall be as appropriated or otherwise made available to the Commission. Agricultural procedures approved by the Commission for the BMP Program will receive up to 75% of the documented cost of construction or renovation up to the maximum cost-share benefit of $50,000 per applicant.

(2) Application Procedure.

(a) The Commission will accept applications from Eligible Recipients for participation in the BMP Program during a minimum of two sign up periods per calendar year, those periods being January 1 - January 31 and July 1 - July 31. Other application periods may be established based on availability of funds.

(b) Applications shall be submitted in a format directed by the Commission and shall include at least the following information:

(i) the name and address, tax identification number of the applicant and location of the farm where BMP Programs are to be implemented; and

(ii) a complete description of the proposed BMP Programs and the timetable for accomplishing the project(s); and

(iii) the anticipated costs of the BMP Programs to be implemented, and the percentage of such costs the applicant proposes to bear, which percentage shall not be less than 25%.

(iv) In order to remain eligible for participation in the Program, the applicant shall cooperate with the Commission during the review process, and provide additional information as required, on-site access, independent verification of costs, etc.

(c) An original and two copies of an application shall be submitted by the application deadline to one of the Commission's six (6) regional offices which has responsibility over the area in which the applicant's farm is located.

(3) Review of Applications.

(a) The initial review of an application shall be conducted by the Commission's regional office. The regional representative shall assemble all applications submitted for the relevant application deadline and transmit two copies of the application to the Executive Director of the Commission within sixty (60) days following the application deadline, along with recommended priority and award designations for inclusion in the Program.

(4) Approval of Applications.

(a) The Commission shall have the sole authority to approve or reject applications to participate in the Program.

(b) The Commission shall endeavor to either accept or reject applications within one hundred twenty (120) days following the relevant application deadline submission of the application to the regional office but shall not be required to act within such one hundred twenty (120) day period. In the event the Commission does not accept an application within such one hundred twenty (120) day period, the application shall be deemed to be denied unless the Commission later decides otherwise.

(c) Applicants that are specifically approved for participation in the Program will be notified in writing by the Commission and be provided a Contract for Best Management Practices Incentives Program.

(5) Obligations of Approved Applicants.

(a) Applicants approved for participation in the Program shall have thirty (30) days from the date of the Commission's notification to execute and return the Commission's Contract for the Best Management Practices Incentives Program. **December 9, 2001** 35 **Chapter 600-6-1 Agriculture Water Quality/Best Management Practice ("BMP") Incentives Program ("BMP"Program]**

(b)

(i) Upon execution of the Contract, approved applicants shall diligently proceed with implementation of the subject Best Management Practices in order to complete the project(s) within the time frame set forth in the contract. Applicant agrees to operate and maintain the BMP Program Project(s) in good condition for a minimum of five (5) years following completion.

(ii) Applicant shall provide the Commission with adequate information upon request by the Commission related to design and layout of the project(s), technical specifications, actual costs incurred and similar information. Applicant agrees to allow access to the farm for Commission inspectors.

(c) Applicant agrees to forfeit all rights to payment of incentives under the Program and refund to the Commission all payments of incentives received thereunder upon failure to satisfy the requirements of these Rules or upon breach of the terms of the Contract.

(d) Upon completion of the project the applicant shall so notify the Commission and provide receipts, details of in-kind contributions, final as-built specifications, as applicable, relevant other information requested by the Commission, and reasonable proof that the project was completed in accordance with specifications.

(6) No Liability - The Commission and the Soil and Water Conservation Districts assume no liability for any activities associated with the BMP project(s).

Cite as Ga. Comp. R. & Regs. R. 600-6-1-.05
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "General Terms and Conditions of BMP Program" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Subject 600-6-2. AGRICULTURE IRRIGATION WATER CONSERVATION INCENTIVE PROGRAM.

Rule 600-6-2-.01. Authority.

The State Soil and Water Conservation Commission was created under the Soil and Water Conservation Districts Law, O.C.G.A. 2-6-20, *et seq.* The Conservation Commission was created to serve as the Governor's representative and to act for him in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. The Conservation Commission is authorized under O.C.G.A. 2-6-27 to receive gifts, appropriations, materials, equipment, land and facilities and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-6-2-.01
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Authority" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-2-.02. Purpose and Scope.

The purpose of the Agriculture Irrigation Water Conservation Incentive Program is to provide financial assistance through incentive payments and irrigation efficiency audits to agricultural producers to foster water conservation and enhance water quality in return for recipients applying agricultural irrigation projects.

Cite as Ga. Comp. R. & Regs. R. 600-6-2-.02
Authority: O.C.G.A. Sec. 2-6-20.

History. Original Rule entitled "Purpose and Scope" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-2-.03. Eligible Recipients.

The Agriculture Irrigation Water Conservation Incentive Program shall be available to agricultural producers in all 159 counties and 40 soil and water conservation districts. Priority designations for inclusion in the program shall be under the authority of the Commission.

Cite as Ga. Comp. R. & Regs. R. 600-6-2-.03
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Eligible Recipients" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-2-.04. Eligible Agriculture Irrigation Water Conservation Projects.

Eligible Agriculture Irrigation Water Conservation Projects are those projects that upgrade or modify an existing irrigation system(s) for the purpose of reducing stream and/or aquifer water withdrawals. In order to be eligible, projects must be recommended in an irrigation system audit conducted by the Commission within the one-year period immediately preceding the applicant's application for incentive payments under the Agriculture Irrigation Water Conservation Incentive Program. Eligible Agriculture Irrigation Water Conservation Projects shall include, but not be limited to, surface irrigation water retention structures and renovation, the repair, modification, replacement or installation of sprinkler heads, center pivot end gun shutoff, sprinkler head piping and connections (not main line) and pressure restriction and/or flow reduction hardware on existing irrigation system(s).

Cite as Ga. Comp. R. & Regs. R. 600-6-2-.04
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Eligible Agriculture Irrigation Water Conservation Projects" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Rule 600-6-2-.05. General Terms and Conditions of Agriculture Irrigation Water Conservation Incentive Program.

Funding - Funds available to the Commission to provide financial incentives for the Agriculture Irrigation Water Conservation Incentive Program shall be as appropriated or otherwise made available to the Commission. Agricultural producers approved by the Commission for the Agriculture Irrigation Water Conservation Incentive Program will receive up to 75% of the documented cost of construction, renovation, installation, modification or upgrade of approved projects, subject to the following limitations: (i) up to a maximum of $50,000 for surface water retention structures such as ponds; (ii) up to a maximum of $8,000 for irrigation delivery units where end gun shut offs are utilized; and (iii) up to a maximum of $5,000 for other irrigation delivery unit upgrades, modifications, retrofits or enhancements.

(1) Application Procedure.

(a) The Commission will accept applications from Eligible Recipients for participation in the Agriculture Irrigation Water Conservation Incentive Program based on two deadlines per year, January 1 - January 31 and April 1 - July 31.

(b) Applications shall be submitted in a format directed by the Commission and shall include at least the following information:

(i) the name and address, tax identification number of the applicant and location of the farm where Irrigation Efficiency is to be implemented; and

(ii) a complete description of the proposed Irrigation Efficiency and the timetable for accomplishing the project; and

(iii) the anticipated costs of the irrigation water savings upgrades to be implemented, and the percentage of such costs the applicant proposes to bear, which percentage shall not be less than 25%.

(iv) In order to remain eligible for participation in the Program, the applicant shall cooperate with the Commission during the review process, and provide additional information as required, on-site access, independent verification of costs, etc.

(c) An original and two copies of an application shall be submitted by the application deadline to one of the Commission's six (6) regional offices which has responsibility over the area in which the applicant's farm is located.

(3) Review of Applications.

(a) The initial review of an application shall be conducted by the Commission's regional office. The regional representative shall assemble all applications submitted for the relevant application deadline and transmit two copies of the application to the Executive Director of the Commission within sixty (60) days following the application deadline, along with recommended priority and award designations for inclusion in the program.

(4) Approval of Applications.

(a) The Commission shall have the sole authority to approve or reject applications to participate in the Program.

(b) The Commission shall endeavor to either accept or reject applications within one hundred twenty (120) days following submission of the application to the regional office, but shall not be required to act within such one hundred twenty (120) day period. In the event the Commission does not accept an application within such

one hundred twenty (120) day period, the application shall be deemed to be denied unless the Commission later decides otherwise.

(c) Applicants that are specifically approved for participation in the Program will be notified in writing by the Commission and be provided a Contract for the Agriculture Irrigation Water Conservation Incentive Program.

(5) Obligations of Approved Applicants.

(a) Applicants approved for participation in the Program shall have fifteen (15) days from the date of the Commission's notification to execute and return the Commission's Contract for the Agriculture Irrigation Water Conservation Incentive Program.

(b)

(i) Upon execution of the Contract, approved applicants shall diligently proceed with implementation of the subject Agriculture Irrigation Water Conservation Practices in order to complete the project(s) within the time frame set forth in the application. All approved, new and/or renovated structures must be designed and built to standards set forth by the Natural Resources Conservation Service (NRCS). No incentive payment will be made to any agricultural producer whose facility(s) does not meet NRCS specifications. Applicant agrees to operate and maintain the Agriculture Irrigation Water Conservation Incentive Program Project(s) in good condition for a minimum of five (5) years following completion.

(ii) Applicant shall provide the Commission with adequate information upon request by the Commission related to design and layout of the project(s), technical specifications, actual costs incurred and similar information. Applicant agrees to allow access to the farm for Commission inspectors.

(c) Applicant agrees to forfeit all rights to payment of incentives under the Program and refund to the Commission all payments of incentives received thereunder upon failure to satisfy the requirements of these Rules or upon breach of the terms of the Contract.

(d) Upon completion of the project the applicant shall so notify the Commission and provide final as-built specifications, as applicable, and reasonable proof that the project was completed in accordance with specifications.

(6) The Commission and the Soil and Water Conservation Districts assume no liability for any activities associated with the Agriculture Irrigation Water Conservation Incentive Program Project(s).

Cite as Ga. Comp. R. & Regs. R. 600-6-2-.05
Authority: O.C.G.A. Sec. 2-6-20.

History. Original Rule entitled "General Terms and Conditions of Agriculture Irrigation Water Conservation Incentive Program" adopted. F. Nov. 19, 2001; eff. Dec. 9, 2001.

Chapter 600-7. .

Subject 600-7-1. AGRICULTURAL WATER USE MEASUREMENT PROGRAM.

Rule 600-7-1-.01. Authority.

The State Soil and Water Conservation Commission was created under the Soil and Water Conservation Districts Law, O.C.G.A. § 2-6-20, *et seq.* The Conservation Commission was created to serve as the Governor's representative and to act for him in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. The Conservation Commission is authorized under O.C.G.A. § 2-6-27 to receive gifts, appropriations, materials, equipment, land and facilities and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-7-1-.01
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Authority" adopted. F. Jan. 29, 2004; eff. Feb. 18, 2004.

Rule 600-7-1-.02. Purpose and Scope.

The purpose of the Agricultural Water Use Measurement Program (the "Ag Measurement Program") shall be to implement, conduct, and maintain a water use measuring program that efficiently utilizes public funds, integrates cooperative arrangements with the private sector and partnerships with other State agencies, and meets the water-use data needs of the State for effectively managing and utilizing water resources; while, at the same time, is sensitive to and respects the distinctive implications of carrying out actions under the auspices of the State that involve entering onto private lands and installing, maintaining, and monitoring State owned equipment on private irrigation systems.

Cite as Ga. Comp. R. & Regs. R. 600-7-1-.02
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Purpose and Scope" adopted. F. Jan. 29, 2004; eff. Feb. 18, 2004.

Rule 600-7-1-.03. Farm Use Water Permits Covered by the Ag Measurement Program.

The Ag Measurement Program shall be applicable to agricultural water use permit holders in all 159 counties and 40 soil and water conservation districts. Priority designations for inclusion in the program shall be under the authority of the Commission.

Cite as Ga. Comp. R. & Regs. R. 600-7-1-.03
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Farm Use Water Permits Covered by the Ag Measurement Program" adopted. F. Jan. 29, 2004; eff. Feb. 18, 2004.

Rule 600-7-1-.04. Priorities for Inclusion in Ag Measurement Program.

(1) Timetable.

(a) i. As provided in House Bill 579, new O.C.G.A. § 12-5-31(m.1) and new O.C.G.A. § 12-5-105(b.1) contemplate that the Commission shall develop a priority system for installation of water-measuring devices for farm uses that have permits as of July 1, 2003.

ii. Provided adequate funding is received, the Commission is directed to install and commence operation and maintenance of such water measuring devices for all such farm uses by July 1, 2009, provided, however, that the Commission shall not install a water measuring device on any irrigation system for such a farm use if such irrigation system is equipped with a meter as of July 1, 2003, if such meter is determined by the Commission to be properly installed and operable, but any subsequent replacement or maintenance of such an irrigation system that necessitates replacement of such meter shall necessitate installation of a water measuring device by the Commission.

iii. The Commission may charge any permittee the Commission's reasonable costs for purchase and installation of a water measuring device for any farm use permit issued by EPD after July 1, 2003 unless such permittee submitted its permit application prior to December 31, 2002.

(b) The Commission acknowledges in these Rules that among the various hydrological units there are approximately 21,000 permitted surface and ground water agricultural irrigation systems in the state. Because funding for the Ag Measurement Program is anticipated to be determined on an annual basis, the Commission will begin implementation of a six (6) year plan with the goal towards installation operation and maintenance of water measurement devices for all farm uses by July 1, 2009, subject to adequate funding being received. The Commission anticipates that this multi-year process will involve refinement, bench marking, milestones and ongoing evaluation.

(2) Criteria for Determining Priorities for Meter Installations - First Year.

(a) The Commission, in consultation with DNR-EPD, has determined that the criteria for the decision of where to install meters among the various hydrological units and permitted surface and ground water agricultural irrigation systems in the State

should focus in the first year on key criteria that relate to the importance of data gathering on water-use in the heavily irrigated areas of the ACF Basin. The criteria are:

i. The number of backlogged farm water withdrawal permit applications;

ii. The efficient and effective implementation of the Flint River Drought Protection Act;

iii. The need to further understand the effect of irrigation pumping on flows in the Flint River, including tributary stream segments that support rare, threatened, or endangered species; and

iv. The existence of both surface and ground water irrigation systems.

v. Such other criteria determined by the Commission to be appropriate.

(b) The Director shall periodically determine and recommend to the Commission the specific hydrologic unit(s) and irrigation systems which shall have water measuring devices installed based on available funding and in consideration of an appropriate sampling of surface and ground water sources, geographic location, and other appropriate factors.

(3) Criteria for Determining Priorities for Meter Installations-Years 2-6.

The Director, in consultation with DNR/EPD, shall consider the criteria identified in Rule 600-7-1-.04(2)(a) above, as well as other appropriate factors, on an annual basis beginning after the first year of the Ag Measurement Program and provide a recommendation to the Commission each year as to specific agricultural irrigation systems which should be given priority for installation of water measuring devices for the next following year. A determination of priorities for meter installations for the next following year shall be made by the Commission in consideration of such recommendation and such determination shall be used by the Commission in seeking the necessary funding to accomplish the same and for other purposes deemed appropriate by the Commission.

Cite as Ga. Comp. R. & Regs. R. 600-7-1-.04
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "Priorities for Inclusion in Ag Measurement Program" adopted. F. Jan. 29, 2004; eff. Feb. 18, 2004.

Rule 600-7-1-.05. General Terms and Conditions of Agricultural Water Use Measurement Program.

(1) Funding.

Funds available to the Commission to provide water-measuring devices for the Ag Measurement Program shall be as appropriated or otherwise made available to the Commission. The Commission is authorized under O.C.G.A. § 2-6-27 to receive and accept grant funding from outside sources and disperse same in support of soil and water conservation activities.

(2) Education and Public Awareness Efforts for the Ag Measurement Program.

Water-use measuring devices such as flow meters are common in some areas of the U.S. as a component of irrigation management practices, but the Commission has determined that a significant number of irrigators in Georgia may lack adequate knowledge and understanding of meters and how they might be used. Accordingly the Commission has determined the need for conducting an educational program for farmers and others regarding the implications of metering, potential farm management improvements that can result from measuring water-use, and the critical need for measuring agricultural water-use for Georgia. To this end, the Director shall cause basic information to be distributed and insure appropriate announcements will be provided to the public.

(3) Data Management Plan.

(a) General Guidelines. The ultimate goal of the Ag Measurement Program is generating useful data on water-use by farmers. HB579 states that "the State Soil and Water Conservation Commission shall on behalf of the State purchase, install, operate, and maintain water-measuring devices.". Data collected from this program is intended to contribute to the sound-science initiative, and provide information to EPD on how much water farmers use on a crop-by-crop basis, and in each river basin. Protocols will be established to ensure that information is accurately recorded, compiled, analyzed, and summarized.

(b) Frequency of Meter Readings. The Commission will read meters annually or cause such meters to be read annually (or otherwise collect data from such meters) or more frequently in the discretion of the Commission. Commission personnel shall have the authority to enter the property where a meter has been installed.

(4) Quality Assurance and Quality Control.

(a) Meter Accuracy and Meter Testing - The Commission shall determine acceptable margins of error in measurement as to the accuracy of meters and include such standards in the Commission's Technical Specifications and Procedures for Ag Measurement Program in accordance with Rule 600-7-1-.05(6). In order to determine meter accuracy, each year the Director may select an appropriate sampling of measuring devices in each area to test for accuracy. The selected meters will be delivered to a certified testing facility for accuracy verification and

necessary recalibrations to meet or exceed the Commission's and the manufacturer's specifications for which it is designed.

(b) Meter Tampering. It shall be unlawful for any person to willingly injure, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere with or tamper with any measuring device for the purpose or with the intent to produce an incorrect, inaccurate, or misleading measurement, or to cause, procure or direct any other person to do so.

(5) Coordination with EPD.

(a) Purposes. EPD currently maintains a comprehensive permit database in Microsoft Access. This database software allows quick data queries that can be based on EPD permit number, county, river basin, and permit type (e.g. ground water or surface water). EPD's agricultural irrigated acreage GIS database is in ArcView GIS 3.2 and ArcInfo 8.1.1 software. This database contains spatial data such as irrigated acreage, well and pump coordinates, river basin, county, etc. It can be linked to the permit database by referencing permit numbers. The Commission acknowledges the importance of efforts to maintain these EPD databases (and subsequent modifications) as accurate as possible, and as such will assist EPD in updating such information.

(6) Specific Technical Specifications and Procedures for Ag Measurement Program.

(a) The Commission acknowledges that the multi-year Ag Measurement Program will involve ongoing refinement, benchmarking, milestones and evaluation which will necessitate the ongoing revision of the specific technical specification and procedures for measuring agricultural water withdrawals. Accordingly, the Commission determines that it is most efficient and appropriate to allow the Director, in consultation with the Director of EPD, to periodically develop appropriate technical specifications and procedures, including but not limited to measuring device specifications, installation specifications, contractor specifications, quality assurance and quality control specifications, and other specifications and procedures (collectively "the Ag Measurement Program Technical Specifications and Procedures").

(b) The initial Ag Measurement Program Technical Specifications and Procedures are hereby approved by the Commission and are appended to the Commission Rules which are approved for the Ag Measurement Program. Said Ag Measurement Program Technical Specifications and Procedures may be revised and refined by the Director, on a periodic basis so long as such Ag Measurement Program Technical Specifications and Procedures are consistent with such Commission Rules. As the Ag Measurement Program and Technical Specifications and Procedures are revised by the Director, the Director shall provide such revisions to all members of the Commission at least thirty (30) days prior to the effective date

of such revisions, and shall thereafter make such revised Technical Specifications and Procedures available to the public.

(7) No Liability.

(a) The Commission and the Soil and Water Conservation Districts assume no liability for any activities associated with the Ag Measurement Program.

(b) Risk Management. The Commission designates the Georgia Department of Administrative Services as its risk management agent for purposes of these Rules.

Cite as Ga. Comp. R. & Regs. R. 600-7-1-.05
Authority: O.C.G.A. Sec. 2-6-20.
History. Original Rule entitled "General Terms and Conditions of Agricultural Water Use Measurement Program" adopted. F. Jan. 29, 2004; eff. Feb. 18, 2004.

Appendix (600-7-1) A. AGRICULTURAL WATER USE MEASUREMENT PROGRAM TECHNICAL SPECIFICATIONS AND PROCEDURES.

(effective as of January 28, 2004)

Section A, Measuring Device Specifications.

1. A measuring device shall mean the combination of a mechanical or sensor device, measuring chamber (vaned factory tube), integral, or remote display to make a working assemblage to measure, record, and allow determination of flow rate and total quantity of water flowing through a pipe.

2. The measuring device shall have a rated accuracy of plus or minus two (2) percent of actual flow within the range of flow for which it is designed. It will be capable of accurately registering the expected operating rate of discharge.

3. The measuring device registry shall have a visual volume recording totalizer, which shall record in acre-inches.

4. The register or totalizer canopy shall be protected from the elements by a Commission approved insulated canopy cover.

5. Register totalizers shall have sufficient capacity to record for the period of one year the quantity of water used from each water source or a combination of sources or for installations supplied by multiple sources. Totalizers shall be direct reading and the multiplier shall be clearly indicated in which the rate of flow can be determined by timing.

6. The measuring device shall be the velocity propeller, sensor type, or any other type approved by the Commission, and shall be made of non-corrosive materials.

7. Each measuring device shall be installed and calibrated according to the inside and outside diameters of the pipe section.

8. The measuring device shall have a pressure rating to fit the application used within its designed pressure range.

9. The measuring device size, serial number, and the direction of flow shall be clearly stamped on the body of the measuring device.

10. Each measuring device shall be equipped with a tamper-resistant seal provided by the Commission upon installation completion.

Section B, Installation Specifications.

1. The measuring device shall be installed to meet or exceed the manufacturer's specifications and recommendations.

2. The measuring device shall be sized and installed so that a full pipe flow will be maintained through the measuring device and so that water velocity in the measuring chamber will be within the normal operating range of the measuring device at all times. It may be advisable to construct special pipe sections, constrictions, or other controls to achieve this.

3. Each installation shall be evaluated by the Commission for the consideration of convenient access to the measuring device for inspection and maintenance procedures.

4. Each installation site will be evaluated as to the difficulty of the installation. Each site will have GPS coordinates, a digital photograph, and the inside and outside diameter of the pipe section. This information will be recorded in the Commission database and provided to the contractor for installation purposes.

5. Installations may require that the pipe section containing the measuring device be plumbed as to allow the pipe section to be drained for maintenance procedures.

6. The completion of each installation will require that the measuring device be provided with an approved insulated, all-weather, protective cover or as approved by the Commission.

7. The rules and regulations for installation specifications should be simple and flexible as not to limit improved technologies and varying site configurations. The designated agency personnel should be allowed to improvise, modify, or altercate certain installation procedures as to meet unusual conditions.

8. The measuring device shall be installed according to all manufacturer's specifications and recommendations and in such a manner that there will be a full pipe flow of water at all times while water is being measured.

9. Each measuring device shall be incorporated into the Commission databases according to model type, size, and GPS coordinates.

10. One or more measuring devices may be installed to measure flow of each permitted site.

11. Commission personnel shall periodically inspect measuring devices on a random basis for proper installation, operation, and readings.

Section C, Contractor Specifications.

1. The rules and regulations associated with contractor specifications shall be flexible enough to modify for improved technologies, various installation types, and varying site configurations.

2. The contractor shall have Commission approved certification, training, skills, and experience to install measuring devices according to manufacturer specifications and recommendations.

3. The contractor shall be required to attend Commission approved educational workshops and tutorials for installations certifications.

4. The contractor shall be bonded, licensed, and insured and will be liable and responsible for any damage to properties, equipment, structures, or other premises associated with installation sites.

5. The contractor shall be able to improvise, modify, alter, and construct special pipe sections, constrictions, or other controls approved by the Commission to accommodate installation specifications.

6. The contractor shall have the technology and equipment to conduct analysis of database information provided by the Commission regarding site evaluation and location.

7. The contractor shall be able to evaluate each installation with the database information provided by the Commission.

8. The contractor shall be able to transport measuring devices and their protective covers to all installation sites.

9. The contractor shall have a working knowledge of irrigation systems and be able to communicate with irrigators and Commission personnel in a cordial manner.

10. The Commission shall be able to solicit contractor bids for a specific number of measuring device installations in a regionalized area.

11. The contractor shall not receive installation reimbursement without Commission approval.

12. Commission personnel shall inspect each installation and the contractor shall be responsible for any and all re-modification requested by the Commission.

Section D, Quality Assurance and Quality Control.

1. Each measuring device will be scheduled for periodic servicing, maintenance, and testing as recommended by the manufacturer and approved by the Commission.

2. All measuring devices shall be kept clear of debris or of other material, which might impede operation.

3. The Commission shall maintain database records for maintenance procedures whenever a measuring device is removed for service, repair, or replacement.

4. Any malfunctioning measuring device must be reported to the Commission office or Commission personnel within twenty-four (24) hours after discovery. During this malfunctioning period, a substitute measuring device from the Commission, if available, may be used to determine water usage.

5. Data Management Quality Control. A specific process will be followed by the meter-readers in order to minimize errors associated with data reading and data entry. The seven steps below describe a process for the first-year of the Program.

i. Each meter-reader will be supplied with a GPS unit, digital camera and handheld PC.

ii. Upon arrival at each site the location and identity of the meter will be confirmed with the latitude and longitude reading on the GPS unit and matched with the recorded serial number for the meter.

iii. A digital image will be taken of the meter, clearly showing the meter reading. The image will automatically be stamped with the time and date of the reading.

iv. The meter reading and date will be recorded on the handheld PC. Crops grown on the irrigated field will also be recorded. The software on the handheld PC will clearly indicate to the meter-reader which information should be recorded at the site. If the meter-reader cannot determine what crops have been grown (e.g., the field has already been worked), this information can be obtained directly from the farmer, or with his/her permission from the Farm Services Agency (FSA).

v. Upon returning to the office each day (or at appropriate intervals), the meter-reader will download the information from the handheld PC to a Microsoft Access database on his/her desktop computer. The digital images and GPS readings will be downloaded into special software that links the photos and GPS tracklog (via their time stamps), and results in a digital

photo of the meter reading that is marked with time, date and latitude and longitude information. The meter-reader will double check to make sure that all appropriate files have been transferred.

vi. On a regular basis, a staff member will be responsible for matching the digitally recorded images (readings and meter locations) with the electronically recorded readings of the meter-reader. The individual doing this task will be different from the meter-reader who initially recorded the data in the field.

vii. Appropriate databases and folders on the desktop computer will be backed up automatically each evening.

6. Meter Accuracy and Meter Testing. Regarding meter accuracy, each year the Director may select an appropriate sampling of measuring devices in each area to test for accuracy. The selected meters will be delivered to a certified testing facility for accuracy verification and necessary recalibrations to meet or exceed the Commission's and the manufacturer's specifications for which it is designed.

Cite as Ga. Comp. R. & Regs. R. dept. 600, ch. 600-7, sub. 600-7-1, app (600-7-1) A

Chapter 600-8. .

Subject 600-8-1. EDUCATION AND TRAINING CERTIFICATION REQUIREMENTS FOR PERSONS INVOLVED WITH LAND DISTURBING ACTIVITIES.

Rule 600-8-1-.01. Authority.

The State Soil and Water Conservation Commission (the "Conservation Commission") was created under the Soil and Water Conservation Districts Law, O.C.G.A. § 2-6-20, *et seq.* The Conservation Commission was created to serve as the Governor's arm in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. The Conservation Commission is authorized under O.C.G.A. § 2-6-27 to receive gifts, appropriations, materials, equipment, land and facilities and to manage and disperse same in support of soil and water conservation activities.

Cite as Ga. Comp. R. & Regs. R. 600-8-1-.01
Authority: O.C.G.A. Secs. 2-6-27, 12-7-19.
History. Original Rule entitled "Authority" adopted. F. Feb. 17, 2005; eff. Mar. 9, 2005.
Repealed: New Rule of same title adopted. F. July 24, 2007; eff. August 13, 2007.

Rule 600-8-1-.02. Purpose and Scope.

The purpose of the Education and Training Certification Requirements for Persons Involved with Land Disturbing Activities is to implement a program for the administration of the education and training program established under O.C.G.A. § 12-7-19, as amended.

Cite as Ga. Comp. R. & Regs. R. 600-8-1-.02
Authority: O.C.G.A. Secs. 2-6-27, 12-7-19.
History. Original Rule entitled "Purpose and Scope" adopted. F. Feb. 17, 2005; eff. Mar. 9, 2005.
Repealed: New Rule of same title adopted. F. July 24, 2007; eff. August 13, 2007.

Rule 600-8-1-.03. Definitions.

As used in this document, the term:

(a) "Applicant" means any person submitting a request to be considered for certification.

(b) "Certified Design Professional" means a "Design Professional" who has attended the Conservation Commission's "Introduction to Design Seminar" (Level 2) and holds a certificate of successful completion of the training requirements stated in 600-8-1-.04(2)(c) from the Conservation Commission in designing "Erosion, Sedimentation and Pollution Control Plans."

(c) "Certified Inspector" means any person who has attended the Conservation Commission's "Advanced Fundamentals Seminar" (Level 1B) and holds a certificate of successful completion of the training requirements stated in 600-8-1-.04(2)(b) from the Conservation Commission to inspect land-disturbed areas for compliance with the state laws.

(d) "Certified Personnel" or "Certified Person" means any person who has attended the Conservation Commission's "Fundamentals Seminar" (Level 1A) and holds a certificate of successful completion of the training requirements stated in 600-8-1-.04(2)(a) from the Conservation Commission in the area of inspection of best management practices (BMPs) on construction sites. BMPs are vegetative and structural measures to control and prevent erosion.

(e) "Certified Plan Reviewer" means a professional who has attended the Conservation Commission's "Introduction to Design Seminar" (Level 2) and holds a certificate of successful completion of the training requirements stated in 600-8-1-.04(2)(c) from the Conservation Commission in reviewing "Erosion, Sedimentation and Pollution Control Plans."

(f) "Certified Subcontractor" means any person who has attended the Conservation Commission's "Awareness Seminar for Subcontractors" and holds a certificate of successful completion of the training requirements stated in 600-8-1-.04(2)(d) from the Conservation Commission in the area of erosion and sediment control practices and processes in the state.

(g) "Conservation Commission" means the Georgia Soil and Water Conservation Commission.

(h) "Design Professional" means a professional licensed by the state of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying or a

person that is a Certified Professional in Erosion and Sediment Control (CPESC) and certified by the Certified Professional in Erosion and Sediment Control Inc.

(i) "Division" means Environmental Protection Division of Georgia Department of Natural Resources.

(j) "E&S Act" or "Act" means the Georgia Erosion and Sedimentation Act of 1975, as amended.

(k) "Erosion, Sedimentation and Pollution Control Plan" means a document containing a narrative part and a diagrammatic part providing the details of site conditions, BMPs and conservation and engineering principles adopted to control erosion, sedimentation and other pollutants from a land-disturbing activity impacting the land and water resources of the state.

(l) "Inspector" means an individual who is responsible for periodic examination of erosion, sedimentation and pollution control BMPs of a land-disturbing activity for consistency with the requirements of the Georgia Erosion and Sedimentation Act of 1975, as amended or General NPDES Permits (100001, 100002, 100003).

(m) "Plan Reviewer" means an individual who is responsible for determining the adequacy of "Erosion, Sedimentation and Pollution Control Plans" and supporting documents for approval by a program authority.

(n) "Proctor" means an individual that has been approved by the Conservation Commission to administer the final exam. That individual shall be Conservation Commission staff or approved trainer for which he or she was the instructor or individual that has attended a Conservation Commission proctor training.

(o) "Program Authority" means a Soil and Water Conservation District, the Division, or an issuing authority with a memorandum of agreement (MOA) with a Soil and Water Conservation District for reviewing the plan in-house.

(p) "Qualified Person" means any person, except "Certified Subcontractor", who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

(q) "Stakeholder Advisory Board" means the 13-member board appointed by the Governor in accordance with O.C.G.A. § 12-7-20 of the Georgia Erosion and Sedimentation Act of 1975, as amended.

Cite as Ga. Comp. R. & Regs. R. 600-8-1-.03
Authority: O.C.G.A. Secs. 2-6-27, 12-7-19.
History. Original Rule entitled "Definitions" adopted. F. Feb. 17, 2005; eff. Mar. 9, 2005.
Repealed: New Rule of same title adopted. F. July 24, 2007; eff. August 13, 2007.

Rule 600-8-1-.04. Certification Guidelines.

(1) General Information

(a) Any specified application for Certification or Re-certification for "Certified Personnel" or "Certified Person," "Certified Inspector," "Certified Design Professional," or "Certified Plan Reviewer" must be fully completed and submitted by the applicant. Incomplete applications will be returned to the applicant.

(b) All correspondence should be directed to:

Georgia Soil and Water Conservation Commission

Urban Water Resources Program - Education/Certification Program

P.O. Box 8024

Athens, GA 30603

(2) Eligibility Requirements.

(a) Fundamentals Seminar (Level 1A): Certification will take place upon:

i. Course and Exam: Registering for and attending a Conservation Commission approved and posted "Fundamentals Seminar" (Level 1A), submitting the appropriate certification application form prior to the examination, and obtaining a passing score on the Level 1A certification examination.

[or]

ii. Exam Only: Registering for and attending a Conservation Commission approved and posted Level 1A examination date, submitting the appropriate application form prior to the examination for review and approval by the Conservation Commission, providing proof of attendance from a Conservation Commission "NPDES Qualified Personnel Workshop," "Fundamentals of Erosion and Sediment Control Workshop," another Conservation Commission and Division approved "qualified personnel" course or equivalent Conservation Commission approved course within three years prior to the examination date, and obtaining a passing score on the Level 1A certification examination.

(b) Advanced Fundamentals Seminar (Level 1B): Certification will take place upon:

i. Course and Exam: Completing at least 60 days of work experience in the field of erosion and sediment control, registering for and attending a Conservation Commission approved and posted "Advanced Fundamentals Seminar" (Level 1B), submitting the appropriate certification application form prior to the examination, and obtaining a passing score on the Level 1B

certification examination. In lieu of 60 days of work experience, an individual may obtain Level IA certification.

[or]

ii. Exam Only: Completing at least 60 days of work experience in the field of erosion and sediment control, registering for and attending a Conservation Commission approved and posted Level 1B examination date, submitting the appropriate application form prior to the examination for review and approval by the Conservation Commission, providing proof of attendance from a Conservation Commission "Fundamentals of Erosion and Sediment Control Workshop" or equivalent Conservation Commission approved course within 3 years prior to the examination date, and obtaining a passing score on the Level 1B certification examination. In lieu of 60 days of work experience, an individual may obtain Level IA certification.

(c) Introduction to Design Seminar (Level 2): Certification will take place upon:

i. Design Professionals

a. Course and Exam: Registering for and attending a Conservation Commission approved and posted "Introduction to Design Seminar" (Level 2), submitting the appropriate application form prior to the examination for review and approval by the Conservation Commission including proof of professional licensure in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying or CPESC, and obtaining a passing score on the Level 2 certification examination.

[or]

b. Exam Only: Registering for and attending a Conservation Commission approved and posted Level 2 examination date, submitting the appropriate application form prior to the examination for review and approval by the Conservation Commission including proof of professional licensure in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying or CPESC, and providing proof of attendance from a Conservation Commission "Design of Vegetative Measures and Structural Practices for Erosion and Sediment Control Workshop" or equivalent Conservation Commission approved course within three years prior to the examination date, and obtaining a passing score on the Level 2 certification examination.

ii. Plan Reviewers

a. Course and Exam: Completing at least 6 months of work experience in the field of erosion and sediment control, registering for and attending an approved and posted Conservation Commission "Introduction to Design Seminar" (Level 2), submitting the appropriate application form prior to the examination for review and approval by the Conservation Commission, and obtaining a passing score on the Level 2 certification examination. In lieu of 6 months of work experience, an individual may obtain Level IB certification.

[or]

b. Exam Only: Completing at least 6 months of work experience in the field of erosion and sediment control, registering for and attending a Conservation Commission approved and posted Level 2 examination date, submitting the appropriate application form prior to the examination for review and approval by the Conservation Commission, providing proof of attendance from a Conservation Commission "Design of Vegetative Measures and Structural Practices for Erosion and Sediment Control Workshop" or equivalent Conservation Commission approved course within three years prior to the examination date, and obtaining a passing score on the Level 2 certification examination. In lieu of 6 months of work experience, an individual may obtain Level IB certification.

(d) "Awareness Seminar for Subcontractors" (Level I): Certification will take place upon registering for and attending a Conservation Commission approved and posted "Subcontractor Awareness Seminar" and submitting the appropriate application form to the Conservation Commission.

(e) Governmental Awareness Seminar: satisfactory completion will be considered upon attending a Conservation Commission approved "Governmental Awareness Seminar".

(3) Application.

(a) Those seeking "Certified Personnel" or "Certified Person" status through training and examination must submit a completed application form. The application form, developed by the Executive Director and approved by the Conservation Commission, must contain a signed certification statement confirming that all information on the application form is true.

(b) Those seeking "Certified Subcontractor" status through training must submit a completed application form. The application form, developed by the Executive

Director and approved by the Conservation Commission, must contain a signed certification statement that all information on the application form is true. All applicants must present a government issued form of identification to the proctor when submitting the application.

(c) Any person seeking certification through examination or by a combination of training and examination (except those seeking "Certified Personnel" or "Certified Person" status through training and examination) must submit a completed application form prior to examination. The application form, developed by the Executive Director and approved by the Conservation Commission, must contain a verification of all relevant work experience and training, and a signed certification statement confirming that all statements in the application are true.

(d) Incomplete applications will be returned to the applicant and certification will be denied.

(e) All applications will be reviewed by the Conservation Commission to determine eligibility for certification. All applicants will be notified of the results of the review within 60 days of the receipt of the application. An applicant may appeal the review, in writing, to the Conservation Commission Board within 10 days of the Conservation Commission's determination. No applicant will be approved for certification unless all the requirements are satisfied.

(4) Examination.

(a) An individual may take a certification examination for the desired certificate of successful completion of training, except for "Certified Subcontractors", if he or she meets the "Eligibility Requirements" discussed in Section (2).

(b) An applicant who fails an examination will be allowed to retake the appropriate exam within one year.

(c) All examinations will be timed with open course materials.

(d) A passing score of 70% will be required on the appropriate certification exam.

(e) All applicants will be notified in writing within 60 days of the results of the examinations by the Conservation Commission.

(f) An applicant who fails the examination twice must take the course again.

(5) All examinations will be proctored by approved trainers for the seminar for which they are the instructor, approved Conservation Commission staff or individuals that have attended a Conservation Commission proctor training.

(a) Instructors must notify the Conservation Commission 30 days prior to the examination date.

(b) All applicants must present a government issued form of identification to the proctor when taking a certification examination.

(6) Revocation of Certification.

(a) The Conservation Commission shall have the authority to revoke the certification of any person obtaining certification pursuant to this Chapter upon a finding by a majority of members of the Conservation Commission that any of the following grounds exist:

i. The certification was obtained through fraud, misrepresentation, or making a false statement; or

ii. The certified person has violated or cooperated with others in violating a provision of these regulations; or

iii. The certified person has made any misleading, deceptive, untrue or fraudulent representation in the course of the practice of a business or profession involving any certification under this Chapter; or

iv. The certified person has not obtained the requisite number of continuing education credits required to maintain certification; or

v. The certified person knowingly performs any act which in any way aids, assists, procures, advises or encourages any uncertified person under this Chapter to practice a business or profession involving certification under this Chapter.

(b) If the Conservation Commission determines that revocation of a person's certification is to be considered, the Conservation Commission shall notify such person of the date and time that the Conservation Commission will consider the revocation and the reason(s) for the determination.

(c) Upon receiving notification that a certification is to be considered for revocation, a person shall be entitled to appear before the Conservation Commission in a duly called meeting to explain the circumstances surrounding such proposed revocation and the Conservation Commission in its sole discretion, may determine whether a certification is to be revoked upon the affirmative vote of a majority of the members of the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-8-1-.04
Authority: O.C.G.A. Secs. 2-6-27, 12-7-19.
History. Original Rule entitled "Certification Guidelines" adopted. F. Feb. 17, 2005; eff. Mar. 9, 2005.

Repealed: New Rule of same title adopted. F. July 24, 2007; eff. August 13, 2007.

Rule 600-8-1-.05. Trainer/Instructor Guidelines.

(1) Eligibility Requirements

(a) Level 1 (Fundamentals, Advanced Fundamentals, and Awareness Seminars) Trainers and instructors shall meet at least the following minimum requirements:

i. Education: A four-year college degree or five years experience in the field of erosion and sediment control.

ii. Experience: Five years of experience in the field of erosion and sediment control. Where years of experience are used in lieu of the education requirement, a total of 10 years field experience is required.

iii. Approval by the Conservation Commission and the Stakeholder Advisory Board; and

iv. Successful completion of "Level 1 Trainer and Instructor Seminar."

(b) Level 2 (Introduction to Design Seminar) Trainers and instructors shall meet at least the following minimum requirements:

i. Education: A four-year college degree in engineering or natural sciences, or five years of professional licensure in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying or as a CPESC.

ii. Experience: Five years of experience in the field of erosion and sediment control. Where years of professional licensure or CPESC serves in lieu of a four-year college degree, ten years of experience in the field of erosion and sediment control shall be required.

iii. Approval by the Conservation Commission and the Stakeholder Advisory Board; and

iv. Successful completion of the "Level 2 Trainer and Instructor Seminar."

(2) Application for Trainer/Instructor.

(a) Any person seeking the Conservation Commission's approval as a Trainer/Instructor to present the education courses should submit the appropriate completed application form to the Conservation Commission at least 60 days prior to the scheduled Trainer/Instructor course date. The application form developed by the Executive Director and approved by the Conservation Commission, must contain a verification of the appropriate combination of education and work

experience and a signed certification statement confirming that all statements in the application are true.

(b) Incomplete applications will be returned to the applicant. All applications must be received by the Conservation Commission, postmarked at least 60 days prior to the scheduled course date.

(c) All applications will be reviewed by the Conservation Commission to determine eligibility for course attendance and as a prerequisite for approval as a qualified trainer/instructor. All applicants will be notified of the result of the review within 30 days of the receipt of the application. Any applicant may appeal the review in writing to the Conservation Commission Board within 10 days of the Conservation Commission's determination. No applicant will be approved to attend the course unless all the requirements are satisfied.

(d) Applicants, who have been found ineligible to attend the course, may request further consideration by submitting a letter to the Conservation Commission Board with the necessary evidence of additional considerations.

(3) Trainer/Instructor Course Attendance and Examination.

(a) Any qualified individual, who meets the "Eligibility Requirements" in Section 600-8-1-.05(1), may attend the Trainer/Instructor course and take the examination for approved trainer/instructor.

(b) An individual, who is unable to attend the course and take the examination at the time scheduled, shall notify the Conservation Commission at least 48 hours prior to the date of the course if possible. Such individual shall be rescheduled for the next course and examination.

(c) An applicant who attends the course but fails the examination will be allowed to retake the appropriate exam within one year. After the one-year period has elapsed, an applicant will be required to submit a new application in order to take the examination. An application for course attendance must be received by the Conservation Commission at least 60 days prior to the scheduled course date to be eligible to attend the course and take the examination.

(d) A minimum passing score of 85% will be required on the examination.

(e) All applicants will be notified in writing within 60 days of the results of the examinations.

(4) Course Procedures.

(a) All approved trainers/instructors must provide schedules with corresponding agendas and materials to the Conservation Commission at least 30 days prior to

the date of the courses and the course agendas and materials must be followed in strict adherence to the one adopted by the Conservation Commission. Instructors must provide the maximum number of attendees to the Conservation Commission 30 days prior to the date of the course.

(b) The Conservation Commission will conduct random audits to ensure approved trainers/instructors are following approved course curriculum and approved proctors are present and conducting examinations as instructed.

(5) Revocation of Trainer/Instructor Status.

(a) The Conservation Commission may revoke its certification of the trainer/instructor upon a finding by a majority of the Conservation Commission that any of the following grounds exist:

i. The certification was obtained through fraud, misrepresentation, or making a false statement; or

ii. The certified person has violated or cooperated with others in violating a provision of these regulations; or

iii. The certified person has not demonstrated reasonable care, judgment, or application of his/her knowledge and ability in the performance of his/her duties; or

iv. The certified person has made any misleading, deceptive, untrue or fraudulent representation in the course of the practice of a business or profession involving any certification under this Chapter; or

v. The certified person has not obtained the requisite number of continuing education credits required to maintain certification; or

vi. The certified person has engaged in any unprofessional, immoral, unethical, deceptive or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the certified person to practice a business or profession involving the certification under this Chapter; or

vii. The certified person knowingly performs any act which in any way aids, assists, procures, advises or encourages any uncertified person under this Chapter to practice a business or profession involving certification under this Chapter; or

viii. The certified person has been adjudged mentally incompetent by a court of competent jurisdiction within or without this state; or

ix. The certified person has displayed an inability to practice a business or profession involving certification under this Chapter with reasonable skill and safety to the public or has been unable to perform such business or profession with reasonable skill and safety to the public by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of substance.

(b) If the Conservation Commission determines that revocation of a person's certification is to be considered, the Conservation Commission shall notify such person of the date and time that the Conservation Commission will consider the revocation and the reason(s) for the determination.

(c) Upon receiving notification that a certification is to be considered for revocation, a person shall be entitled to appear before the Conservation Commission in a duly called meeting to explain the circumstances surrounding such proposed revocation and the Conservation Commission in its sole discretion, may determine whether a certification is to be revoked upon the affirmative vote of a majority the members of the Conservation Commission.

Cite as Ga. Comp. R. & Regs. R. 600-8-1-.05
Authority: O.C.G.A. Secs. 2-6-27, 12-7-19.
History. Original Rule entitled "Trainer/Instructor Guidelines" adopted. F. Feb. 17, 2005; eff. Mar. 9, 2005.
Repealed: New Rule of same title adopted. F. July 24, 2007; eff. August 13, 2007.

Rule 600-8-1-.06. Re-Certification Guidelines.

(1) Expiration of Certification. A certification provided by achieving the requirements established by the Conservation Commission shall expire no later than three years after its issuance.

(2) Requirements for Re-certification. A certification will be extended or renewed by attending and participating in at least four hours of approved continuing education courses, as established by the Conservation Commission, every three years after its issuance.

Cite as Ga. Comp. R. & Regs. R. 600-8-1-.06
Authority: O.C.G.A. Secs. 2-6-27, 2-6-232, 12-7-19, 50-13-4.
History. Original Rule entitled "Re-Certification Guidelines" adopted. F. Feb. 17, 2005; eff. Mar. 9, 2005.
Repealed: New Rule of same title adopted. F. July 24, 2007; eff. August 13, 2007.

Chapter 600-9. .

Subject 600-9-1. PROCEDURES AND REQUIREMENTS FOR ELECTION OF SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS.

Rule 600-9-1-.01. Authority.

The State Soil and Water Conservation Commission (the "Conservation Commission") was created under the Soil and Water Conservation Districts Law, O.C.G.A. § 2-6-20, *et seq.* The Conservation Commission was created to serve as the Governor's arm in carrying out the administrative functions necessary for the operation of the Soil and Water Conservation Districts program. O.C.G.A. § 2-6-23(d) authorized the Conservation Commission to promulgate rules and regulations as may be necessary for the execution of its functions. The Conservation Commission is authorized under O.C.G.A. § 2-6-27 to receive gifts, appropriations, materials, equipment, land and facilities and to manage and disperse same in support of soil and water conservation activities, and to assist, support and coordinate the activities of district supervisors in carrying out their powers and programs. O.C.G.A. § 2-6-27(8) authorizes the Commission to enter into contracts and agreements with the districts, municipalities, and counties of this state, other agencies of this state, the United States and any agencies thereof, any association, any landowner or land occupier, or any person in order to carry out the purposes of this article. O.C.G.A. §§ 2-6-29, 2-6-30 and 2-6-31 established the guidelines pursuant to which the Commission is to facilitate the election of district supervisors, while O.C.G.A. § 2-6-30(c) specifically provides that the Commission shall pay the costs of such elections, shall supervise the conduct thereof, should prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

Cite as Ga. Comp. R. & Regs. R. 600-9-1-.01
Authority: O.C.G.A. Secs. 2-6-23, 2-6-27, 2-6-29 to 2-6-31.
History. Original Rule entitled "Authority" adopted. F. Aug. 29, 2005; eff. Sept. 18, 2005.
Repealed: New Rule of same title adopted. F. July 4, 2007; eff. August 13, 2007.

Rule 600-9-1-.02. Purpose and Scope.

The purpose of the Rules is to formally adopt, as part of the Commission Rules, procedures and requirements for election of district supervisors consistent with O.C.G.A. §§ 2-6-23, 2-6-27, 2-6-29, 2-6-30 and 2-6-31. Current law sets forth the general parameters governing the Commission's supervisory capacity for the election process for district supervisors and directs the Commission to establish specific regulations.

Cite as Ga. Comp. R. & Regs. R. 600-9-1-.02
Authority: O.C.G.A. Secs. 2-6-23, 2-6-27, 2-6-29 to 2-6-31.
History. Original Rule entitled "Purpose and Scope" adopted. F. Aug. 29, 2005; eff. Sept. 18, 2005.
Repealed: New Rule of same title adopted. F. July 4, 2007; eff. August 13, 2007.

Rule 600-9-1-.03. Definitions.

As used in these Rules, the term:

(a) "Ballot" means any voting method as authorized by law and agreed upon by the Election Superintendent and the Commission.

(b) "Commission" or "State Soil and Water Conservation Commission" means the agency created in Code Section 2-6-23.

(c) "District" or "soil and water conservation district" means an agency of this State organized in accordance with O.C.G.A. § 2-6-20*et seq*, with the powers, and subject to the restrictions set forth in O.C.G.A. § 2-6-20*et seq*.

(d) "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area or, if no such publication of general circulation is available, notice given by posting at a reasonable number of conspicuous places within the appropriate area, including, where possible, public places where it is customary to post notices concerning county or municipal affairs generally. For purposes of Commission Rule 600-9-1-.04, notices of elections for supervisors shall be provided such that:

(i) The first notice shall be published not less than 30 days prior to the beginning of the general election qualifying period; and

(ii) the second notice shall be published the week following the publication of the first notice. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.

(e) "Qualified elector" means any person qualified to vote in elections by the people under the Constitution of this state.

(f) "Supervisor" means one of the members of the governing body of the soil and water conservation district, elected or appointed in accordance with this article

(g) "Precinct" means the room provided in each precinct for voting at a primary or election.

(h) "Residence" means domicile.

(i) "Superintendent" or "Election Superintendent" means: either the judge of the probate court of a county or the county board of elections; the county board of elections and registration; the joint city-county board of elections; the joint city-county board of elections and registration, if a county has such; or any other person designated by the Conservation Commission to conduct the election.

Cite as Ga. Comp. R. & Regs. R. 600-9-1-.03
Authority: O.C.G.A. Secs. 2-6-23, 2-6-27, 2-6-29 to 2-6-31.
History. Original Rule entitled "Definitions" adopted. F. Aug. 29, 2005; eff. Sept. 18, 2005.
Repealed: New Rule of same title adopted. F. July 4, 2007; eff. August 13, 2007.

Rule 600-9-1-.04. Election Procedures and Requirements.

(1) General Information

(a) The Rules, which are subject to approval by the United States Justice Department, establish detailed guidelines for conducting elections for Soil and Water Conservation District Supervisors. Beginning in 2007, a cycle of elections will be established on the Tuesday after the first Monday in November of each even numbered year for supervisors whose election terms expire on December 31st of that year. Details of election procedures are set forth herein.

(b) All correspondence should be directed to:

Georgia Soil and Water Conservation Commission

4310 Lexington Road

P.O. Box 8024

Athens, Georgia 30603

ATTN: Acting Executive Director

(2) Specific Regulations governing the conduct of elections.

(a) Timing of elections:

i. The Commission hereby establishes the Tuesday after the first Monday in November 2008 as the election date for district supervisors whose terms expire on December 31, 2008.

ii. Thereafter, elections will be held on the Tuesday after the first Monday in November of each even numbered year for district supervisors whose terms expire on December 31st of that year.

(b) Notice of Elections

i. The Commission shall provide due notice of each election as such is defined in Rule 600-9-1-.03.

ii. The Commission shall monitor the expiration dates of district supervisor terms and shall provide notice to the district chairman and the regional representative (or other appropriate Commission designated representative) who shall notify the district supervisor whose term is to expire during the period covered by the next scheduled election. Such district supervisor shall be provided notice of the upcoming expiration of his or her term no later

than 30 days prior to the beginning of the applicable general election qualifying period;

iii. The Commission shall also post notice of elections on its internet website no later than 30 days prior to the beginning of the next general election qualifying period;

(c) Conduct of Elections

The Commission may enter into an agreement or other arrangement with an election superintendent to conduct an election of district supervisors in each county, as far as is practicable, in the manner of any other nonpartisan election in accordance with Title 21 of the Georgia Election Code. The Commission reserves the right to conduct any election in any county through the Commission's staff in the event the Commission determines such is warranted. The Commission may enlist the election superintendent to handle the details of each election in each county, including but not limited to, procedures for the election superintendents to verify petitions of nomination, verify voter eligibility, carry out absentee and write-in balloting, handle vote tabulation and certification of election results, and handle any grievances claimed by candidates.

(d) Nomination of Candidates

i. Any person seeking nomination to be elected as district supervisor shall be a qualified voter in the county in which he/she is seeking nomination and shall provide to the applicable Election Superintendent, as agent for the Commission, a petition containing the names of not less than twenty-five (25) qualified electors. Such petition must be physically received by the applicable Election Superintendent in his/her office by the deadline for the general election qualifying period.

ii. The Commission shall notify each person nominated for election as soon as practicable following verification of the nominee's petition by the Election Superintendent.

(e) Ballots and Tabulation of Ballots

i. Candidates shall be listed on the ballot alphabetically by their surnames, and the incumbent, if applicable, shall be identified.

ii. The ballots for each county shall contain only the nominees from that county and the electors of each county shall be eligible to vote only for the nominees in their particular county. The names of all nominees within the county, who have qualified during the general election qualifying period,

shall appear upon the ballots arranged in alphabetical order of their surnames.

iii. The nominee(s) receiving the highest number of votes shall be declared the duly elected district supervisor(s) from that county.

iv. In the event of a tie in vote tabulation, there shall be a special run-off election held four (4) weeks from the date of the initial election, consistent with the election guidelines set forth in these Rules.

v. The election superintendent shall send certified election results to the Commission as soon as practicable following the election.

(f) Absentee Ballots and Write-in Candidates

Absentee balloting and write-in candidates shall be permitted in accordance with Title 21 of the Georgia Election Code.

(g) Additional Provisions

i. Posting of Elected Supervisor Positions. Within a reasonable time after adoption of these rules and following each election, the Commission shall post a list of all elected supervisor positions, expiration dates and incumbents by district on the Commission's website. The Commission shall also post a printable copy of the candidate nomination form on the Commission's website.

ii. Computation of Time. Unless otherwise stated in a specific Code section of this chapter, time periods under this chapter include Saturdays, Sundays, and legal holidays. When the last day for the exercise of any privilege or the discharge of any duty prescribed or required by this chapter shall fall on a Saturday, Sunday, or legal holiday, the next succeeding business day shall be the last day for the exercise of such privilege or the discharge of such duty.

(h) Approval

The effectiveness of these rules shall be contingent upon the approval by the United States Department of Justice. In the event one or more provisions of these Rules are disallowed by the United States Department of Justice, the remaining Rules shall nevertheless become effective as approved by the United States Department of Justice.

(3) Repeal of Conflicting Rules

Any Rule or Regulation of the Commission which is in any way inconsistent with the provisions of these Rules set forth in Chapter 600-9 is hereby repealed and rescinded.

(4) Liability

Risk Management - The Conservation Commission designates the Georgia Department of Administrative Services as its risk management agent for purposes of these Rules.

Cite as Ga. Comp. R. & Regs. R. 600-9-1-.04
Authority: O.C.G.A. Secs. 2-6-23, 2-6-27, 2-6-29 to 2-6-31.
History. Original Rule entitled "Election Procedures and Requirements" adopted. F. Aug. 29, 2005; eff. Sept. 18, 2005.
Repealed: New Rule of same title adopted. F. July 4, 2007; eff. August 13, 2007.