12-16-1.
This article shall be known and may be cited as the 'Environmental Policy Act.'
12-16-2.
The General Assembly finds that:
(1) The protection and preservation of Georgia’s diverse environment is necessary for the
maintenance of the public health and welfare and the continued viability of the economy of
the state and is a matter of the highest public priority;
(2) State agencies should conduct their affairs with an awareness that they are stewards of
the air, land, water, plants, animals, and environmental, historical, and cultural resources;
(3) Environmental evaluations should be a part of the decision-making processes of the
state; and
(4) Environmental effects reports can facilitate the fullest practicable provision of timely
public information, understanding, and participation in the decision-making processes of
the state.
12-16-3.
As used in this article, the term:
(1) 'A proposed governmental action which may significantly adversely affect the quality of
the environment' means a project proposed to be undertaken by a government agency or
agencies, for which it is probable to expect a significant adverse impact on the natural
environment, including the state’s air, land, water, plants, animals, historical sites or
buildings, or cultural resources. Such actions shall not include: (A) emergency measures
undertaken in response to an immediate threat to public health or safety; or (B) activities in
which government agency participation is ministerial in nature, involving no exercise of
discretion on the part of the government agency.
(2) 'Director' means the director of the Environmental Protection Division of the
Department of Natural Resources.
(3) 'Division' means the Environmental Protection Division of the Department of Natural
Resources.
(4) 'Environmental effects report' means a report on a proposed governmental action which
may significantly adversely affect the quality of the environment.
(5) 'Government agency' means any department, board, bureau, commission, authority, or
other agency of the state.
(6) 'Land-disturbing activity' means scraping, plowing, clearing, dredging, grading,
excavating, transporting, or filling of land or placement of any structure or impervious
surface, dam, obstruction, or deposit or placement of or alteration to any structure on or
eligible for the Georgia Register of Historic Places; provided, however, that agricultural
practices involving the establishment, cultivation, or harvesting of products of the field or
orchard; the preparation and planting of pasture land; farm ponds; dairy operations;
livestock and poultry management practices; and forestry land management practices,
including harvesting of less than five acres of trees over two inches in diameter at breast
height, are excluded from the definition of land-disturbing activity.
(7) 'Proposed governmental action' means any proposed land-disturbing activity by a
government agency or funded by a grant from a government agency, any proposed sale or
exchange of more than five acres of state owned land, or any proposed harvesting of five acres or more of trees over two inches in diameter at breast height, but the term proposed governmental action does not include, among other things, the following:

(A) Any action or undertaking of a nongovernmental entity, even if that action or undertaking requires a permit, license, or other approval by a government agency;
(B) Any action or undertaking of a municipality, a county, or an authority of a municipality or county, unless more than 50 percent of the total cost is funded by a grant of a government agency or a grant of more than $250,000.00 is made by a government agency;
(C) The permitting or licensing by a government agency of an action or undertaking;
(D) The promulgation and implementation of rules and regulations by a government agency;
(E) The sale of bonds by a government agency or any program of loans funded by the sale of bonds by a government agency; or
(F) Litigation decisions made by a government agency.

(8) 'Responsible official' means the official or body in charge of or authorized to act on behalf of a government agency.

12-16-4.
(a) The responsible official of the government agency shall determine if a proposed governmental action is a proposed governmental action which may significantly adversely affect the quality of the environment. If the responsible official determines that the proposed governmental action is a proposed governmental action which may significantly adversely affect the quality of the environment, the government agency responsible for such project shall prepare an environmental effects report including, but not limited to, a discussion of:

(1) The environmental impact of the proposed governmental action;
(2) Alternatives to the proposed governmental action, including no action;
(3) Any adverse environmental effects which cannot be avoided if the proposed governmental action is undertaken;
(4) Mitigation measures proposed to avoid or minimize the adverse impact of the proposed governmental action;
(5) The relationship between the value of the short-term uses of the environment involved in the proposed governmental action and the maintenance and enhancement of its long-term value;
(6) The effect of the proposed governmental action on the quality and quantity of water supply;
(7) The effect of the proposed governmental action on energy use or energy production;

and
(8) Any beneficial aspects of the proposed governmental action, both short-term and long-term, and its economic advantages and disadvantages.

(b) Prior to the issuance of the environmental effects report, the responsible official should consult with and obtain the comments of any agency which has jurisdiction by law, special expertise, or other interest with respect to any environmental impact or resource.

(c) At least 45 days prior to making a decision as to whether to proceed with a proposed
governmental action which may significantly adversely affect the quality of the environment, the responsible official shall publish in the legal organ of each county in which the proposed governmental action or any part thereof is to occur notice that an environmental effects report has been prepared. The responsible official shall provide a copy of the environmental effects report and all other comments to the director. The responsible official shall also make the environmental effects report available to the public and to counties, municipalities, institutions, and individuals, upon request.

12-16-5.
(a) If the responsible official receives, within 30 days of the publication of the notice in the legal organ of an affected county or counties, requests in writing for a public hearing from at least 100 persons who are residents of the State of Georgia, a public hearing shall be held by the responsible official or his designee in each county where the proposed governmental action for which an environmental effects report has been prepared or any part thereof is to take place. The responsible official or his designee may, in the sole discretion of the responsible official, hold a public hearing in each such county at any time after 30 days from the date of publication of the notice has elapsed even if less than 100 requests are received in writing from residents of the State of Georgia but only one public hearing in a county shall be required regardless of whether it is a mandatory or discretionary hearing.
(b) The responsible official shall consider all comments received either in writing or during the public hearing or hearings, if held. After considering these comments, the responsible official shall decide whether to proceed with the proposed governmental action as originally proposed, whether to proceed with changes, or whether not to proceed. Notice of the decision of the responsible official shall be given in writing to the director and published in the legal organ of each county in which the proposed governmental action or any part thereof is to occur.
(c) The decision of the responsible official to proceed with the proposed governmental action shall not create a cause of action in any person, corporation, association, county, or municipal corporation; provided, however, the actions of the responsible official in the procedure of giving notice by publication of the environmental effects report and notice by publication of the decision made based upon the report and public comments, if any, may be challenged pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' if the responsible official acts on behalf of a government agency which is subject to that act or by mandamus otherwise; but any such challenge must be commenced within 30 days after the date notice of the responsible official’s decision made pursuant to subsection (b) of this Code section is first published in a legal organ of any affected county or counties.

12-16-6.
All government agencies shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit or hinder full compliance with the intent, purposes, and provisions of this article, including the guidelines issued pursuant to Code Section 12-16-8, and shall propose to the Governor not later than January 1, 1992, such measures as may be necessary to bring their authority, regulations,
policies, and procedures into conformity with the intent, purposes, and procedures set forth in this article.

12-16-7.
Nothing in this article shall in any way affect or detract from specific statutory obligations of any government agency to comply with criteria or standards of environmental quality or to perform other statutory obligations imposed upon it, except those specified in Code Section 12-16-6; to coordinate or consult with any other government agency or federal agency; or to act, or refrain from acting, contingent upon the recommendations or certification of any other government agency or federal agency. A government agency shall be deemed to have complied with the requirements of this article for a proposed governmental action that requires and has received federal approval of an environmental document prepared in accordance with the National Environmental Policy Act of 1969, as amended, and its implementing regulations.

12-16-8.
Prior to July 1, 1991, the director shall issue guidelines to assist government agencies in the preparation of environmental effects reports in accordance with this chapter, including, but not limited to, provisions for:
(1) Criteria for determining if a proposed governmental action may significantly adversely affect the quality of the environment;
(2) Comment upon the proposed governmental action by public and private organizations and individuals;
(3) The possibility of the preparation of single-program environmental effects reports if a series of governmental actions taken individually are of minimal adverse significance on the environment but the cumulative effect of the proposed government actions on the environment is significantly adverse or if a series of proposed government actions are related either geographically or as logical parts in a chain of contemplated actions; and
(4) The possibility of the preparation of modified environmental effects reports on remaining decisions significantly adversely affecting the quality of the environment that are parts of actions begun before but not completed before July 1, 1991.

12-16-20.
As used in this article, the term:
(1) 'Board' means the Board of Natural Resources.
(2) 'Commissioner' means the commissioner of natural resources.
(3) 'Covered action' means the issuance by the department or the division of any state-wide or regional permit or any standard or other policy contemplated by any state environmental law or environmental regulation.
(4) 'Department' means the Department of Natural Resources.
(5) 'Division' means the Environmental Protection Division of the Department of Natural Resources.
(6) 'Environmental regulation' means a rule or regulation promulgated by the board to enforce or implement a state environmental law.
(7) 'State environmental law' means any of the following Acts of the General Assembly, as
(A) Part 3 of Article 2 of Chapter 4 of this title, the 'Georgia Surface Mining Act of 1968';
(B) Article 2 of Chapter 5 of this title, the 'Georgia Water Quality Control Act';
(C) Part 2 of Article 3 of Chapter 5 of this title, the 'Ground-water Use Act of 1972';
(D) Code Section 12-5-31, relating to permits for withdrawal, diversion, or impoundment
of surface waters and monitoring, recording, and reporting water withdrawn by certain
irrigation systems;
(E) Part 3 of Article 3 of Chapter 5 of this title, the 'Water Well Standards Act of 1985';
(F) Part 5 of Article 3 of Chapter 5 of this title, the 'Georgia Safe Drinking Water Act of
1977';
(G) Part 3 of Article 5 of Chapter 5 of this title, the 'Georgia Safe Dams Act of 1978';
(H) Chapter 7 of this title, the 'Erosion and Sedimentation Act of 1975';
(I) Part 1 of Article 2 of Chapter 8 of this title, the 'Georgia Comprehensive Solid Waste
Management Act';
(J) Part 2 of Article 3 of Chapter 8 of this title, the 'Georgia Hazardous Site Response Act';
(K) Article 9 of Chapter 8 of this title, the 'Georgia Hazardous Site Reuse and
Redevelopment Act';
(L) Article 1 of Chapter 9 of this title, 'The Georgia Air Quality Act';
(M) Article 2 of Chapter 9 of this title, the 'Georgia Motor Vehicle Emission Inspection and
Maintenance Act';
(N) Chapter 12 of this title, the 'Georgia Asbestos Safety Act';
(O) Chapter 13 of this title, the 'Georgia Underground Storage Tank Act';
(P) Chapter 14 of this title, relating to oil or hazardous material spills or releases;
(Q) Chapter 13 of Title 31, the 'Georgia Radiation Control Act'; and
(R) Any Act of the General Assembly empowering and directing the board to comply with
federal statutes relating to clean water, clean air, or the environment.

12-16-21.

(a)(1) Prior to the board’s promulgation or amendment of any environmental regulation or
the department or division taking any covered action, the board, the department, or the
division, as appropriate, shall prepare a detailed statement of rationale:
(A) Whenever the proposed environmental regulation or covered action will exceed or
differ from the requirements of any federal regulation, standard, or policy on the same
subject; or
(B) Whenever an environmental regulation or a covered action will:
(i) Result in the removal of any specific requirement, prohibition, or duty imposed by an
existing environmental regulation, standard, or policy;
(ii) Result in any prohibition, requirement, or duty imposed by an existing environmental
regulation, standard, or policy becoming narrower in scope of applicability;
(iii) Decrease or render any requirement imposed by an existing environmental regulation,
standard, or policy less stringent or restrictive; or
(iv) Repeal an existing environmental regulation, standard, or policy.
(2) Such statement shall accompany any notice required by Code Section 50-13-4.
(b) The detailed statement of rationale shall state the basis for the regulation or covered
action, including the scientific or technical basis, alternative policy considerations, and estimated cost to implement to the department and the regulated community and shall identify any studies, reports, policies, or statements of professional judgment or administrative need relied upon in developing the environmental regulation or covered action.

(c) The scope and level of detail of each detailed statement of rationale shall be determined by the director of the division or the commissioner.

12-16-22.

Any other provision of this article to the contrary notwithstanding, the board may adopt an environmental regulation, and the department or division may take a covered action, without presenting the required statement of rationale if the commissioner or the director of the division determines that an emergency action is necessary to protect the public health and welfare.

12-16-23.

The provisions of this article are in addition to, and not in lieu of, any applicable provisions for promulgation of rules in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'