



**Richard E. Dunn, Director**

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**EPD Director's Office**

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

Nov 12, 2021

Mr. Don Sherrill  
Public Works Director  
City of Brookhaven  
4362 Peachtree Road  
Brookhaven, GA 30319

RE: Request for Variance under the Provisions of O.C.G.A. 12-7-6(b)(15)  
North Fork Nancy Creek – Stream Restoration  
(I-285 / Long Branch Court NE – Murphey Candler Lake, Brookhaven, GA 30319)  
Brookhaven, DeKalb County

Dear Mr. Sherrill:

The Georgia Environmental Protection Division's Watershed Protection Branch has reviewed your stream buffer variance application for the subject project. The review was conducted to consider the potential impacts of the proposed project's encroachment on State waters within the context of the Georgia Erosion and Sedimentation Act. This review, and the variance granted herein, is limited to only the request(s) in the stream buffer variance application for permission to conduct land-disturbing activities within 25-foot areas located immediately adjacent to the banks of State waters where vegetation has been wrested by normal stream flow or wave action. To the extent there is a request in the buffer variance application to conduct land-disturbing activities within 25-foot areas located immediately adjacent to State waters where there is no vegetation that has been wrested by normal stream flow or wave action, such request has not been considered, and is not included as a part of the variance granted herein.

Pursuant to DNR Rule 391-3-7-.05(2)(b), authorization is hereby granted to encroach within the 25-foot buffer adjacent to State waters as delineated in the revised application dated September 4, 2021 and the revised Erosion, Sedimentation and Pollution Control Plans dated October 4, 2021. ***Buffer impacts authorized by this variance must be completed within five years of the date of this approval letter. If the approved buffer impacts cannot be completed prior to the expiration date, a time extension must be requested in writing at least 90 calendar days prior to the expiration date with justifiable cause demonstrated.***

Authorization for the above referenced project is subject to the following conditions:

- 1) All graded slopes 3:1 or greater must be hydroseeded and covered with Georgia DOT approved wood fiber matting or coconut fiber matting. If not hydroseeded, Georgia DOT approved matting that has been incorporated with seed and fertilizer must be used. All slopes must be properly protected until a permanent vegetative stand is established;

- 2) The amount of land cleared during construction must be kept to a minimum;
- 3) All disturbed areas must be seeded, fertilized and mulched as soon as the final grade is achieved. Also, these disturbed areas must be protected until permanent vegetation is established;
- 4) A double row of Georgia DOT type "C" silt fence or an approved high performance silt fence must be installed between the land disturbing activities and State waters where appropriate;
- 5) Buffer variance conditions must be incorporated into any Land Disturbing Activity Permit issued by the City of Brookhaven for this project; and
- 6) This project must be conducted in strict adherence to the approved erosion and sedimentation control plan and any Land Disturbing Activity Permit issued by the City of Brookhaven.

The granting of this approval does not relieve you of any obligation or responsibility for complying with the provisions of any other law or regulations of any federal, local or additional State authority, nor does it obligate any of the aforementioned to permit this project if they do not concur with its concept of development/control. As a delegated "Issuing Authority," the City of Brookhaven is expected to ensure that the stream buffer variance requirements are met for this project and is empowered to be more restrictive in this regard.

If you have questions concerning this letter, please contact Frank M. Carubba, Erosion and Sedimentation Control Unit, NonPoint Source Program, at (470) 524-2597.

Sincerely,



Richard E. Dunn  
Director

RED:fmc

cc: Linda Abaray, Deputy Director of Community Development, City of Brookhaven  
John Arthur Ernst, Jr., Mayor, City of Brookhaven  
Charlotte Estes, Senior Ecologist, Edwards-Pitman Environmental, Inc.  
Jim Hakala, Wildlife Resources Division, Region 1 Fisheries Management  
Joy Hinkle, EPD Watershed Protection Branch  
Colin Lane, Ecology Group Manager, Edwards-Pitman Environmental, Inc.  
Tom Roberts, P.E., Stormwater Program, Department of Public Works, City of Brookhaven  
Ben Ruzowicz, Georgia Soil and Water Conservation Commission  
Mick Smith, EPD Mountain District – Atlanta  
Greg Walker, Georgia Soil and Water Conservation Commission

File: BV-044-21-01