

Senate Bill 130

By: Senators Thompson of the 33rd, Tanksley of the 32nd, Stokes of the 43rd, Walker of the 22nd and Johnson of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating
2 to water resources of the state, so as to create the Metropolitan North Georgia Water
3 Planning District; to provide a statement of legislative intent; to provide a statement
4 of purpose; to define certain terms, including the district area; to provide for
5 responsibilities of the district; to provide for governance of the district; to provide for
6 coordinating committees and advisory councils to the district; to provide for
7 watershed and storm-water management planning for the district area; to provide for
8 waste-water management planning for the district area; to provide for water supply
9 and conservation management planning for the district area; to promote public
10 education and awareness; to provide for meetings; to provide for a budget and
11 funding; to provide for oversight; to provide for powers and duties of the Board of
12 Natural Resources and the director of the Environmental Protection Division of the
13 Department of Natural Resources with respect to requirements and standards for plans
14 and for water resources; to provide for related matters; to provide an effective date;
15 to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water
19 resources of the state, is amended by adding at its end a new Article 10 to read as
20 follows:

21 "ARTICLE 10

22 12-5-570.

1 This article shall be known and may be cited as the 'Metropolitan North Georgia
2 Water Planning District Act.'

3 12-5-571.

4 (a) The General Assembly recognizes the value of the metropolitan North Georgia
5 area watersheds for water supply, recreation, habitat for fish and wildlife, economic
6 prosperity, and quality of life. The General Assembly finds that adequate supplies
7 of clean water for drinking and other purposes constitute the lifeblood of the
8 metropolitan North Georgia area and are, therefore, essential to the health, welfare,
9 and economic progress of the area. The purpose of this article is to create a
10 planning entity dedicated to developing comprehensive regional and
11 watershed-specific plans to be implemented by local governments in the district.
12 These plans will protect water quality and public water supplies in and downstream
13 of the region, protect recreational values of the waters in and downstream of the
14 region, and minimize potential adverse impacts of development on waters in and
15 downstream of the region.

16 (b) The General Assembly finds that the waters and watersheds of the district are
17 natural resources, environments, and vital areas within the meaning of Article III,
18 Section VI, Paragraph II of the Constitution of the State of Georgia.

19 12-5-572.

20 (a) There is created the Metropolitan North Georgia Water Planning District.

21 (b) The general purposes of the district shall be to establish policy, create plans, and
22 promote intergovernmental coordination for all water issues in the district; to
23 facilitate multijurisdictional water related projects; and to enhance access to funding
24 for water related projects among local governments in the district area.

25 (c) It is the primary purpose of the district to develop regional and
26 watershed-specific plans for storm-water management, waste-water treatment, water
27 supply, water conservation, and the general protection of water quality, which plans
28 will be implemented by local governments in the district.

29 12-5-573.

30 As used in this article, the term:

31 (1) 'Board' means the Metropolitan North Georgia Water Planning District
32 Governing Board created under Code Section 12-5-575.

33 (2) 'Director' means the director of the Environmental Protection Division of the
34 Department of Natural Resources.

1 (3) 'District' means the entity established by this article that shall have planning
2 responsibility for watershed and storm-water management, waste-water
3 management, and water supply and conservation management within the district
4 area.

5 (4) 'District area' means any county which has a population of 500,000 or more
6 according to the 2000 United States decennial census or any future such census
7 and all counties geographically contiguous to any such county; provided, however,
8 that any such contiguous county having population of 100,000 or less according
9 to the 2000 United States decennial census or any future such census may, by
10 majority vote of the governing authority thereof and with the written approval of
11 the director, remove itself from the district area. The district area may be
12 expanded from time to time as provided in this article.

13 (5) 'Local government' means any county or municipality of this state lying in
14 whole or in part within the district area.

15 12-5-574.

16 (a) The district shall promote regional coordination and cooperation through the
17 exercise of the following powers:

18 (1) Development of regional and watershed-specific plans for storm-water
19 management;

20 (2) Development of regional and watershed-specific plans for waste-water
21 management;

22 (3) Development of regional and watershed-specific plans for water supply and
23 water conservation;

24 (4) Development of regionally consistent policies, model ordinances, and
25 minimum standards of performance for local governments relating to the creation
26 and implementation of the plans developed by the district;

27 (5) Development and coordination of an effective regional and watershed-specific
28 water quality monitoring program and development and maintenance of a
29 corresponding data base reflecting available monitoring data;

30 (6) Establishment of education programs on water quality issues and promotion
31 of water conservation; and

32 (7) Identification of funding sources, including without limitation federal funding
33 sources for the creation and implementation of plans provided for under this
34 article.

35 (b) Approval by the district of any storm-water management plan, waste-water
36 management plan, water supply and conservation plan, or other plan pursuant to this

1 article shall not obligate any governing authority comprising a part of the district to
 2 provide funding for facilities planned or constructed pursuant to such plans which
 3 do not provide services to all or a portion of the population of such governing
 4 authority.

5 (c) No extension of time by the board for preparation of a plan provided for under
 6 this article shall exceed six months, nor shall more than one extension be granted
 7 for any such plan.

8 12-5-575.

9 (a) Any county in the district area and any municipality in the district area having
 10 a population of 15,000 or more according to the United States decennial census of
 11 2000 or any future such census shall be a member of the district.

12 (b) There is established for the management of the business and affairs of the
 13 district a Metropolitan North Georgia Water Planning District Governing Board to
 14 be comprised of members selected as follows:

15 (1) The board shall consist of ten county commission chairpersons or chief
 16 executive officers of county members of the district and five mayors of
 17 municipalities within the district, appointed by majority vote of the board of the
 18 Atlanta Regional Commission; provided, however, that five of such appointments
 19 shall represent counties within the district area having a population of 200,000 or
 20 more according to the 2000 United States decennial census or any future such
 21 census, and one of such appointments shall represent a city within the district area
 22 having a population of 200,000 or more according to the 2000 United States
 23 decennial census or any future such census. Additionally, six members of the
 24 board shall be appointed by the Governor, two members shall be appointed by the
 25 Lieutenant Governor, and two members shall be appointed by the Speaker of the
 26 House of Representatives. All members appointed by the Atlanta Regional
 27 Commission shall be entitled to designate alternates who may exercise any of the
 28 powers and discharge any of the duties of such members provided for in this
 29 article in the absence of such members; provided, however, that members serving
 30 as chairperson of the board of directors, vice chairperson of the board of directors,
 31 secretary-treasurer, or member of the executive committee may not be represented
 32 in such capacities by their alternates. Each member appointed by the Atlanta
 33 Regional Commission shall be designated to serve a one, two, or three-year term,
 34 and such members shall be allocated equally among such terms. All successors
 35 to those members shall serve for terms of three years and until the appointment
 36 and qualification of their successors. Of the initial appointments of the Governor,

1 two shall be for a term of one year, two for a term of two years, and two for a term
2 of three years, and their successors shall serve for terms of three years and until
3 the appointment and qualification of their successors. Of the initial appointees of
4 the Lieutenant Governor and the Speaker of the House of Representatives, one
5 shall be for a term of one year and one for a term of three years, and their
6 successors shall serve for terms of three years and until the appointment and
7 qualification of their successors; and

8 (2) Priority shall be given in appointments made by the Atlanta Regional
9 Commission to county commission chairpersons and chief executive officers of
10 member counties and mayors of municipalities which have been unrepresented on
11 the board; provided, however, that counties and municipalities in the district area
12 having a population of 200,000 or more according to the 2000 United States
13 decennial census or any future such census shall at all times be represented by
14 their chairperson or chief executive officer, in the case of counties, or by their
15 mayor, in the case of municipalities, on the board. When all member counties or
16 municipalities have had representation on the board, priority shall be given in
17 appointments made by the Atlanta Regional Commission to county commission
18 chairpersons or chief executive officers of counties or mayors of municipalities
19 having had the shortest term of representation on the board. At no time shall more
20 than one member of the governing authority or executive branch of any member
21 county or municipality serve on the board.

22 (c) Any vacancy on the board shall be filled for the remainder of the unexpired
23 term in the same manner as the original appointment to the vacated position. No
24 vacancy on the board shall impair the right of the quorum of the remaining members
25 then in office to exercise all rights and perform all duties of the board.

26 (d) The executive committee of the district shall consist of a chairperson, a vice
27 chairperson, a secretary-treasurer, and such additional executive committee officers
28 as the board may determine are appropriate from time to time, provided that the
29 overall representation on the executive committee shall reflect the same ratio of
30 members as comprise the district under subsection (a) of this Code section.

31 (e)(1) The initial chairperson and vice chairperson of the board shall be appointed
32 by the Governor from among the membership of the board for a term of three
33 years, and thereafter the chairperson and vice chairperson shall be appointed by
34 majority vote of the board for a term of three years.

35 (2) As a qualification for office of chairperson, except for the initial chairperson,
36 he or she shall have served at least one year as a member of the board. No
37 chairperson shall serve in that capacity in excess of two consecutive terms.

1 (3) The chairperson shall preside at all meetings of the district. He or she shall
2 be the chief executive officer of the district.

3 (4) The vice chairperson shall serve in the absence of the chairperson and, in
4 addition, shall assist the chairperson and shall perform such other duties as may
5 be assigned by the board.

6 (5) The secretary-treasurer shall be the custodian of the books and records of the
7 district, shall keep the minutes of all meetings, shall be the chief fiscal officer of
8 the district, and shall perform such other duties as may be assigned by the board.

9 12-5-576.

10 (a) The board shall meet at least six times per year at a time and place set forth in
11 the minutes of the district and at such other times as the chairperson may direct. All
12 such meetings shall be open to the public.

13 (b) Thirteen members of the board shall constitute a quorum.

14 (c) Once a quorum has been established, a majority of those present and voting
15 shall be required to adopt any matter before the district.

16 (d) Each member of the board shall have one vote to be cast in person or by
17 designee as provided in this article, and there shall be no voting by proxy.

18 (e) The district, by a majority vote of those members of the board present, may go
19 into executive session for the purposes of discussing personnel matters, meeting
20 with attorneys representing the district in adversarial or potentially adversarial
21 situations, and for any other purpose authorized by and consistent with Chapter 14
22 of Title 50.

23 12-5-577.

24 (a) Prior to July 1 each year, the officers of the board shall submit to the district for
25 adoption a preliminary budget required for the operation of the district during the
26 ensuing calendar year, which shall also be the fiscal year.

27 (b) Funding for the district operations shall be derived from the following sources:

28 (1) Dues paid by cities and counties within the district such that the aggregate
29 total of all such dues from all such cities and counties shall be no less than \$1
30 million annually. Such fees shall be raised on a per capita assessment or
31 water-usage fee basis or based on a formula adopted and approved by the local
32 government members of the district; and

33 (2) Appropriated or contracted state funds.

34 (c) The district is specifically empowered to contract or otherwise participate in and
35 to accept grants, funds, gifts, or services from any federal, state, or local

1 government or its agencies or instrumentalities and from private and civic sources
 2 and to expend funds received therefrom under provisions as may be required and
 3 agreed upon by the district in connection with any program or purpose for which the
 4 district exists.

5 (d) All funds of the district not otherwise employed shall be deposited from time
 6 to time to the credit of the district in such banks, trust companies, or other
 7 depositories as the district may select.

8 12-5-578.

9 Any county or municipality adjoining a member county or municipality shall be
 10 added to the district area upon the application of such entity to be included in the
 11 district by resolution of its governing authority.

12 12-5-579.

13 (a) The district staff shall consist initially of the existing staff of the Environmental
 14 Planning Division of the Atlanta Regional Commission. Additional staff may be
 15 added or the staffing modified as necessary to fulfill the responsibilities of the
 16 district. The district may contract for such additional staff and consulting services
 17 as the board in its discretion may determine to be necessary from time to time.

18 (b) The Atlanta Regional Commission, the Georgia Mountains Regional
 19 Development Center, the Coosa Valley Regional Development Center, and the
 20 Northeast Georgia Regional Development Center shall cooperate with the district
 21 and shall assist it in its efforts.

22 12-5-580.

23 (a) The board shall create one or more technical coordinating committees
 24 comprised primarily of water and waste-water officials from counties, cities, and
 25 authorities in the district. Such committees shall provide additional support to the
 26 board and staff for specific areas and issues such as water treatment, waste-water
 27 treatment, and storm-water management.

28 (b) The board shall create a finance committee which shall meet with the boards
 29 and staffs of the Georgia Environmental Facilities Authority, the Department of
 30 Community Affairs, and the Department of Natural Resources for the purpose of
 31 developing recommendations for a funding structure for the district and for projects
 32 included in the district plans developed pursuant to this article, and that authority
 33 and those departments, their boards, and staffs are directed to cooperate with the
 34 district in developing such recommendations. The board shall consider the

1 recommendations of the finance committee and forward them as adopted or
2 amended to the Governor and the chairpersons of the Senate Natural Resources
3 Committee and the House Natural Resources and Environment Committee not later
4 than December 1, 2001. Such recommendations may be updated and revised from
5 time to time thereafter.

6 12-5-581.

7 (a) The board shall create separate advisory councils for the Chattahoochee,
8 Etowah, Flint, Oconee, and Ocmulgee river basins. Each basin advisory council
9 shall be comprised of a minimum of 20 individuals. These individuals shall be from
10 within the district area as well as from outside the district area, upstream and
11 downstream of the district. These representatives shall be selected and shall serve
12 based upon procedures and rules established by the board.

13 (b) The basin advisory councils shall advise the district in the development and
14 implementation of policy, provide input to the director concerning the development
15 of minimum elements and standards for plans provided for under this article, and
16 provide input on the content of plans provided for under this article as such plans
17 are developed.

18 (c) The board chairperson shall appoint one or more board members to convene
19 meetings of the basin advisory councils from time to time. The district may provide
20 advance drafts of such plans or recommendations as it may make pursuant to this
21 article to basin advisory councils for review and input, and the basin advisory
22 councils shall prepare reports and recommendations for consideration by the district
23 in formulating any plan or taking any other action provided for under this article.

24 12-5-582.

25 (a) Within one year after the effective date of this article, unless such time period
26 is extended by majority vote of the board, the district shall prepare for public
27 comment one or more model ordinances for local governments designed to provide
28 for effective storm-water management. Such model ordinances shall also include
29 minimum design and development standards for local development as it may affect
30 storm-water run-off quality and storm-water conveyance and infrastructure
31 standards applicable to local governments. Upon receipt of public comment, the
32 district shall finalize the model ordinances and publish the same.

33 (b) Within two years after the effective date of this article, unless such time period
34 is extended by majority vote of the board, the district shall prepare for public
35 comment a district-wide watershed management plan containing elements common

1 to all watersheds within the district and containing within it watershed-specific
2 components for watershed management. The plan shall build upon and be
3 coordinated with existing watershed planning efforts undertaken by local
4 governments and other entities in the district area and plans otherwise developed
5 under this title. After receipt of public comment, the district shall approve the plan
6 which shall meet all standards established by the director and shall include the
7 following elements:

8 (1) Appropriate standards and methodologies for monitoring water quality and
9 maintaining and organizing an inventory of collected water quality data;

10 (2) Descriptions of current pollutant loads by source categories, subsource
11 categories, and specific sources where identifiable;

12 (3) Forecasts of potential future pollutant load increases by virtue of new
13 development, growth, or other changes in watershed activities;

14 (4) Identification of streams or bodies of water within the applicable watershed
15 having or requiring total maximum daily loads under applicable federal
16 regulations; provisions for incorporating into the watershed-specific plan any
17 implementation plan for total maximum daily loads as established by the director;
18 and provisions to ensure that the watershed-specific plan conforms to
19 requirements for implementation plans for streams requiring total maximum daily
20 loads, such that said watershed-specific plan could be readily utilized by the
21 director to meet applicable federal requirements for implementation plans for total
22 maximum daily loads;

23 (5) Establishment of priorities for protecting watershed resources and for
24 obtaining pollutant load reductions or preventing future pollutant load increases,
25 or both, and an explanation of the rationale for such priorities;

26 (6) Identification of specific effective control programs and strategies including
27 specific regulatory or voluntary actions to attain and maintain applicable water
28 quality standards, including any pollutant load reductions mandated by
29 implementation plans for total maximum daily loads; identification of specific
30 public or private organizational responsibility for carrying out such control
31 programs or voluntary actions, including without limitation instances where
32 control programs require coordination among multiple jurisdictions, such that
33 there are reasonable assurances that applicable water quality standards will be
34 attained or maintained, or both;

35 (7) The model ordinances established under subsection (a) of this Code section
36 and any recommended additions or modifications to such model ordinances, if
37 appropriate, to provide additional measures to improve storm-water run-off

1 quality, including without limitation, requirements to retrofit or modify existing
2 developments in order to improve storm-water run-off quality;

3 (8) Recommended changes to state or local laws, regulations, or ordinances
4 necessary to implement the plans;

5 (9) A timetable for implementation of necessary elements of the plans for each
6 jurisdiction including description of annual, measurable milestones for
7 determining whether identified measures are being implemented;

8 (10) Estimates of costs and identification of potential sources of funding
9 necessary for implementation of the plans; and

10 (11) Education and public awareness measures regarding watershed protection.

11 (c) The district shall review the watershed management plan annually to determine
12 whether there is a need to update such plan, and in any case the district shall prepare
13 an updated watershed management plan no less frequently than every five years
14 after finalization of the initial plan.

15 (d) The district shall hold public meetings concerning any plan or updated plan
16 developed by the district under subsection (a), (b), or (c) of this Code section and
17 shall publish for public notice and comment any proposed approval, disapproval,
18 or conditional approval of any such plan.

19 (e)(1) Local governments within the district shall implement the provisions of the
20 district plans that apply to them. Should any jurisdiction fail to do so, the director
21 shall exercise his or her powers pursuant to this chapter.

22 (2) Upon the district's approval of the plan, the director may modify all existing
23 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and
24 12-5-179 and any NPDES Phase I or Phase II General Stormwater permits to
25 make them consistent with the plan. The director may include as a condition in
26 any issued, modified, or renewed permit to any local government under Code
27 Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 or any NPDES
28 Phase I or Phase II General Stormwater permit the applicable contents of the
29 district plan.

30 (3) The director shall not approve any application by a local government in the
31 district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30,
32 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase
33 in the permitted water withdrawal, public water system capacity, or waste-water
34 treatment system capacity of such local government, or any NPDES Phase I or
35 Phase II General Stormwater permit, unless such local government is in
36 compliance with the applicable provisions of the plan or the director certifies to

1 the board that such local government is making good faith efforts to come into
 2 such compliance.

3 (4) Any local government that fails to adopt substantially the applicable model
 4 storm-water ordinance developed by the district under subsection (a) of this Code
 5 section, or something at least as effective as said model ordinance, and any local
 6 government that fails to adopt the applicable plans developed by the district under
 7 this Code section shall be ineligible for state grants or loans for storm-water
 8 related projects determined by the director to be inconsistent with the terms of
 9 such model ordinance or such plans. The determination of the director may be
 10 appealed by the local government to the board, whose decision by majority vote
 11 shall be final.

12 (f) The watershed management plan shall be approved by the district only after
 13 certification by the director that the proposed plan is consistent with standards
 14 established by the director for such plan.

15 12-5-583.

16 (a) Within one year after the effective date of this article, unless such time period
 17 is extended by majority vote of the board, the district shall develop a short-term plan
 18 to ease immediate waste-water capacity constraints and to reduce the need for sewer
 19 tap moratoria.

20 (b) Within two years after the effective date of this article, unless such time period
 21 is extended by majority vote of the board, the district shall develop a long-term
 22 waste-water management plan for the district covering a period of time of no less
 23 than 20 years. The plan shall be coordinated with and address any existing
 24 waste-water planning efforts undertaken by local governments in the district area
 25 and plans otherwise developed under this title. After receipt of public comments,
 26 the district shall approve the plan which shall meet all standards established by the
 27 director, and the plan shall consist of the following minimum elements:

- 28 (1) Identification of anticipated waste-water treatment capacity requirements over
 29 the life of the plan;
- 30 (2) Recommended future upgrades and expansions of existing waste-water
 31 treatment facilities;
- 32 (3) Measures to maximize efficiency through multijurisdictional approaches to
 33 avoid duplication of efforts and unnecessary costs;
- 34 (4) A timetable for phasing out existing plants if appropriate; upgrading or
 35 expanding existing plants; and construction of new plants;

1 (5) An inspection and maintenance program for septic tanks in critical areas and
 2 recommendations for effective approaches to phase out existing septic tank use or
 3 discourage increased septic tank use, or both;

4 (6) Identification of appropriate opportunities for gray-water reuse or the
 5 implementation of other technologies to increase waste-water treatment capacity
 6 or efficiency; and

7 (7) Education and public awareness measures regarding waste-water
 8 management.

9 (c) The district shall review the waste-water management plan developed under
 10 subsection (b) of this Code section annually to determine whether there is a need
 11 to update such plan, and in any case the district shall prepare an updated
 12 waste-water management plan no less frequently than every five years after the
 13 director's approval of the initial plan.

14 (d) The district shall hold public meetings concerning any plan or updated plan
 15 developed by the district under this Code section and shall publish for public notice
 16 and comment any proposed approval, disapproval, or conditional approval of any
 17 such plan.

18 (e)(1) Local governments within the district shall implement the provisions of the
 19 district plans that apply to them. Should any jurisdiction fail to do so, the director
 20 may exercise his or her powers pursuant to this chapter.

21 (2) Upon the district's approval of the plan, the director may modify all existing
 22 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and
 23 12-5-179 to make them consistent with the plan. The director may include as a
 24 condition in any issued, modified, or renewed permit to any local government
 25 under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 the
 26 applicable contents of the district plan.

27 (3) The director shall not approve any application by a local government in the
 28 district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30,
 29 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase
 30 in the water withdrawal, public water system capacity, or waste-water treatment
 31 system capacity of such local government, unless such local government is in
 32 compliance with the applicable provisions of the plan or the director certifies that
 33 such local government is making good faith efforts to come into compliance.

34 (4) Any local government that fails to adopt the applicable plans developed by the
 35 district under this Code section shall be ineligible for state grants or loans for
 36 waste-water related projects determined by the director to be inconsistent with the

1 terms of such plan. The determination of the director may be appealed by the
2 local government to the board, whose decision by majority vote shall be final.

3 (f) The waste-water management plan shall be approved by the district only after
4 certification by the director that the proposed plan is consistent with the standards
5 established by the director for such plan.

6 12-5-584.

7 (a) Within two years after the effective date of this article, unless such time period
8 is extended by majority vote of the board, the district shall prepare a water supply
9 and water conservation management plan. The plan shall build upon and be
10 coordinated with existing watershed planning efforts undertaken by local
11 governments in the district area and plans otherwise developed by the state. After
12 receipt of public comments, the district shall approve the plan which shall meet all
13 standards established by the director, and the plan shall include the following
14 minimum elements:

15 (1) A description of current water supply resources within the district and
16 potential limitations on such supply resources;

17 (2) Projected water supply requirements over a 20 year period for the district,
18 including projections given differing population, consumption, and conservation
19 scenarios;

20 (3) Identification of opportunities to expand water supply resources;

21 (4) A water conservation program including voluntary measures, best
22 management practices, and measures enforceable through local ordinances; and

23 (5) Education and public awareness measures regarding water conservation.

24 (b) The district shall review the water supply and water conservation management
25 plan developed under this Code section annually to determine whether there is a
26 need to update such plan, and in any case the district shall prepare an updated water
27 supply and water conservation management plan no less frequently than every five
28 years after approval of the initial plan.

29 (c) The district shall hold public meetings concerning any plan developed by the
30 district under subsection (a) of this Code section and shall publish for public notice
31 and comment any proposed approval, disapproval, or conditional approval of any
32 such plan.

33 (d)(1) Local governments within the district shall implement the provisions of the
34 district plans that apply to them. Should any jurisdiction fail to do so, the director
35 may exercise his or her powers pursuant to this chapter.

1 (2) Upon the district's approval of the plan, the director may modify all existing
 2 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and
 3 12-5-179 to make them consistent with the plan. The director may include as a
 4 condition in any issued, modified, or renewed permit to any local government
 5 under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 the
 6 applicable contents of the district plan.

7 (3) The director shall not approve any application by a local government in the
 8 district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30,
 9 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase
 10 in the water withdrawal, public water system capacity, or waste-water treatment
 11 system capacity of such local government, unless such local government is in
 12 compliance with the applicable provisions of the plan or the director certifies that
 13 such local government is making good faith efforts to come into compliance.

14 (4) Any local government that fails to adopt the applicable plans developed by the
 15 district under this Code section shall be ineligible for state grants or loans for
 16 water supply and conservation projects determined by the director to be
 17 inconsistent with such plans. The determination of the director may be appealed
 18 by the local government to the board, whose decision by majority vote shall be
 19 final.

20 (e) The water supply and water conservation management plan shall be approved
 21 by the district only after certification by the director that the proposed plan is
 22 consistent with the standards established by the director for such plan.

23 12-5-585.

24 Any district plan required to include an element of education and public awareness
 25 shall describe those measures to be taken by the district and recommendations for
 26 measures to be taken by other state agencies or local governments, by public
 27 education institutions, or by any other public or semi-public entity. The district
 28 shall make these recommendations known to the affected entities and strive to
 29 coordinate educational and public awareness efforts. The district's efforts shall be
 30 designed to reach 75 to 90 percent of the population in the district within five years.

31 12-5-586.

32 The district shall submit a written report not later than December 31 of each year
 33 to the chairperson of the House Committee on Natural Resources and Environment
 34 and the chairperson of the Senate Natural Resources Committee, which report shall
 35 contain a detailed account of the activities and progress of the district throughout

1 the previous year and an accurate accounting of all funds received and expended by
2 the district."

3 **SECTION 2.**

4 Code Section 12-5-23, relating to powers and duties to control water pollution and
5 surface-water use, is amended by striking the word "and" at the end of subparagraph
6 (a)(1)(Q); by adding the word "and" at the end of subparagraph (a)(1)(R); and by
7 adding a new subparagraph (a)(1)(S) to read as follows:

8 "(S) Establishing requirements for units of local government which have
9 waste-water discharge permits that allow a discharge of at least one million
10 gallons per day to submit to the director for approval watershed assessments and
11 watershed protection plans for areas within their political boundaries and for
12 implementation of such plans;".

13 **SECTION 3.**

14 Said Code Section 12-5-23 is further amended by striking the word "and" at the end
15 of paragraph (14) of subsection (c); by replacing the period at the end of paragraph
16 (15) of subsection (c) with the symbol and word "; and"; and by adding a new
17 paragraph (16) of subsection (c) to read as follows:

18 "(16) Establish the standards for water plans prepared by the Metropolitan North
19 Georgia Planning District and certify such plans as consistent or inconsistent with
20 such standards."

21 **SECTION 4.**

22 This Act shall become effective on May 1, 2001.

23 **SECTION 5.**

24 All laws and parts of laws in conflict with this Act are repealed.