

The House Committee on Natural Resources and Environment offered the following substitute to SB 130:

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.

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

1 12-5-571.

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

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

17 12-5-572.

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

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

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

27 12-5-573.

28 As used in this article, the term:

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

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

33 (3) 'District' means the entity established by this article that shall have planning
34 responsibility for watershed and storm-water management, waste-water

1 management, and water supply and conservation management within the district
2 area.

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

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

13 12-5-574.

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

16 (1) Development of regional and watershed-specific plans for storm-water
17 management taking into account recommendations developed by the basin
18 advisors councils;

19 (2) Development of regional and watershed-specific plans for waste-water
20 management taking into account recommendations developed by the basin
21 advisors councils;

22 (3) Development of regional and watershed-specific plans for water supply and
23 water conservation taking into account recommendations developed by the basin
24 advisors councils;

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

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

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

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

1 (8) Entry into contracts with both public and private parties in connection with the
2 exercise of the powers and duties of the district;

3 (9) Development of measurable short-term and long-term goals for water quality
4 and conservation improvement;

5 (10) Development of a program to identify and implement structural controls and
6 nonstructural controls needed to achieve the goals for water quality and
7 conservation improvement; and

8 (11) Reviewing and reporting on the progress of implementation of the water
9 plans and achievement of the water goals developed pursuant to this article.

10 (b) Approval by the district of any storm-water management plan, waste-water
11 management plan, water supply and conservation plan, or other plan pursuant to this
12 article shall not obligate any governing authority comprising a part of the district to
13 provide funding for facilities planned or constructed pursuant to such plans which
14 do not provide services to all or a portion of the population of such governing
15 authority proportionate to any cost allocation.

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

19 12-5-575.

20 (a) There is established for the management of the business and affairs of the
21 district a Metropolitan North Georgia Water Planning District Governing Board to
22 consist of:

23 (1) The chairperson of the county commission or the chief executive officer of
24 each county in the district area having a population of 200,000 or more according
25 to the 2000 United States decennial census or any future such census;

26 (2) The mayor of each municipality in the district area having a population of
27 200,000 or more according to the 2000 United States decennial census or any
28 future such census;

29 (3) A member appointed from each county in the district area not represented
30 pursuant to paragraph (1) of this subsection by a caucus of the county
31 commissioners together with the mayors of municipalities within such county
32 which have water withdrawal permits or waste-water discharge permits, which
33 caucus shall select either one of such mayors or the chairperson of the county
34 commission or chief executive officer of the county; provided, however, that if
35 one or more mayors participate in such selection and said initial appointee is a
36 mayor, the successor must be the chairperson of the county commission or chief

1 executive officer of the county, and if said initial appointment is the chairperson
 2 of the county commission or chief executive officer of the county, the successor
 3 must be one of such mayors, and the succession shall accordingly alternate in the
 4 future; and provided, further, that if any such county has a joint county and
 5 municipal water authority and does not contain all or part of a city having a
 6 population of 200,000 or more according to the 2000 United States decennial
 7 census or any future such census, the initial representative shall be a mayor
 8 serving on such authority or the chairperson of the county commission of such
 9 county as selected by a caucus of the members of such water authority and the
 10 county commissioners, and the successor to the initial representative shall
 11 alternate between the chairperson of the county commission and a mayor serving
 12 on such authority.

13 (4) Six members to be appointed by the Governor;

14 (5) Two members to be appointed by the Lieutenant Governor; and

15 (6) Two members to be appointed by the Speaker of the House of Representatives.

16 (b) Of the initial appointments of the Governor, two shall be for a term of one year,
 17 two for a term of two years, and two for a term of three years, and their successors
 18 shall serve for terms of three years. Of the initial appointments of the Lieutenant
 19 Governor and the Speaker, one shall be for a term of one year and one for a term of
 20 three years, and their successors shall serve for terms of three years. The terms of
 21 members serving pursuant to paragraphs (1) and (2) of subsection (a) of this Code
 22 section shall be concurrent with their terms of office in their respective counties and
 23 municipalities. Of the members initially appointed pursuant to paragraph (3) of
 24 subsection (a) of this Code section, one-half, or one more than one-half in the event
 25 of an odd number of appointments, shall be selected by lot to serve a two-year term,
 26 and the remainder shall serve a three-year term. Their successors shall serve terms
 27 of three years. All members of the board shall serve until their successors are
 28 appointed and qualified. At no time shall more than one member of the governing
 29 authority or executive branch of any county or municipality serve on the board.

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

34 (d) The executive committee of the district shall consist of a chairperson, a vice
 35 chairperson, a secretary-treasurer, the members serving pursuant to paragraphs (1)
 36 and (2) of subsection (a) of this Code section, and such other members as the board
 37 may determine are appropriate from time to time.

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

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

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

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

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

16 12-5-576.

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

20 (b) A majority of the members to which the board is entitled shall constitute a
21 quorum.

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

24 (d) Each member of the board shall have one vote to be cast in person, and there
25 shall be no voting by proxy; provided, however, that each member serving on the
26 board pursuant to the provisions of paragraphs (1), (2), and (3) of subsection (a) of
27 Code Section 12-5-575 shall be entitled to designate in writing to the chairperson
28 of the board an alternate who may exercise any of the powers and discharge any of
29 the duties of such member provided for in this article, including voting, in the
30 absence of such member, other than serving as chairperson, vice chairperson, or
31 secretary-treasurer of the board.

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

1 12-5-577.

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

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

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

11 (2) Appropriated or contracted state funds.

12 (c) The district is specifically empowered to contract or otherwise participate in and
13 to accept grants, funds, gifts, or services from any federal, state, or local
14 government or its agencies or instrumentalities and from private and civic sources
15 and to expend funds received therefrom under provisions as may be required and
16 agreed upon by the district in connection with any program or purpose for which the
17 district exists.

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

21 12-5-578.

22 Any county or municipality adjoining a member county or municipality shall be
23 added to the district area upon the application of such entity to be included in the
24 district by resolution of its governing authority and upon approval of the director.

25 12-5-579.

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

31 (b) The Atlanta Regional Commission, the Georgia Mountains Regional
32 Development Center, the Coosa Valley Regional Development Center, the
33 Chattahoochee-Flint Regional Development Center, and the Northeast Georgia
34 Regional Development Center shall cooperate with the district and shall assist it in
35 its efforts.

1 12-5-580.

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

7 (b) The board shall create a finance committee which shall meet with the boards
8 and staffs of the Georgia Environmental Facilities Authority, the Department of
9 Community Affairs, and the Department of Natural Resources for the purpose of
10 developing recommendations for a funding structure for the district and for projects
11 included in the district plans developed pursuant to this article, and that authority
12 and those departments, their boards, and staffs are directed to cooperate with the
13 district in developing such recommendations. The board shall consider the
14 recommendations of the finance committee and forward them as adopted or
15 amended to the Governor, the Lieutenant Governor, the Speaker of the House of
16 Representatives, and the chairpersons of the Senate Natural Resources Committee
17 and the House Natural Resources and Environment Committee not later than
18 December 1, 2001. Such recommendations may be updated and revised from time
19 to time thereafter.

20 12-5-581.

21 (a) The board shall create separate advisory councils for the Chattahoochee,
22 Etowah, Flint, Oconee, and Ocmulgee river basins and the Lake Lanier Basin. The
23 Etowah River Basin Advisory Council shall include the Lake Allatoona
24 Preservation Authority as a member. The Lake Lanier Basin Advisory Council
25 shall include at least one member appointed by the Lake Lanier Association, Inc.
26 Each basin advisory council shall be comprised of a minimum of 20 individuals.
27 These individuals shall be from within the district area as well as from outside the
28 district area, upstream and downstream of the district; provided, however, that such
29 persons shall reside within the river basin. Each river basin shall be defined as
30 those lands lying between the ridgelines dividing each river drainage from another.
31 These representatives shall be selected and shall serve based upon procedures and
32 rules established by the board.

33 (b) The director shall create two additional basin advisory councils each comprised
34 of a minimum of 20 individuals. One council shall consist of individuals
35 representing the watersheds upstream of the district and one council shall consist of
36 individuals representing the watersheds downstream of the district. The director

1 shall solicit the recommendation of the House Committee on Natural Resources and
2 the Environment and the Senate Natural Resources Committee as to the membership
3 of such councils.

4 (c) Each basin advisory council shall have a chairperson and such other officers as
5 necessary and convenient. Each chairperson shall be entitled to attend and comment
6 at any meeting of the board.

7 (d) The basin advisory councils shall advise the district in the development and
8 implementation of policy, provide input to the director concerning the development
9 of minimum elements and standards for plans provided for under this article, and
10 provide input on the content of plans provided for under this article as such plans
11 are developed.

12 (e) The board chairperson shall appoint one or more board members to convene
13 meetings of the advisory basin councils on a regular schedule established by the
14 board; provided, however, that there shall be a minimum of four scheduled meetings
15 per year. The district shall provide advance drafts of such plans or
16 recommendations as it may make pursuant to this article to basin advisory councils
17 for review and input, and the basin advisory councils shall prepare reports and
18 recommendations for consideration by the district in formulating any plan or taking
19 any other action provided for under this article. Each basin advisory council shall
20 further provide input to the district concerning the development of minimum
21 elements and standards for plans provided for under this article relating to its
22 specific river basin.

23 12-5-582.

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

32 (b) Within two years after the effective date of this article, unless such time period
33 is extended by majority vote of the board, the district shall prepare for public
34 comment a district-wide watershed management plan containing elements common
35 to all watersheds within the district and containing within it watershed-specific
36 components for watershed management. The plan shall build upon and be

1 coordinated with existing watershed planning efforts undertaken by local
2 governments and other entities in the district area and plans otherwise developed
3 under this title. After receipt of public comment, the district shall approve the plan
4 which shall meet all standards established by the director and shall include the
5 following elements:

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

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

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

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

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

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

33 (7) The model ordinances established under subsection (a) of this Code section
34 and any recommended additions or modifications to such model ordinances, if
35 appropriate, to provide additional measures to improve storm-water run-off
36 quality, including without limitation, requirements to retrofit or modify existing
37 developments in order to improve storm-water run-off quality;

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

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

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

8 (11) Education and public awareness measures regarding watershed protection;
9 and

10 (12) Establishment of short-term and long-term goals to be accomplished by the
11 plan and measures for the assessment of progress in accomplishing such goals and
12 plan.

13 (c) The district shall review the watershed management plan and its implementation
14 annually to determine whether there is a need to update such plan and shall report
15 to the director the progress of implementation of its goals, and in any case the
16 district shall prepare an updated watershed management plan no less frequently than
17 every five years after finalization of the initial plan.

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

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

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

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

1 Phase II General Stormwater permit, unless such local government is in
2 compliance with the applicable provisions of the plan or the director certifies to
3 the board that such local government is making good faith efforts to come into
4 such compliance.

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

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

17 12-5-583.

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

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

30 (1) Identification of anticipated waste-water treatment capacity requirements over
31 the life of the plan;

32 (2) Recommended future upgrades and expansions of existing waste-water
33 treatment facilities;

34 (3) Measures to maximize efficiency through multijurisdictional approaches to
35 avoid duplication of efforts and unnecessary costs;

- 1 (4) A timetable for phasing out existing plants if appropriate; upgrading or
2 expanding existing plants; and construction of new plants;
- 3 (5) An inspection and maintenance program for sewer collection systems with
4 timetables for any necessary upgrades or replacement of substandard segments of
5 such systems;
- 6 (6) An inspection and maintenance program for septic tanks in critical areas and
7 recommendations for effective management of decentralized wastewater system;
- 8 (7) Identification of appropriate opportunities for gray-water reuse or the
9 implementation of other technologies to increase waste-water treatment capacity
10 or efficiency;
- 11 (8) Education and public awareness measures regarding waste-water
12 management; and
- 13 (9) Establishment of short-term and long-term goals to be accomplished by the
14 plan and measures for the assessment of progress in accomplishing such goals and
15 plan.
- 16 (c) The district shall review the waste-water management plan developed under
17 subsection (b) of this Code section and its implementation annually to determine
18 whether there is a need to update such plan and shall report to the director the
19 progress of implementation of its goals, and in any case the district shall prepare an
20 updated waste-water management plan no less frequently than every five years after
21 the director's approval of the initial plan.
- 22 (d) The district shall hold public meetings concerning any plan or updated plan
23 developed by the district under this Code section and shall publish for public notice
24 and comment any proposed approval, disapproval, or conditional approval of any
25 such plan.
- 26 (e)(1) Local governments within the district shall implement the provisions of the
27 district plans that apply to them. Should any jurisdiction fail to do so, the director
28 may exercise his or her powers pursuant to this chapter.
- 29 (2) Upon the district's approval of the plan, the director may modify all existing
30 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and
31 12-5-179 to make them consistent with the plan. The director may include as a
32 condition in any issued, modified, or renewed permit to any local government
33 under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 the
34 applicable contents of the district plan.
- 35 (3) The director shall not approve any application by a local government in the
36 district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30,
37 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase

1 in the water withdrawal, public water system capacity, or waste-water treatment
2 system capacity of such local government, unless such local government is in
3 compliance with the applicable provisions of the plan or the director certifies that
4 such local government is making good faith efforts to come into compliance.

5 (4) Any local government that fails to adopt and implement the applicable plans
6 developed by the district under this Code section shall be ineligible for state grants
7 or loans for waste-water related projects determined by the director to be
8 inconsistent with the terms of such plan. The determination of the director may
9 be appealed by the local government to the board, whose decision by majority
10 vote shall be final.

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

14 12-5-584.

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

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

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

28 (3) Identification of opportunities to expand water supply resources which are
29 found within the district as it was defined at the time of the effective date of this
30 Act;

31 (4) An accounting of existing transfers of surface waters in excess of 100,000
32 gallons per day on an annualized basis across natural basins within the district;

33 (5) A water conservation program including voluntary measures, best
34 management practices, and measures enforceable through local ordinances;

35 (6) Education and public awareness measures regarding water conservation; and

1 (7) Establishment of short-term and long-term goals to be accomplished by the
2 plan and measures for the assessment of progress in accomplishing such goals and
3 plan.

4 (b) The district shall review the water supply and water conservation management
5 plan developed under this Code section and its implementation annually to
6 determine whether there is a need to update such plan and shall report to the director
7 the progress of implementation of its goals, and in any case the district shall prepare
8 an updated water supply and water conservation management plan no less
9 frequently than every five years after approval of the initial plan.

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

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

17 (2) Upon the district's approval of the plan, the director may modify all existing
18 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and
19 12-5-179 to make them consistent with the plan. The director may include as a
20 condition in any issued, modified, or renewed permit to any local government
21 under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 the
22 applicable contents of the district plan.

23 (3) The director shall not approve any application by a local government in the
24 district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30,
25 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase
26 in the water withdrawal, public water system capacity, or waste-water treatment
27 system capacity of such local government, unless such local government is in
28 compliance with the applicable provisions of the plan or the director certifies that
29 such local government is making good faith efforts to come into compliance.

30 (4) Any local government that fails to adopt and implement the applicable plans
31 developed by the district under this Code section shall be ineligible for state grants
32 or loans for water supply and conservation projects determined by the director to
33 be inconsistent with such plans. The determination of the director may be
34 appealed by the local government to the board, whose decision by majority vote
35 shall be final.

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

4 12-5-585.

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

12 12-5-586.

13 The district shall submit a written report not later than December 31 of each year
 14 to the Governor, the Lieutenant Governor, the Speaker of the House of
 15 Representatives, the chairperson of the House Committee on Natural Resources and
 16 Environment, and the chairperson of the Senate Natural Resources Committee,
 17 which report shall contain a detailed account of the activities and progress of the
 18 district throughout the previous year and an accurate accounting of all funds
 19 received and expended by the district and of the implementation of plans and
 20 attainment of goals."

21 SECTION 2.

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

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

31 SECTION 3.

32 Said Code Section 12-5-23 is further amended by striking the word "and" at the end
 33 of paragraph (14) of subsection (c); by replacing the period at the end of paragraph

1 (15) of subsection (c) with the symbol and word "; and"; and by adding a new
2 paragraph (16) of subsection (c) to read as follows:

3 "(16) Establish the standards for water plans prepared by the Metropolitan North
4 Georgia Planning District and certify such plans as consistent or inconsistent with
5 such standards. Such standards shall include but shall not be limited to the
6 following objectives: maintaining water quality in all streams and public lakes that
7 meet state water quality standards; improving water quality in all streams and
8 public lakes that do not meet state water quality standards; and maintaining
9 appropriate levels of stream flow downstream of new or expanding surface-water
10 withdrawal facilities."

11 **SECTION 4.**

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

13 **SECTION 5.**

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