

Senate Bill 130

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

**AS PASSED**

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, the majority of the  
32 population of which reside within such county and which have water withdrawal  
33 permits or waste-water discharge permits, which caucus shall select either one of  
34 such mayors or the chairperson of the county commission or chief executive  
35 officer of the county; provided, however, that if one or more mayors participate  
36 in such selection and said initial appointee is a mayor, the successor must be the

1 chairperson of the county commission or chief executive officer of the county, and  
2 if said initial appointment is the chairperson of the county commission or chief  
3 executive officer of the county, the successor must be one of such mayors, and the  
4 succession shall accordingly alternate in the future.

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

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

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

8 (b) Of the initial appointments of the Governor, two shall be for a term of one year,  
9 two for a term of two years, and two for a term of three years, and their successors  
10 shall serve for terms of three years. Of the initial appointments of the Lieutenant  
11 Governor and the Speaker, one shall be for a term of one year and one for a term of  
12 three years, and their successors shall serve for terms of three years. The terms of  
13 members serving pursuant to paragraphs (1) and (2) of subsection (a) of this Code  
14 section shall be concurrent with their terms of office in their respective counties and  
15 municipalities. Of the members initially appointed pursuant to paragraph (3) of  
16 subsection (a) of this Code section, one-half, or one more than one-half in the event  
17 of an odd number of appointments, shall be selected by lot to serve a two-year term,  
18 and the remainder shall serve a three-year term. Their successors shall serve terms  
19 of three years. All members of the board shall serve until their successors are  
20 appointed and qualified. At no time shall more than one member of the governing  
21 authority or executive branch of any 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, the members serving pursuant to paragraphs (1)  
28 and (2) of subsection (a) of this Code section, and such other members as the board  
29 may determine are appropriate from time to time.

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

34 (2) As a qualification for office of chairperson, except for the initial chairperson,  
35 he or she shall have served at least one year as a member of the board. No  
36 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) A majority of the members to which the board is entitled shall constitute a  
14 quorum.

15 (c) Once a quorum has been established, a majority of the members to which the  
16 board is entitled shall be required to adopt any matter before the district.

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

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

30 12-5-577.

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

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

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

6 (2) Appropriated or contracted state funds.

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

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

16 12-5-578.

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

20 12-5-579.

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

26 (b) The Atlanta Regional Commission, the Georgia Mountains Regional  
27 Development Center, the Coosa Valley Regional Development Center, the  
28 Chattahoochee-Flint Regional Development Center, and the Northeast Georgia  
29 Regional Development Center shall cooperate with the district and shall assist it in  
30 its efforts.

31 12-5-580.

32 (a) The board shall create one or more technical coordinating committees  
33 comprised primarily of water and waste-water officials from counties, cities, and  
34 authorities in the district. Such committees shall provide additional support to the

1 board and staff for specific areas and issues such as water treatment, waste-water  
2 treatment, and storm-water management.

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

16 12-5-581.

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

29 (b) The director shall create two additional basin advisory councils each comprised  
30 of a minimum of 20 individuals. One council shall consist of individuals  
31 representing the watersheds upstream of the district and one council shall consist of  
32 individuals representing the watersheds downstream of the district. The director  
33 shall solicit the recommendation of the House Committee on Natural Resources and  
34 the Environment and the Senate Natural Resources Committee as to the membership  
35 of such councils.

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

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

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

20 12-5-582.

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

29 (b) Within two years after the effective date of this article, unless such time period  
30 is extended by majority vote of the board, the district shall prepare for public  
31 comment a district-wide watershed management plan containing elements common  
32 to all watersheds within the district and containing within it watershed-specific  
33 components for watershed management. The plan shall build upon and be  
34 coordinated with existing watershed planning efforts undertaken by local  
35 governments and other entities in the district area and plans otherwise developed  
36 under this title. After receipt of public comment, the district shall approve the plan

1 which shall meet all standards established by the director and shall include the  
2 following elements:

- 3 (1) Appropriate standards and methodologies for monitoring water quality and  
4 maintaining and organizing an inventory of collected water quality data;
- 5 (2) Descriptions of current pollutant loads by source categories, subsource  
6 categories, and specific sources where identifiable;
- 7 (3) Forecasts of potential future pollutant load increases by virtue of new  
8 development, growth, or other changes in watershed activities;
- 9 (4) Identification of streams or bodies of water within the applicable watershed  
10 having or requiring total maximum daily loads under applicable federal  
11 regulations; provisions for incorporating into the watershed-specific plan any  
12 implementation plan for total maximum daily loads as established by the director;  
13 and provisions to ensure that the watershed-specific plan conforms to  
14 requirements for implementation plans for streams requiring total maximum daily  
15 loads, such that said watershed-specific plan could be readily utilized by the  
16 director to meet applicable federal requirements for implementation plans for total  
17 maximum daily loads;
- 18 (5) Establishment of priorities for protecting watershed resources and for  
19 obtaining pollutant load reductions or preventing future pollutant load increases,  
20 or both, and an explanation of the rationale for such priorities;
- 21 (6) Identification of specific effective control programs and strategies including  
22 specific regulatory or voluntary actions to attain and maintain applicable water  
23 quality standards, including any pollutant load reductions mandated by  
24 implementation plans for total maximum daily loads; identification of specific  
25 public or private organizational responsibility for carrying out such control  
26 programs or voluntary actions, including without limitation instances where  
27 control programs require coordination among multiple jurisdictions, such that  
28 there are reasonable assurances that applicable water quality standards will be  
29 attained or maintained, or both;
- 30 (7) The model ordinances established under subsection (a) of this Code section  
31 and any recommended additions or modifications to such model ordinances, if  
32 appropriate, to provide additional measures to improve storm-water run-off  
33 quality, including without limitation, requirements to retrofit or modify existing  
34 developments in order to improve storm-water run-off quality;
- 35 (8) Recommended changes to state or local laws, regulations, or ordinances  
36 necessary to implement the plans;

- 1 (9) A timetable for implementation of necessary elements of the plans for each  
2 jurisdiction including description of annual, measurable milestones for  
3 determining whether identified measures are being implemented;
- 4 (10) Estimates of costs and identification of potential sources of funding  
5 necessary for implementation of the plans;
- 6 (11) Education and public awareness measures regarding watershed protection;  
7 and
- 8 (12) Establishment of short-term and long-term goals to be accomplished by the  
9 plan and measures for the assessment of progress in accomplishing such goals and  
10 plan.
- 11 (c) The district shall review the watershed management plan and its implementation  
12 annually to determine whether there is a need to update such plan and shall report  
13 to the director the progress of implementation of its goals, and in any case the  
14 district shall prepare an updated watershed management plan no less frequently than  
15 every five years after finalization of the initial plan.
- 16 (d) The district shall hold public meetings concerning any plan or updated plan  
17 developed by the district under subsection (a), (b), or (c) of this Code section and  
18 shall publish for public notice and comment any proposed approval, disapproval,  
19 or conditional approval of any such plan.
- 20 (e)(1) Local governments within the district shall implement the provisions of the  
21 district plans that apply to them. Should any jurisdiction fail to do so, the director  
22 shall exercise his or her powers pursuant to this chapter.
- 23 (2) Upon the district's approval of the plan, the director may modify all existing  
24 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and  
25 12-5-179 and any NPDES Phase I or Phase II General Stormwater permits to  
26 make them consistent with the plan. The director may include as a condition in  
27 any issued, modified, or renewed permit to any local government under Code  
28 Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179 or any NPDES  
29 Phase I or Phase II General Stormwater permit the applicable contents of the  
30 district plan.
- 31 (3) The director shall not approve any application by a local government in the  
32 district to issue, modify, or renew a permit under Code Section 12-5-29, 12-5-30,  
33 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an increase  
34 in the permitted water withdrawal, public water system capacity, or waste-water  
35 treatment system capacity of such local government, or any NPDES Phase I or  
36 Phase II General Stormwater permit, unless such local government is in  
37 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 and implement the applicable plans developed by  
7 the district under this Code section shall be ineligible for state grants or loans for  
8 storm-water related projects determined by the director to be inconsistent with the  
9 terms of such model ordinance or such plans. The determination of the director  
10 may be appealed by the local government to the board, whose decision by  
11 majority vote 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 (g) Upon publication of the model ordinance of subsection (a) of this Code section,  
16 the district will coordinate a program to be administered by the Environmental  
17 Protection Division of the Department of Natural Resources to train local elected  
18 officials and other local personnel in uniform standards for the reduction or  
19 elimination of nonpoint source pollution. To the extent authorized by law, the  
20 Environmental Protection Division of the Department of Natural Resources shall  
21 ensure local government compliance with the model ordinance or equally effective  
22 ordinances.

23 12-5-583.

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 develop a short-term  
26 plan to ease immediate waste-water capacity constraints and to reduce the need for  
27 sewer tap moratoria.

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

- 1 (1) Identification of anticipated waste-water treatment capacity requirements
  - 2 over the life of the plan;
  - 3 (2) Recommended future upgrades and expansions of existing waste-water
  - 4 treatment facilities;
  - 5 (3) Measures to maximize efficiency through multijurisdictional approaches to
  - 6 avoid duplication of efforts and unnecessary costs;
  - 7 (4) A timetable for phasing out existing plants if appropriate; upgrading or
  - 8 expanding existing plants; and construction of new plants;
  - 9 (5) An inspection and maintenance program for sewer collection systems with
  - 10 timetables for any necessary upgrades or replacement of substandard segments
  - 11 of such systems;
  - 12 (6) An inspection and maintenance program for septic tanks in critical areas and
  - 13 recommendations for effective management of decentralized wastewater system;
  - 14 (7) Identification of appropriate opportunities for gray-water reuse or the
  - 15 implementation of other technologies to increase waste-water treatment capacity
  - 16 or efficiency;
  - 17 (8) Education and public awareness measures regarding waste-water
  - 18 management; and
  - 19 (9) Establishment of short-term and long-term goals to be accomplished by the
  - 20 plan and measures for the assessment of progress in accomplishing such goals
  - 21 and plan.
- 22 (c) The district shall review the waste-water management plan developed under
- 23 subsection (b) of this Code section and its implementation annually to determine
- 24 whether there is a need to update such plan and shall report to the director the
- 25 progress of implementation of its goals, and in any case the district shall prepare
- 26 an updated waste-water management plan no less frequently than every five years
- 27 after the director's approval of the initial plan.
- 28 (d) The district shall hold public meetings concerning any plan or updated plan
- 29 developed by the district under this Code section and shall publish for public
- 30 notice and comment any proposed approval, disapproval, or conditional approval
- 31 of any such plan.
- 32 (e)(1) Local governments within the district shall implement the provisions of
- 33 the district plans that apply to them. Should any jurisdiction fail to do so, the
- 34 director may exercise his or her powers pursuant to this chapter.
- 35 (2) Upon the district's approval of the plan, the director may modify all existing
- 36 permits under Code Sections 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, and
- 37 12-5-179 to make them consistent with the plan. The director may include as

1 a condition in any issued, modified, or renewed permit to any local government  
2 under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179  
3 the applicable contents of the district plan.

4 (3) The director shall not approve any application by a local government in the  
5 district to issue, modify, or renew a permit under Code Section 12-5-29,  
6 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179, if such permit would allow an  
7 increase in the water withdrawal, public water system capacity, or waste-water  
8 treatment system capacity of such local government, unless such local  
9 government is in compliance with the applicable provisions of the plan or the  
10 director certifies that such local government is making good faith efforts to come  
11 into compliance.

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

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

21 12-5-584.

22 (a) 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 prepare a water supply  
24 and water conservation management plan. The plan shall build upon and be  
25 coordinated with existing watershed planning efforts undertaken by local  
26 governments in the district area and plans otherwise developed by the state. After  
27 receipt of public comments, the district shall approve the plan which shall meet  
28 all standards established by the director, and the plan shall include the following  
29 minimum elements:

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

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

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

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

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

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

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

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

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

22 (d)(1) Local governments within the district shall implement the provisions of  
23 the district plans that apply to them. Should any jurisdiction fail to do so, the  
24 director may 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 to make them consistent with the plan. The director may include as  
28 a condition in any issued, modified, or renewed permit to any local government  
29 under Code Section 12-5-29, 12-5-30, 12-5-31, 12-5-96, 12-5-97, or 12-5-179  
30 the applicable contents of the district plan.

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

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

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

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

12 (f) The district shall neither study nor include in any plan any interbasin transfer  
13 of water from outside the district area.

14 12-5-585.

15 Any district plan required to include an element of education and public awareness  
16 shall describe those measures to be taken by the district and recommendations for  
17 measures to be taken by other state agencies or local governments, by public  
18 education institutions, or by any other public or semi-public entity. The district  
19 shall make these recommendations known to the affected entities and strive to  
20 coordinate educational and public awareness efforts. The district's efforts shall  
21 be designed to reach 75 to 90 percent of the population in the district within five  
22 years.

23 12-5-586.

24 The district shall submit a written report not later than December 31 of each year  
25 to the Governor, the Lieutenant Governor, the Speaker of the House of  
26 Representatives, the chairperson of the House Committee on Natural Resources  
27 and Environment, and the chairperson of the Senate Natural Resources  
28 Committee, which report shall contain a detailed account of the activities and  
29 progress of the district throughout the previous year and an accurate accounting  
30 of all funds received and expended by the district and of the implementation of  
31 plans and attainment of goals."

32 **SECTION 2.**

33 Code Section 12-5-23, relating to powers and duties to control water pollution and  
34 surface-water use, is amended by striking the word "and" at the end of subparagraph

1 (a)(1)(Q); by adding the word "and" at the end of subparagraph (a)(1)(R); and by  
2 adding a new subparagraph (a)(1)(S) to read as follows:

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

### 8 **SECTION 3.**

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

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

### 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.