

## Senate Bill 575

By: Senators Harp of the 29th, Hooks of the 14th, Thomas of the 54th, Heath of the 31st,  
Grant of the 25th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 10 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to the Metropolitan North Georgia Water Planning District, so as to change certain  
3 provisions relating to a water supply and water conservation management plan for the  
4 district; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 10 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to the  
8 Metropolitan North Georgia Water Planning District, is amended by striking Code Section  
9 12-5-584, relating to water supply and water conservation management plan for the district,  
10 and inserting in lieu thereof the following:

11 "12-5-584.

12 (a) Within two years after May 1, 2001, unless such time period is extended by majority  
13 vote of the board, the district shall prepare a water supply and water conservation  
14 management plan. The plan shall build upon and be coordinated with existing watershed  
15 planning efforts undertaken by local governments in the district area and plans otherwise  
16 developed by the state. After receipt of public comments, the district shall approve the plan  
17 which shall meet all standards established by the director, and the plan shall include the  
18 following minimum elements:

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

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

23 (3) Identification of opportunities to expand water supply resources which are found  
24 within the district as it was defined on May 1, 2001;

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

1 (5) A water conservation program including voluntary measures, best management  
2 practices, and measures enforceable through local ordinances.

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

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

6 (b)(1) The district shall review the water supply and water conservation management  
7 plan developed under this Code section and its implementation annually to determine  
8 whether there is a need to update such plan and shall report to the director the progress  
9 of implementation of its goals, and in any case the district shall prepare an updated water  
10 supply and water conservation management plan no less frequently than every five years  
11 after approval of the initial plan.

12 (2)(A) Not later than January 1, 2007, the water supply and water conservation  
13 management plan shall be updated to provide that whenever any residential or  
14 commercial building within the district is sold or exchanged pursuant to contract  
15 entered into on or after such date, water system service shall not be supplied to such  
16 building by a local government or local government authority if such building is of any  
17 type which:

18 (i) Employs any gravity tank-type, flushometer-valve, or flushometer-tank toilet that  
19 uses more than an average of 1.6 gallons of water per flush;

20 (ii) Employs any shower head that allows a flow of more than an average of 2.5  
21 gallons of water per minute at 60 pounds per square inch of pressure;

22 (iii) Employs any urinal that uses more than an average of 1.0 gallon of water per  
23 flush;

24 (iv) Employs any lavatory faucet or lavatory replacement aerator that allows a flow  
25 of more than 2.0 gallons of water per minute; or

26 (v) Employs any kitchen faucet or kitchen replacement aerator that allows a flow of  
27 more than 2.5 gallons of water per minute.

28 (B) The updated plan shall provide exemptions to the requirements of subparagraph  
29 (A) of this paragraph but only under the following conditions:

30 (i) When such plumbing or sewage system within such existing building, because of  
31 its capacity, design, or installation, would not function properly if the toilets, faucets,  
32 or shower heads required by subparagraph (A) of this paragraph were installed; or

33 (ii) When the plumbing units are:

34 (I) Specifically designed for use by persons with disabilities;

35 (II) Specifically designed to withstand unusual abuse or installation in a penal  
36 institution; or

37 (III) Toilets for juveniles.

1 The updated plan shall provide procedures and requirements to apply for any exemption  
 2 authorized by this subparagraph.

3 (C) The updated plan shall provide that if a new owner of a building applies to  
 4 establish an account for water system service for such building and at the time of such  
 5 application the building does not meet the requirements of subparagraph (A) of this  
 6 paragraph and is not exempt under subparagraph (B) of this paragraph, then the local  
 7 government or local government authority or an agent or contractor thereof shall retrofit  
 8 the building with the requisite plumbing fixtures for purposes of eliminating all  
 9 deficiencies identified pursuant to subparagraph (A) of this paragraph. The cost of such  
 10 retrofitting shall be borne by the local government or local government authority and  
 11 thereafter reimbursed thereto by the imposition of a monthly surcharge on the amount  
 12 due on the account for water system service for such building, which monthly surcharge  
 13 shall not exceed 10 percent of the balance due for water system service. Such  
 14 surcharge shall continue to be imposed on any water system service account for the  
 15 building until all retrofitting costs for such building, plus interest at the legal rate of  
 16 interest, have been reimbursed to the local government or local government authority;  
 17 provided, however, that if ownership of the building subsequently changes before all  
 18 such costs and interest have been reimbursed, the unpaid balance shall constitute unpaid  
 19 charges for water service and the provisions of Code Section 36-60-17 shall apply.

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

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

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

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

1 provisions of the plan or the director certifies that such local government is making good  
2 faith efforts to come 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 grants or  
5 loans for water supply and conservation projects determined by the director to be  
6 inconsistent with such plans. The determination of the director may be appealed by the  
7 local government to the board, whose decision by majority vote shall be final.

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

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

13

## **SECTION 2.**

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