

House Bill 596

By: Representatives Smith of the 131<sup>st</sup>, Lane of the 167<sup>th</sup>, Royal of the 171<sup>st</sup>, Morris of the 155<sup>th</sup>, and Hanner of the 148<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to control of water pollution and surface water use, so as to regulate the return of  
3 surface waters to the sources from which they were withdrawn by local government entities;  
4 to provide for reports; to provide penalties for violations; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to  
9 control of water pollution and surface water use, is amended by adding a new Code section  
10 to read as follows:

11 "12-5-31.1.

12 (a) Each county, municipality, consolidated government, or local government authority  
13 which holds a permit issued under Code Section 12-5-31 shall report to the director:

14 (1)(A) Monthly, the total volume of surface water withdrawn under such permit during  
15 the most recently completed calendar month; and

16 (B) Annually, the total volume of surface water withdrawn under such permit during  
17 the most recently completed calendar year;

18 (2)(A) Monthly, the total volume of treated water returned by such permit holder to the  
19 source of permitted withdrawal during the most recently completed calendar month;  
20 and

21 (B) Annually, the total volume of treated water returned by such permit holder to the  
22 source of permitted withdrawal during the most recently completed calendar year; and

23 (3) Annually, the total number of on-site sewage management systems within the  
24 applicable county, municipality, or consolidated government area of jurisdiction at the  
25 end of the most recently completed calendar year. For purposes of this paragraph, the

1 term 'on-site sewage management system' shall have the meaning provided by Code  
2 Section 31-2-7.

3 (b)(1) Any county, municipality, consolidated government, or local government  
4 authority which holds a permit issued under Code Section 12-5-31:

5 (A) For which the returned amount most recently reported under subparagraph  
6 (a)(2)(A) of this Code section is less than 50 percent of the withdrawn amount most  
7 recently reported under subparagraph (a)(1)(A) of this Code section; or

8 (B) For which the returned amount most recently reported under subparagraph  
9 (a)(2)(B) of this Code section is less than 75 percent of the withdrawn amount most  
10 recently reported under subparagraph (a)(1)(B) of this Code section

11 shall be in violation of this paragraph, and the applicable county, municipality, or  
12 consolidated government shall be prohibited from authorizing any net increase in the total  
13 number of on-site management systems within such jurisdiction in which such  
14 under-return occurred, as compared to the total number of on-site management systems  
15 most recently reported under paragraph (3) of subsection (a) of this Code section.

16 (2) Any such permittee which violates paragraph (1) of this subsection shall not be  
17 eligible for renewal of any current withdrawal permit under Code Section 12-5-31, any  
18 increase in the amount of withdrawal authorized under such current permit, or any new  
19 permit under said Code section; and the director may impose a fine on such permittee in  
20 the amount of \$20,000.00 per year for each on-site sewage management system which  
21 exceeds the number most recently reported under paragraph (3) of subsection (a) of this  
22 Code section.

23 (3) Any penalties imposed under this subsection upon a permittee shall cease if and when  
24 the permittee is no longer in violation of paragraph (1) of this subsection."

## 25 **SECTION 2.**

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