

House Bill 996

By: Representatives Buckner of the 130th, Thomas of the 100th, McKillip of the 115th, Hugley of the 133rd, and Porter of the 143rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water
2 resources, so as to change certain provisions relating to rules and regulations relative to water
3 conservation plans; to change certain provisions relating to permits for withdrawal, diversion,
4 or impoundment of surface waters generally and for farm use; to change certain provisions
5 relating to permits to withdraw, obtaining, or use of ground water; to change certain
6 provisions relating to a policy statement for comprehensive state-wide water management
7 planning, guiding principles, and requirements of plans; to provide an effective date; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,
12 is amended by revising Code Section 12-5-4, relating to rules and regulations relative to
13 water conservation plans, as follows:

14 "12-5-4.

15 ~~(a) The Board of Natural Resources shall adopt rules and regulations relating to the~~
16 ~~conduct, content, and submission of the water conservation plans required by Code~~
17 ~~Sections 12-5-31 and 12-5-96.~~

18 ~~(b) The director of the Environmental Protection Division of the Department of Natural~~
19 ~~Resources shall appoint a task force to assist in the writing of the rules and regulations~~
20 ~~required by subsection (a) of this Code section. The task force shall have 12 members.~~
21 ~~Three members shall represent the business and industry community, three shall represent~~
22 ~~the agriculture industry, three shall represent local governments, and three shall represent~~
23 ~~environmental and citizens groups. The members of the task force shall serve without~~
24 ~~compensation or reimbursement of expenses. The task force shall disband upon the~~
25 ~~adoption by the Board of Natural Resources of the rules and regulations provided for in~~
26 ~~subsection (a) of this Code section. Reserved.~~

1 applicant requests a shorter period of time, nor more than 50 years. The director may base
 2 the duration of such permits on any reasonable system of classification based upon but not
 3 necessarily limited to such factors as source of supply and type of use. In evaluating any
 4 application for a permit for the use of water ~~for a period of 25 years or more~~, the director
 5 shall evaluate the condition of the water supply to assure that the supply is adequate to
 6 meet the multiple needs of the citizens of the state as can reasonably be projected for the
 7 term of the permit and ensure that the issuance of such permit is based upon a water
 8 development and conservation ~~plan~~ plans for the applicant ~~or~~ and for the region in
 9 accordance with Article 8 of this chapter. Such water development and conservation ~~plan~~
 10 plans for the applicant ~~or~~ and for the region shall promote the conservation and reuse of
 11 water within the state, guard against a shortage of water within the state, promote the
 12 efficient use of the water resource, and be consistent with the public welfare of the state,
 13 in accordance with Article 8 of this chapter. The board shall promulgate regulations for
 14 implementation of this subsection, including provisions for review of such permits
 15 periodically or upon a substantial reduction in average annual volume of the water resource
 16 which adversely affects water supplies to determine that the permittee continues in
 17 compliance with the conditions of the permit and that the plan continues to meet the overall
 18 supply requirements for the term of the permit. ~~In the event the director determines that~~
 19 ~~a regional plan is required in connection with any application for a permit for the use of~~
 20 ~~water for a period of 25 years or more, the division or a person or entity designated by the~~
 21 ~~division may develop such a plan. Regional water plans shall be developed in accordance~~
 22 with Article 8 of this chapter. Such regional ~~plan~~ plans shall include water development,
 23 conservation, and sustainable use and shall be based upon detailed scientific analysis of the
 24 water source, the projected future condition of the resource, current demand, and estimated
 25 future demands on the resource, in accordance with Article 8 of this chapter."

26

SECTION 4.

27 Said chapter is further amended by revising subsection (n) of Code Section 12-5-31, relating
 28 to permits for withdrawal, diversion, or impoundment of surface waters generally and for
 29 farm use, as follows:

30 "(n) In the consideration of applications for permits which if granted would authorize the
 31 withdrawal and transfer of surface waters across natural basins, the director shall be bound
 32 by any factors related thereto pursuant to Article 8 of this chapter and the following
 33 requirements:

34 (1) The director shall give due consideration to competing existing uses and applications
 35 for permits which would not involve interbasin transfers of surface water and, subject to

1 subsection (e) of this Code section, shall endeavor to allocate a reasonable supply of
2 surface waters to such users and applicants; and

3 (2) The director shall provide a press release regarding the proposed issuance of all
4 permits authorizing such interbasin transfer of surface waters to newspapers of general
5 circulation in all areas of the state which would be affected by such issuance. The press
6 release shall be provided at least seven days before the issuance of these permits. If the
7 director should determine that sufficient public interest warrants a public hearing on the
8 issuance of these permits, he or she shall cause such a hearing to be held somewhere in
9 the area affected prior to the issuance of these permits."

10 SECTION 5.

11 Said chapter is further amended by revising subsection (d) of Code Section 12-5-96, relating
12 to permits to withdraw, obtaining, or use of ground water, as follows:

13 "(d) In adopting any regulations pursuant to Code Section 12-5-95 and in considering
14 permit applications, revocations, or modifications under this Code section, the Board of
15 Natural Resources or the division shall consider:

16 (1) The number of persons using an aquifer and the object, extent, and necessity of their
17 respective withdrawals or uses;

18 (2) The nature and size of the aquifer;

19 (3) The physical and chemical nature of any impairment of the aquifer adversely
20 affecting its availability or fitness for other water uses, including public use;

21 (4) The probable severity and duration of such impairment under foreseeable conditions;

22 (5) The injury to public health, safety, or welfare which would result if such impairment
23 were not prevented or abated;

24 (6) The kinds of businesses or activities to which the various uses are related;

25 (7) The importance and necessity of the uses, including farm uses, claimed by permit
26 applicants under this Code section, or of the water uses of the area under Code
27 Section 12-5-95, and the extent of any injury or detriment caused or expected to be
28 caused to other water uses, including public use;

29 (8) Diversion from or reduction of flows in other watercourses or aquifers in accordance
30 with any state-wide water plan provided by or pursuant to Article 8 of this chapter;

31 (9) A regional water development conservation and sustainable use plan, where
32 applicable; and

33 (10) Any other relevant factors."

1 (2)(A) The Governor shall appoint not more than four members and the Lieutenant
 2 Governor and Speaker of the House shall each appoint not more than two members, and
 3 all of such appointees shall be members of local governing authorities of counties or
 4 municipalities within the respective water planning region. The Governor, Lieutenant
 5 Governor, and Speaker of the House of Representatives shall also each select an
 6 alternate member who is a member of a governing authority of a county or municipality
 7 within the respective water planning region and who shall be eligible to attend all
 8 meetings and vote if needed to establish a quorum. In addition, the Lieutenant
 9 Governor and Speaker of the House of Representatives shall each appoint a nonvoting
 10 advisory member from among the membership of the Senate and the House of
 11 Representatives, respectively.

12 (B)(i) The director shall appoint not more than 17 members from among such persons
 13 who are nominated by those members of the General Assembly whose districts lie in
 14 whole or in part within the respective planning region. Not more than seven of such
 15 appointees shall be representatives of local industry or business within the water
 16 planning region. Not more than ten of the director's appointments shall be persons
 17 having practical, technical, or professional training or experience with water
 18 resources.

19 (ii) The provisions of division (i) of this subparagraph notwithstanding, if there are
 20 insufficient numbers of qualified nominees, then the director may appoint such
 21 qualified persons as may be necessary from outside the region.

22 (3) Members and alternate members of water planning councils shall have three-year
 23 terms with reappointment at the pleasure of the initial appointing authority; provided,
 24 however, that terms of legislative advisory members shall coincide with their terms as
 25 members of the General Assembly. In the event of a vacancy, the official who made the
 26 initial appointment shall appoint a replacement to serve the remainder of the unexpired
 27 term.

28 (e) The division shall make all water withdrawal permitting decisions in accordance with
 29 this chapter and the comprehensive state-wide water management plan that has been
 30 approved or enacted by the General Assembly as provided by this article, including but not
 31 limited to restrictions, if any, on diversion from or reduction of flows in other watercourses.
 32 Any political subdivision or local water authority that is not in compliance with the plan
 33 shall be ineligible for state grants or loans for water projects, except for those projects
 34 designed to bring such political subdivision or local water authority into compliance with
 35 the plan."

1 **SECTION 8.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 9.**

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