

House Bill 1022

By: Representatives Porter of the 143rd, Smyre of the 132nd, Gardner of the 57th, Buckner of the 130th, Thomas of the 100th, and others

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 definitions relative to comprehensive
3 state-wide water management planning; to change certain provisions relating to a policy
4 statement for comprehensive state-wide water management planning, guiding principles, and
5 requirements of a plan; to provide for water planning regions corresponding to river basins;
6 to change certain provisions relating to rules and regulations relative to water conservation
7 plans; to change certain provisions relating to permits for withdrawal, diversion, or
8 impoundment of surface waters generally and for farm use; to change certain provisions
9 relating to permits to withdraw, obtain, or use ground water; to provide an effective date; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I.

SECTION 1-1.

12 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,
13 is amended by revising Code Section 12-5-521, relating to definitions relative to
14 comprehensive state-wide water management planning, as follows:
15

16 "12-5-521.

17 As used in this article, the term:

18 (1) 'Basin' means the land area that drains into a river.

19 ~~(1)~~(2) 'Director' means the director of the Environmental Protection Division of the
20 Department of Natural Resources.

21 ~~(2)~~(3) 'Division' means the Environmental Protection Division of the Department of
22 Natural Resources.

23 (4) 'River' means the Altamaha, Chattahoochee, Coosa, Flint, Ochlockonee, Ocmulgee,
24 Oconee, Ogeechee, Satilla, Savannah, St. Marys, Suwannee, Tallapoosa, or Tennessee
25 River.
26

1 ~~(3)~~(5) 'Water Council' means the Water Council created by Code Section 12-5-524."

2 **SECTION 1-2.**

3 Said chapter is further amended in Code Section 12-5-522, relating to a policy statement for
4 comprehensive state-wide water management planning, guiding principles, and requirements
5 of a plan, by adding a new subsection (b.1) to read as follows:

6 "(b.1) For purposes of any state-wide water plan pursuant to this article, there shall be a
7 separate water planning region for each river basin in this state, and the geographical
8 boundaries of each water planning region shall coincide with the geographical boundaries
9 of its corresponding river basin in its entirety. Any regional water plan shall be developed
10 for and apply to the corresponding river basin in its entirety, including surface water and
11 ground water within the river basin. Any plan or plans of the Metropolitan North Georgia
12 Water Planning District developed pursuant to Article 10 of this chapter shall conform to
13 and be bound by the water planning regions' plans as to any river basins that lie in whole
14 or in part within such district."

15 **PART II.**

16 **SECTION 2-1.**

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

20 "12-5-4.

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

24 ~~(b) The director of the Environmental Protection Division of the Department of Natural
25 Resources shall appoint a task force to assist in the writing of the rules and regulations
26 required by subsection (a) of this Code section. The task force shall have 12 members.
27 Three members shall represent the business and industry community, three shall represent
28 the agriculture industry, three shall represent local governments, and three shall represent
29 environmental and citizens groups. The members of the task force shall serve without
30 compensation or reimbursement of expenses. The task force shall disband upon the
31 adoption by the Board of Natural Resources of the rules and regulations provided for in
32 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 2-4.

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 within the area affected prior to the issuance of these permits."

10 SECTION 2-5.

11 Said chapter is further amended by revising subsection (d) of Code Section 12-5-96, relating
12 to permits to withdraw, obtain, or use 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 under 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."

