

Senate Bill 342

By: Senators Pearson of the 51st, Tolleson of the 20th, Johnson of the 1st, Williams of the 19th, Shafer of the 48th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 2-6-27 of the Official Code of Georgia Annotated, relating to
2 additional powers and duties of the State Soil and Water Conservation Commission, so as
3 to change certain provisions relating to additional powers and duties of the State Soil and
4 Water Conservation Commission; to amend Chapter 5 of Title 12 of the Official Code of
5 Georgia Annotated, relating to water resources, so as to change certain provisions relating
6 to powers of the Environmental Protection Division with respect to federal acts and receipt
7 and expenditure of federal and state appropriations; to provide for issuance of permits,
8 certifications, and other documents relating to construction of new public water supply
9 reservoirs by local government entities; to provide a short title; to provide an effective date;
10 to provide for applicability; to repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Water Conservation and Drought Relief
14 Act."

15 **SECTION 2.**

16 Code Section 2-6-27 of the Official Code of Georgia Annotated, relating to additional powers
17 and duties of the State Soil and Water Conservation Commission, is amended by revising
18 paragraph (9) to read as follows:

19 "(9) To receive grants from any agency of the United States government or any agency
20 of this state, and to make grants to districts, municipalities, or counties in this state, or
21 other state agencies in order to ~~carry out the~~;

22 (A) Fund up to 20 percent of the cost of obtaining permits for and constructing
23 improvements to any dam that was originally constructed or financially assisted by the
24 Natural Resources Conservation Service, formerly known as the Soil Conservation
25 Service, of the United States Department of Agriculture;

1 (B) Fund up to 40 percent of the cost of obtaining a permit under Section 404 of the
 2 federal Clean Water Act, 33 U.S.C. Section 1344, for the construction of any new
 3 public water supply reservoir. In awarding any grants under this subparagraph, the
 4 commission shall consider regional effects and water supply yield of the proposed
 5 reservoir, anticipated population growth, and local government funding commitment;
 6 or
 7 (C) Carry out other purposes of this article."

8 SECTION 3.

9 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,
 10 is amended by revising Code Section 12-5-32, relating to powers of the Environmental
 11 Protection Division with respect to federal acts and receipt and expenditure of federal and
 12 state appropriations, as follows:

13 "12-5-32.

14 The division shall be the water pollution control and surface-water resource management
 15 agency of the state for all purposes of any federal water pollution control act or any other
 16 federal act within the purview of this article and may:

- 17 (1) Take all necessary or appropriate action to obtain for the state the benefits of any
 18 federal act within the purview of this article;
- 19 (2) Apply for, receive, and use federal funds made available under any federal act within
 20 the purview of this article;
- 21 (3) Approve projects for which loans or grants under any federal act are made to any
 22 municipality, county, or agency of state government or to any private person or entity;
- 23 (4) Participate through its authorized representatives in proceedings under any federal
 24 act within the purview of this article and recommend measures for the reduction of water
 25 pollution originating within the state or proper management of the state's surface-water
 26 resources;
- 27 (5) Receive and expend on behalf of the state all funds which are now or which may
 28 hereafter become available or allotted to the State of Georgia by virtue of any
 29 appropriation or act of Congress or regulation of the federal government, its agencies and
 30 instrumentalities, or by virtue of any appropriation by the General Assembly, for water
 31 quality control, management, and allocation of the state's surface-water resources within
 32 the purview of this article, or for any other purpose defined in this article to be
 33 administered by the division as provided in this article. The division is authorized to use
 34 so much of funds as may be appropriated by the General Assembly for the purpose of
 35 matching federal grants as may be necessary to secure such grants and derive full

1 advantage to the state of benefits contemplated under the terms of such grants, and to
2 comply with the terms of such grants.

3 This Code section shall not prohibit the State Soil and Water Conservation Commission
4 from exercising its powers under paragraph (9) of Code Section 2-6-27."

5 **SECTION 4.**

6 Said chapter is further amended by adding a new Code section to read as follows:

7 "12-5-483.

8 (a) Upon request of any local government entity that desires to construct a new public
9 water supply reservoir for which permits and certifications under Code Section 12-5-31 and
10 Sections 401 and 404 of the federal Clean Water Act, 33 U.S.C. Sections 1341 and 1344,
11 are required, the division shall make available in a single collection copies of all forms
12 necessary for the purposes of making applications for such permits.

13 (b) The period for granting or denying a permit application provided by subparagraph
14 (c)(1)(A) of Code Section 12-2-2 shall likewise apply to decisions to issue certifications
15 for purposes of Section 401 of the federal Clean Water Act, 33 U.S.C. Section 1341,
16 justifications of need, and minimum instream flow certifications for construction of a new
17 public water supply reservoir by a local government entity; and such shall be issued
18 simultaneously to a local government entity that is a qualified applicant.

19 (c) The division shall issue an affirmative variance from the requirements of Chapter 7 of
20 this title, consistent with the exemption granted by paragraph (11) of Code Section 12-7-17,
21 to a permittee within seven days after granting the permit and issuing the certifications and
22 documents specified under subsection (b) of this Code section."

23 **SECTION 5.**

24 This Act shall become effective on July 1, 2008, and shall apply to all applications pending
25 on or after such date.

26 **SECTION 6.**

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