

The Senate Natural Resources and the Environment Committee offered the following substitute to SB 442:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to wells and drinking water, so as to provide a short title; to make legislative  
3 findings; to define certain terms; to provide that the Georgia Environmental Facilities  
4 Authority shall issue a request for proposal for an engineering study to identify  
5 interconnections and redundancies so as to achieve district-wide interconnection within the  
6 Metropolitan North Georgia Water Planning District; to provide for a written emergency  
7 water supply plan; to provide for the contents of such plan; to provide for coordination of  
8 activities; to provide for the completion of such written plan and submission to certain  
9 officers; to provide for an exclusion from public disclosure; to provide an effective date; to  
10 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 System Interconnection,  
14 Redundancy, and Reliability Act."

15 SECTION 2.

16 Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to wells  
17 and drinking water, is amended by adding a new part to read as follows:

18 "Part 6

19 12-5-200.

20 The General Assembly finds that:

21 (1) Water is an essential resource, the continued provision of which is necessary for the  
22 health, safety, and welfare of the State of Georgia; and

23 (2) It is in the best interests of the State of Georgia for public water systems in  
24 metropolitan North Georgia to evaluate their withdrawal, treatment, and distribution  
25 systems and to take proactive measures to reduce the risk of catastrophic interruptions of  
26 water service during emergencies.

27 12-5-201.

28 As used in this part, the term:

29 (1) 'Authority' means the Georgia Environmental Facilities Authority created by Code  
30 Section 50-23-3.

31 (2) 'District' means the Metropolitan North Georgia Water Planning District created by  
32 Code Section 12-5-572.

33 (3) 'Emergency plan' means the written emergency water supply plan developed as  
34 provided in Code Section 12-5-202.

35 (4) 'Essential water needs' means the minimum amount of water needed for eating,  
36 drinking, toilet flushing, fire fighting, hospital use, and critical asset use and a portion of  
37 the system's unaccounted for water.

38 (5) 'Qualified system' means any public water system owned and operated by a city,  
39 county, or water authority in the district.

40 12-5-202.

41 (a) Subject to authorization as provided in subsection (c) of Code Section 12-5-203, not  
42 later than September 1, 2010, the authority shall issue a request for proposal for a thorough  
43 and detailed engineering study developing a district-wide emergency plan covering every  
44 qualified system. Such plan shall identify sufficient emergency water supply sources and  
45 detailed steps required to modify a qualified system's operations to accept or share water  
46 with adjacent water providers during emergencies to supply essential water needs.

47 (b) The emergency plan shall evaluate risks and, where feasible, plan for a district-wide  
48 interconnection reliability target for immediate implementation of approximately 35  
49 percent of the annual average daily demand and a long-range district-wide interconnection  
50 reliability planning goal of approximately 65 percent of the annual average daily demand.

51 (c) Such plan shall be based on the 2035 water demand forecasted by the district in 2009  
52 and shall include or be based upon:

53 (1) An evaluation of factors affecting water system reliability, including raw and finished  
54 water storage, infrastructure conditions, equipment redundancy, and existing  
55 interconnection capability;

56 (2) Detailed hydraulic studies to determine overall distribution system improvements  
57 required to meet projected demands;

- 58 (3) A consideration of various emergency situations, including, without limitation:  
59 (A) The failure of the largest water treatment facility of a qualified system;  
60 (B) The full unavailability of major raw water sources due to federal or state  
61 government actions;  
62 (C) The limited or reduced availability of major raw water sources due to federal or  
63 state government actions;  
64 (D) The short-term catastrophic failure of a water distribution system;  
65 (E) The short-term contamination of a water supply system; and  
66 (F) The short-term contamination of a raw water source making it unsuitable for use;  
67 provided, however, that the results of poor planning or inadequate infrastructure  
68 investments by a qualified system shall not constitute an emergency situation.  
69 (4) An evaluation of the feasibility and cost effectiveness of providing multidirectional  
70 flows at existing and future interconnections with a pipe diameter equal to or greater than  
71 12 inches;  
72 (5) A continuously updated inventory of distribution system components, including good  
73 system maps;  
74 (6) Steps that need to be taken to receive water from an adjacent utility or to provide  
75 water to another utility, including required new infrastructure and the location of such  
76 infrastructure for both the interconnection reliability target for immediate implementation  
77 and the long-range interconnection planning goal;  
78 (7) Consideration of chemical compatibility, treatment requirements, water quality,  
79 operating pressure, and impact on water withdrawal permits;  
80 (8) A detailed estimate of the costs of implementation for both the interconnection  
81 reliability target for immediate implementation and the long-range interconnection  
82 planning goal;  
83 (9) A model intergovernmental agreement for sharing and pricing of water during  
84 emergency situations; and  
85 (10) Creative financing options for implementation of recommended interconnection  
86 projects.  
87 (d) Each qualified system shall coordinate with and assist the authority in the development  
88 of the emergency plan.  
89 (e) The authority and its consultant shall meet at least once every three months with the  
90 district water supply technical coordinating committee to review the progress of the plan.  
91 The authority and its consultants shall receive and may incorporate the comments of the  
92 committee into the plan.

93 12-5-203.

94 (a) There shall be a technical panel as provided in this subsection. The Governor, the  
 95 President of the Senate, and the Speaker of the House of Representatives shall each appoint  
 96 one member of the technical panel, each of whom shall be the director of a public water  
 97 system located within the district. The Governor, the President of the Senate, and the  
 98 Speaker of the House of Representatives or such officers' designees shall also serve on the  
 99 technical panel.

100 (b) The authority and the technical panel shall use the provisions of Code Section 12-5-202  
 101 as a basis fully to define the water shortage scenarios to be evaluated in the emergency  
 102 plan. The authority and the technical panel shall also prepare a preliminary scope of work  
 103 statement for the plan consistent with the defined scenarios and Code Section 12-5-202.

104 (c) The authority shall submit by July 15, 2010, the preliminary scope of work statement  
 105 to the Governor, the President of the Senate, and the Speaker of the House of  
 106 Representatives to receive authorization to issue a request for proposals based on such  
 107 preliminary scope of work statement not later than September 1, 2010.

108 (d) The authority shall modify the preliminary scope of work statement or the preparation  
 109 of the emergency plan if specific water allocations are provided by final federal courts  
 110 rulings, state compacts, or other mechanisms. The plan shall be based on such allocations.

111 12-5-204.

112 (a) The authority shall ensure the completion of the emergency plan not later than  
 113 September 1, 2011, and shall submit the emergency plan to the director of the  
 114 Environmental Protection Division of the Department of Natural Resources, the director  
 115 of the Georgia Emergency Management Agency, the Governor, Lieutenant Governor,  
 116 Speaker of the House of Representatives, and chairpersons of the Senate and House  
 117 Committees on Natural Resources and Environment and of the Senate and House  
 118 Committees on Appropriations not later than September 15, 2011.

119 (b) The authority shall update the emergency plan on the same schedule as updates for the  
 120 district's water supply and water conservation management plans.

121 (c) The costs of producing the emergency plan shall be borne by the authority."

122 **SECTION 3.**

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

125 **SECTION 4.**

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