

NOT GERMANE

Senator Powell of the 23rd offered the following amendment:

1 *Amend the Senate Natural Resources and the Environment Committee substitute to SB 442*
2 *(LC 21 0813S) by deleting "Article 3 of" on lines 1 and 16; by replacing "wells and drinking*
3 *water" with "water resources" on line 2 and lines 16 and 17; by inserting "to change certain*
4 *provisions relating to permits for withdrawal, diversion, or impoundment of surface waters;"*
5 *after "public disclosure;" on line 9; and by inserting "in Article 3, relating to wells and*
6 *drinking water," after "is amended" on line 17.*

7 By inserting after Section 2 the following:

SECTION 2A.

9 Said chapter is further amended in subsection (n) of Code Section 12-5-31, relating to
10 permits for withdrawal, diversion, or impoundment of surface waters, by deleting "and" at
11 the end of paragraph (1) and adding a new paragraph to read as follows:

12 "(1.1) The regulation of interbasin transfers shall be informed by scientific knowledge,
13 shall respect natural systems, and shall protect the basins of origin and the receiving
14 basins. When deciding whether to grant any new permit or modify or renew any existing
15 permit that would or does involve an interbasin transfer of surface waters, the director's
16 review and assessment of the application shall include the following factors:

17 (A) Donor basin considerations, including but not limited to:

- 18 (i) The safe yield of the proposed withdrawal and the stream flow of the donor basin,
19 with special consideration for dry years and low-flow conditions;
- 20 (ii) The current and reasonably foreseeable future water needs of the donor basin,
21 with special consideration for dry years and low-flow conditions;
- 22 (iii) Protection of water quality in the donor basin, with special consideration for dry
23 years and low-flow conditions;
- 24 (iv) The number of downstream river miles from which water will be diverted as a
25 result of the transfer; and
- 26 (v) The connection between surface water and ground water in the donor basin and
27 the effect of the proposed transfer on either or both;

28 (B) Receiving basin considerations, including but not limited to:

- 29 (i) Determination of whether or not the applicant's proposed use is reasonable,
30 including consideration of whether the applicant has previously implemented water
31 conservation practices and achieved reasonable water conservation goals;
- 32 (ii) Assessment of the waste-water treatment capacity of the receiving basin;

33 (iii) The supply of water presently available to the receiving basin as well as the
34 estimates of overall current water demand and the reasonable foreseeable future water
35 needs of the receiving basin;

36 (iv) The beneficial impact of any proposed transfer and the demonstrated capability
37 of the applicant to effectively implement its responsibilities under the requested
38 permit;

39 (v) The impact of the proposed transfer on water conservation;

40 (vi) The applicant's efforts to explore all reasonable options for use of reclaimed
41 water and recycling of available resources to meet the needs of the receiving basin;
42 and

43 (vii) Assessment of the adequacy of treatment capacity and current water quality
44 conditions; and

45 (C) Considerations affecting both basins, including but not limited to:

46 (i) The economic feasibility, cost effectiveness, and environmental effects of the
47 proposed transfer in relation to alternative sources of water supply;

48 (ii) The cumulative effects of the current and proposed interbasin transfers in each
49 basin;

50 (iii) The requirements of the state and federal agencies with authority related to water
51 resources;

52 (iv) The availability of water for responding to emergencies, including but not limited
53 to drought, in the donor basin and the receiving basin;

54 (v) The effects, whether beneficial or detrimental, on off stream and in stream uses;

55 (vi) The quantity, quality, location, and timing of water returned to the donor basin,
56 receiving basin, and basins downstream;

57 (vii) Effects on interstate water use;

58 (viii) The cumulative effect on the donor basin and the receiving basin of any water
59 transfer or consumptive use that is authorized or forecast; and

60 (ix) Such other factors as are reasonably necessary to carry out the purposes of this
61 chapter; and"