

Senate Bill 442

By: Senators Weber of the 40th, Tolleson of the 20th, Balfour of the 9th, Murphy of the 27th, Adelman of the 42nd and others

AS PASSED SENATE

**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 within the Metropolitan North Georgia Water Planning
 47 District during emergencies to supply essential water needs.

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

52 (c) Such plan shall be based initially on the 2035 water demand forecasted by the district
 53 in 2009 and updated by a revised forecast every five years thereafter and shall include or
 54 be based upon:

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

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

94 The authority and its consultants shall receive and may incorporate the comments of the
95 committee into the plan.

96 12-5-203.

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

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

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

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

114 12-5-204.

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

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

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

125 **SECTION 3.**

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

128

SECTION 4.

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