

Senate Bill 380

By: Senators Pearson of the 51st, Tolleson of the 20th, Butterworth of the 50th, Bulloch of the 11th and Weber of the 40th

AS PASSED

**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 amend Part 2 of Article 1 of
10 Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the water
11 supply division of the Georgia Environmental Facilities Authority, so as to provide that the
12 division shall have the authority to make loans and grants to local governments for the
13 expansion of existing reservoirs; to provide criteria; to provide an effective date; to repeal
14 conflicting laws; and for other purposes.

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

16 **SECTION 1.**

17 Section 2 of this Act shall be known and may be cited as the "Water System Interconnection,
18 Redundancy, and Reliability Act."

19 **SECTION 2.**

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

"Part 6

23 12-5-200.

24 The General Assembly finds that:

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

27 (2) It is in the best interests of the State of Georgia for public water systems in the
28 Metropolitan North Georgia Water Planning District to evaluate their withdrawal,
29 treatment, and distribution systems and to take proactive measures to reduce the risk of
30 catastrophic interruptions of water service during emergencies.

31 12-5-201.

32 As used in this part, the term:

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

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

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

39 (4) 'Essential water needs' means the minimum amount of water needed for residential
40 and commercial means for food processing, drinking, toilet flushing, fire fighting,
41 hospital use, and critical asset use and a portion of the system's unaccounted for water.

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

44 12-5-202.

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

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

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

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

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

64 (3) A consideration of various emergency situations, including, without limitation:

65 (A) The failure of the largest water treatment facility of a qualified system;

66 (B) The full unavailability of major raw water sources due to federal or state
67 government actions;

68 (C) The limited or reduced availability of major raw water sources due to federal or
69 state government actions;

70 (D) The short-term catastrophic failure of a water distribution system;

71 (E) The short-term contamination of a water supply system; and

72 (F) The short-term contamination of a raw water source making it unsuitable for use;
73 provided, however, that the results of poor planning or inadequate infrastructure
74 investments by a qualified system shall not constitute an emergency situation.

75 (4) An evaluation of the feasibility and cost effectiveness of providing multidirectional
76 flows at existing and future interconnections with a pipe diameter equal to or greater than
77 12 inches;

78 (5) A continuously updated inventory of distribution system components, including good
79 system maps;

80 (6) Steps that need to be taken to receive water from an adjacent utility within the
81 Metropolitan North Georgia Water Planning District or to provide water to another utility
82 within the district, including required new infrastructure and the location of such
83 infrastructure for both the interconnection reliability target for immediate implementation
84 and the long-range interconnection planning goal;

85 (7) Consideration of chemical compatibility, treatment requirements, water quality,
86 operating pressure, and impact on water withdrawal permits;

87 (8) A detailed estimate of the costs of implementation for both the interconnection
88 reliability target for immediate implementation and the long-range interconnection
89 planning goal;

90 (9) A model intergovernmental agreement for sharing and pricing of water during
91 emergency situations; and

92 (10) Creative financing options for implementation of recommended interconnection
93 projects.

94 (d) Each qualified system shall coordinate with and assist the authority in the development
95 of the emergency plan.

96 (e) The authority and its consultant shall meet at least once every three months with the
97 district water supply technical coordinating committee to review the progress of the plan.
98 The authority and its consultants shall receive and may incorporate the comments of the
99 committee into the plan.

100 12-5-203.

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

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

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

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

118 12-5-204.

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

- 126 (b) The authority shall update the emergency plan on the same schedule as updates for the
127 district's water supply and water conservation management plans.
128 (c) The costs of producing the emergency plan shall be borne by the authority."

129 **SECTION 3.**

130 Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated,
131 relating to the water supply division of the Georgia Environmental Facilities Authority, is
132 amended by adding a new Code section to read as follows:

133 "50-23-28.1.

134 (a) The division may make loans and grants to a local government to pay all or any part
135 of the cost of expanding and increasing the capacity of existing reservoirs. Such loans and
136 grants shall be made as provided in Code Section 50-23-6. The criteria used in
137 consideration for requests for assistance shall include, but not be limited to:

138 (1) The effect of recurring drought on the region;

139 (2) Interconnectivity of the requesting entity's water supply system with one or more
140 surrounding local governments; and

141 (3) Unique regional conditions.

142 (b) Beginning in 2010, on July 1 of each year in which adequate funds are available, the
143 division shall give public notice that it will accept applications for loans and grants as
144 provided in subsection (a) of this Code section. Requests shall be submitted and awards
145 shall be made according to such schedules and deadlines as may be provided by the
146 division."

147 **SECTION 4.**

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

150 **SECTION 5.**

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