

House Bill 239

By: Representatives Smith of the 131st, Hanner of the 148th, and Lane of the 167th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to control of water pollution and surface-water use, so as to regulate the return of
3 surface waters to the sources from which they were withdrawn by local government entities;
4 to provide for reports; to provide for permit modifications; to amend Code Section 31-3-5
5 of the Official Code of Georgia Annotated, relating to functions of county boards of health,
6 so as to change certain provisions relating to on-site sewage management systems; to provide
7 a short title; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Water Conservation Act of 2009."

11 **SECTION 2.**

12 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
13 control of water pollution and surface water use, is amended by adding a new Code section
14 to read as follows:

15 "12-5-31.2.

16 (a) On and after July 1, 2014, each county, municipality, consolidated government, or local
17 government authority which holds a permit issued under Code Section 12-5-31 shall report
18 quarterly to the director:

19 (1) The total volume of surface water withdrawn under such permit during the most
20 recently completed calendar quarter; and

21 (2) The total volume of treated water returned by such permit holder to the source of
22 permitted withdrawal during the most recently completed calendar quarter.

23 (b) If the director determines that the returned amount most recently reported under
24 paragraph (2) of subsection (a) of this Code section is less than 75 percent of the withdrawn
25 amount most recently reported under paragraph (1) of subsection (a) of this Code section
26 for any county, municipality, consolidated government, or local government authority

27 which holds a permit issued under Code Section 12-5-31, the director shall modify the
 28 permit to impose a condition requiring that no new water service connection shall be
 29 provided for any residence, building, or facility located within the jurisdiction of the
 30 permittee until a following quarterly report demonstrates that the returned amount equals
 31 or exceeds 75 percent of the withdrawn amount."

32 SECTION 3.

33 Code Section 31-3-5 of the Official Code of Georgia Annotated, relating to functions of
 34 county boards of health, is amended by revising subsection (b) as follows:

35 "(b) Each county board of health shall have the power and duty to adopt regulations
 36 providing standards and requirements governing the installation of on-site sewage
 37 management systems within the incorporated and unincorporated area of the county,
 38 subject to the provisions of Code Section 31-2-7, any rules and regulations promulgated
 39 under Code Section 31-2-7, and subsection (d) of this Code section. Such regulations shall
 40 include and be limited to the following:

41 (1) Specifying the locations within the incorporated and unincorporated area of the
 42 county where on-site sewage management systems may be installed;

43 (2)(A) Specifying the minimum lot size or land area which may be served by an on-site
 44 sewage management system based on scientific data regarding on-site sewage
 45 management systems.

46 (B) The minimum lot size or land area shall not be less than three acres if the
 47 residence, building, or facility to be served by an on-site sewage management system
 48 is to be connected to a public water system having more than a total of 70,000 active
 49 service connection accounts or more than 200 such accounts per square mile of total
 50 area served;

51 (3) Specifying the types of residences, buildings, or facilities which may be served by
 52 on-site sewage management systems;

53 (4)(A) Issuing permits for the installation of on-site sewage management systems prior
 54 to such installation.

55 (B) Action on any application for the installation of an on-site sewage management
 56 system shall be suspended for the duration of any period in which the county or any
 57 portion thereof is in an exceptional drought as declared by the director of the
 58 Environmental Protection Division of the Department of Natural Resources, if the
 59 residence, building, or facility to be served by such on-site sewage management system
 60 is to be connected to a public water system having more than a total of 70,000 active
 61 service connection accounts or more than 200 such accounts per square mile of total
 62 area served;

63 (5) Inspecting on-site sewage management system installations prior to the completion
64 of the installation; and

65 (6)(A) Providing for ongoing maintenance of such systems, except for nonmechanical
66 residential sewage management systems.

67 (B)(i) Any residence, building, or facility which as of June 30, 2009, was located on
68 a lot or land area less than the minimum size specified in subparagraph (B) of
69 paragraph (2) of this subsection and connected to a public water system having more
70 than a total of 70,000 active service connection accounts or more than 200 such
71 accounts per square mile of total area served shall be disconnected from any on-site
72 sewage management system and connected to a public sewer system not later than
73 July 1, 2014, or five years after the date on which the public water system first
74 exceeds a minimum number of accounts specified in this division, whichever is later.

75 (ii) No new water service connections shall be made to any such public water system
76 in any jurisdiction which fails to make public sewer system lines available for
77 connection as necessary for purposes of complying with division (i) of this
78 subparagraph."

79 **SECTION 4.**

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