

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to comprehensive state-wide water management planning, so as to change certain
3 provisions relating to a policy statement for comprehensive state-wide water management
4 planning, guiding principles, and requirements of plans; to regulate interbasin and intrabasin
5 transfers of water; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
9 comprehensive state-wide water management planning, is amended by revising subsection
10 (e) of Code Section 12-5-522, relating to a policy statement for comprehensive state-wide
11 water management planning, guiding principles, and requirements of plans, as follows:
12

13 "(e) The division shall make all water withdrawal permitting decisions in accordance with
14 this chapter, the comprehensive state-wide water management plan that has been approved
15 or enacted by the General Assembly as provided by this article, and any applicable regional
16 water development and conservation plan, including, but not limited to, restrictions, ~~if any,~~
17 on diversion from or reduction of flows in other watercourses in accordance with Code
18 Section 12-5-522.1. Any political subdivision or local water authority that is not in
19 compliance with the plan shall be ineligible for state grants or loans for water projects,
20 except for those projects designed to bring such political subdivision or local water
21 authority into compliance with the plan."

SECTION 2.

22 Said article is further amended by adding a new Code section to read as follows:
23

24 "12-5-522.1.

25 (a) As used in this Code section, the term:

- 26 (1) 'Donor basin' means a river basin from which a withdrawal or diversion of water
 27 occurs in an interbasin transfer.
- 28 (2) 'Interbasin transfer' means a withdrawal or diversion of water from one river basin
 29 followed by use or return of some or all of that water to a different river basin.
- 30 (3) 'Intrabasin transfer' means a withdrawal or diversion of water from a point within a
 31 subbasin within a river basin followed by the use and discharge of some portion of that
 32 water into a second subbasin within the same river basin.
- 33 (4) 'Raw water interbasin transfer' means an interbasin transfer of untreated water for
 34 treatment, use, and disposal in the receiving basin.
- 35 (5) 'Receiving basin' means a river basin to which all or a portion of water from another
 36 river basin is diverted and returned in an interbasin transfer.
- 37 (b)(1) Interbasin transfers may be permitted to meet water needs in areas facing
 38 limitations on their water resources, as indicated when the forecast consumption of water
 39 from a specific source approaches the defined consumptive use assessment, as long as the
 40 transfer does not unreasonably foreclose opportunities for water use in the donor basin.
- 41 (2) An application for a new or modified water withdrawal permit that would involve a
 42 new or increased interbasin transfer of raw water shall not be granted until consumptive
 43 use assessments have been completed for the affected water sources, and water
 44 development and conservation plans which identify the need for such transfers have been
 45 completed for the affected water planning regions.
- 46 (3) In evaluating an application for a new or modified water withdrawal permit that
 47 would involve a new or increased interbasin transfer, the director shall review and
 48 consider:
- 49 (A) Donor basin considerations, including but not limited to:
- 50 (i) The quantity of the proposed withdrawal and the stream flow of the donor basin,
 51 with special consideration for dry years and low-flow conditions;
- 52 (ii) The current and reasonably foreseeable future water needs of the donor basin,
 53 with special consideration for dry years and low-flow conditions;
- 54 (iii) Protection of water quality in the donor basin, with special consideration for dry
 55 years and low-flow conditions;
- 56 (iv) Any offsetting increases in flow in the donor basin that may be arranged through
 57 permit conditions;
- 58 (v) The number of downstream river miles from which water will be diverted as a
 59 result of the transfer; and
- 60 (vi) The connection between surface water and ground water in the donor basin and
 61 the effect of the proposed transfer on either or both;
- 62 (B) Receiving basin considerations, including but not limited to:

63 (i) Determination of whether or not the applicant's proposed use is reasonable,
64 including consideration of whether the applicant has implemented water conservation
65 practices and achieved reasonable water conservation goals;

66 (ii) Assessment of the waste-water treatment capacity of the receiving basin;

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

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

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

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

77 (vii) Assessment of the adequacy of treatment capacity and current water quality
78 conditions; and

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

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

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

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

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

88 (v) The effects, whether beneficial or detrimental, on offstream and instream uses;

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

91 (vii) Effects on interstate water use;

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

94 (ix) Such other factors as are reasonably necessary to carry out the purposes of this
95 chapter.

96 (4) Interbasin transfers of water that occur in connection with mining, conveying,
97 processing, sale, or shipment of minerals or other products transported for further
98 processing or sale shall be exempt from limitations on interbasin transfers provided by
99 this subsection.

100 (c)(1) Intrabasin transfers may continue to be undertaken to meet such practical water
101 needs as are necessary for a water provider to meet the reasonable needs of users within
102 its service area.

103 (2) If an application is made for a new or modified water withdrawal permit that would
104 involve a new or increased intrabasin transfer that is to cross the jurisdictional boundaries
105 of more than four counties, it shall not be granted until consumptive use assessments have
106 been completed for the affected water sources, and water development and conservation
107 plans which identify the need for such transfers have been completed for the affected
108 water planning regions.

109 (3) Intrabasin transfers of water that occur in connection with mining, conveying,
110 processing, sale, or shipment of minerals or other products transported for further
111 processing or sale shall be exempt from limitations on intrabasin transfers provided by
112 this subsection."

113 **SECTION 3.**

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

116 **SECTION 4.**

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