

Senate Bill 311

By: Senators Shafer of the 48th, Rogers of the 21st, Hudgens of the 47th, Murphy of the 27th, Hill of the 32nd and others

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 provide legislative
3 findings; to provide for definitions; to require the Environmental Protection Division of the
4 Department of Natural Resources to inspect certain infrastructure relating to removing
5 surface water; to provide certain alternatives to governmental entities required to repair or
6 replace certain inadequate infrastructure; to authorize the Environmental Division of the
7 Department of Natural Resources to promulgate rules and regulations; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 This Act shall be known and may be cited as the "Water Savings and Conservation Act of
12 2010."

13 style="text-align:center">**SECTION 2.**

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

17 "12-5-31.1.

18 (a) The General Assembly finds that:

19 (1) Local governments cannot account for an estimated 18 percent of surface water
20 removed for public use;

21 (2) Much of the water loss is due to aging, faulty, or poorly maintained water
22 infrastructure;

23 (3) Repair of water infrastructure is in the interest of the state and will potentially make
24 millions of additional gallons of water available for public use without increasing the
25 amount of surface water permitted to be withdrawn;

- 26 (4) Repair of the infrastructure responsible for such water loss is an undertaking that will
27 likely cost millions of dollars;
- 28 (5) An unfunded mandate that local governments make the repairs will likely result in
29 substantially higher water rates or local tax increases;
- 30 (6) Alternative financing methods for the repair of water infrastructure should be made
31 available to local governments.
- 32 (7) Certain local governments have experienced difficulty obtaining permits to remove
33 surface water sufficient to supply the needs of their communities; and
- 34 (8) A regulatory system should be created under which a local government seeking a
35 permit to remove surface water may elect to repair the water infrastructure of another
36 local government which has declined to make repairs, provided that the amount of water
37 salvaged from the repairs shall be reallocated from the permit of the local government
38 receiving the repairs to the local government making the repairs.
- 39 (b) For the purposes of this Code section:
- 40 (1) 'Infrastructure' means the equipment used by the entity possessing a permit to remove
41 surface water.
- 42 (2) 'Permit' means a permit granted pursuant to Code Section 12-5-31.
- 43 (c) The division shall gather the necessary data to determine what percentage of water for
44 which the governmental entity is permitted to remove, if any, that is being lost as a result
45 of such governmental entity's infrastructure in place to remove the surface water.
- 46 (d) The division shall compile a record of all governmental entities with a permit that
47 possess an infrastructure that the division has concluded is losing surface water during the
48 process of removing such surface water. The division shall notify all such governmental
49 entities, and after such notification, each governmental entity shall have 90 days to provide
50 the division with a plan to repair or replace the governmental entity's infrastructure in order
51 to rectify the issue of the surface water lost during the removal process.
- 52 (e) A governmental entity required to submit a plan to the division pursuant to subsection
53 (d) of this Code section may through its authority to enter into intergovernmental contracts
54 make an agreement with another governmental entity of this state to repair or replace the
55 infrastructure of the governmental entity submitting the plan to the division. Such
56 intergovernmental agreement may include a provision providing that the water salvaged
57 as a result of the repairing or the replacement of the infrastructure may be used as
58 consideration to the governmental entity repairing or replacing such infrastructure.
- 59 (f) If a governmental entity notified pursuant to subsection (d) of this Code section fails
60 to provide the division with a plan to repair or replace its infrastructure that is approved by
61 the division, another governmental entity may submit an alternative plan to repair or
62 replace said infrastructure. If the alternative plan is approved by the division, and if the

63 governmental entity notified pursuant to subsection (d) of this Code section does not elect
64 to itself to make the repairs or replacements specified in the alternative plan, the local
65 government submitting the alternative plan shall make said repairs or replacements. Upon
66 completion of the repairs or replacements specified in the alternative plan by the alternative
67 plan by the submitting governmental entity, the division shall reallocate the amount of
68 water salvaged by the plan from the permit of the governmental entity notified pursuant to
69 subsection (d) of this Code section to the permit of the governmental entity submitting and
70 completing the alternative plan.
71 (g) The division shall promulgate such rules and regulations necessary for the
72 implementation of this Code section."

73

SECTION 2.

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