

House Bill 153

By: Representatives Smith of the 131st, Smith of the 129th, Hugley of the 133rd, Buckner of the 130th, and Smyre of the 132nd

A BILL TO BE ENTITLED
AN ACT

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3 as to regulate the return of surface waters to the sources from which they were withdrawn by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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Water Conservation Act of 2011."

12 **SECTION 2.**

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

16 "12-5-31.2.

17 (a) On and after July 1, 2016, each county, municipality, consolidated government, or local
18 government authority which holds a permit issued under Code Section 12-5-31 shall report
19 quarterly to the director:

20 (1) The total volume of surface water withdrawn under such permit during the most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

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

24 (b) If the director determines that the returned amount most recently reported under
25 paragraph (2) of subsection (a) of this Code section is less than 75 percent of the withdrawn
26 amount most recently reported under paragraph (1) of subsection (a) of this Code section

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

33 **SECTION 3.**

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

36 "(b) Each county board of health shall have the power and duty to adopt regulations
 37 providing standards and requirements governing the installation of on-site sewage
 38 management systems within the incorporated and unincorporated area of the county,
 39 subject to the provisions of Code Section 31-2-12, any rules and regulations promulgated
 40 under Code Section 31-2-12, and subsection (d) of this Code section. Such regulations
 41 shall include and be limited to the following:

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

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

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

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

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

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

62 service connection accounts or more than 200 such accounts per square mile of total
63 area served;

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

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

68 (B)(i) Any residence, building, or facility which as of June 30, 2011, was located on
69 a lot or land area less than the minimum size specified in subparagraph (B) of
70 paragraph (2) of this subsection and connected to a public water system having more
71 than a total of 70,000 active service connection accounts or more than 200 such
72 accounts per square mile of total area served shall be disconnected from any on-site
73 sewage management system and connected to a public sewer system not later than
74 July 1, 2016, or five years after the date on which the public water system first
75 exceeds a minimum number of accounts specified in this division, whichever is later.

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

80 **SECTION 4.**

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