

House Bill 1622

By: Representative Lim of the 99th

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 add two members
3 to the Water Council, appointed by the Governor and representing certain state interests; to
4 require the Water Council to provide recommendations to the Environmental Protection
5 Division on various aspects of the comprehensive state-wide water management plan; to
6 require the Environmental Protection Division to submit a written report to the General
7 Assembly and the Governor regarding the status of implementing said plan and the resources
8 required to achieve full implementation; to require the Water Council to create a network of
9 Regional Water Districts throughout the state governed by a Regional Water Council; to
10 provide for establishment, jurisdiction, and appointment of Regional Water Councils; to
11 require Regional Water Councils to implement a regional water plan in conjunction with the
12 comprehensive state-wide water management plan; to provide powers and duties of the
13 Regional Water Councils, including levying of certain fees for water use in the district and
14 issuing bonds, creation of water banking mechanisms, and establishment of water rights
15 trading systems; to require local governments to cooperate in the implementation of regional
16 water plans and provide for enforcement for failure to do so; to provide for related matters;
17 to repeal conflicting laws; and for other purposes.

H. B. 1622

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to comprehensive state-wide water management planning, is amended by revising Code Section 12-5-524, relating to the creation and obligations of the Water Council, as follows:

"12-5-524.

(a) There shall be a Water Council composed of one member appointed by the Speaker of the House of Representatives who shall not be a member of the General Assembly and who shall serve for a term of four years and until a successor is appointed and qualified; one member appointed by the President Pro Tempore of the Senate who shall not be a member of the General Assembly and who shall serve for a term of four years and until a successor is appointed and qualified; two members appointed by the Governor who shall not be members of the General Assembly, who shall serve for a term of four years and until a successor is appointed and qualified, and who shall represent a diversity of water users, including, but not limited to, farmers, urban residents, anglers and sportsmen, industry, private landowners, water supply system operators, and individuals or organizations concerned with conservation and the preservation of the natural environment, and the following state officials who shall serve ex officio as members of the committee: the director of the division, the commissioner of natural resources, the executive director of the State Soil and Water Conservation Commission, the commissioner of community affairs, the commissioner of public health, the Commissioner of Agriculture, the director of the State Forestry Commission, and the executive director of the Georgia Environmental Finance Authority. In addition, the chairperson of the Senate Natural Resources and the Environment Committee, ex officio, and one additional member of that committee to be selected by its chairperson; and the chairperson of the House Committee on Natural Resources and Environment, ex officio, and one additional member of that committee to

be selected by its chairperson, shall each serve in an advisory capacity. Any vacancy among the two appointed members of the Water Council who are not members of the General Assembly other than for expiration of term shall be filled in the same manner as the original appointment for the unexpired term. The director shall serve as chairperson of the Water Council.

(b) The Water Council shall:

(1) Ensure coordination, cooperation, and communication among state agencies and their water related efforts in the development of a comprehensive state-wide water management plan;

(2) Provide input to the division concerning the development of a comprehensive state-wide water management plan;

(3) Review, modify if necessary, and approve the final draft of the proposed comprehensive state-wide water management plan; ~~and~~

(4) Recommend such initial proposed plan for consideration by the General Assembly not later than the first day of the regular session of the General Assembly next occurring after such completion but not later than the first day of the 2008 regular session of the General Assembly; and

(5) Provide recommendations to the division concerning the comprehensive state-wide water management plan on subjects, including, but not limited to:

(A) Implementation of a block tariff structure that charges lower rates for the minimum quantities of water needed for cooking, cleaning, and drinking water, and higher rates for optional uses such as lawn care; and if said structure is determined advantageous, what regulations may be needed to support the implementation of a block tariff structure by individual utilities;

(B) Funding, capitalization, or other initiatives to make individual households and water users, as well as utilities and other large water users, eligible for financing assistance, including for upgrades to septic systems and improvements such as smart

water use monitors and solar-powered groundwater pumps that improve the sustainability of groundwater wells;

(C) Funding, capitalization, or other initiatives to provide access to clean, safe, and affordable drinking water;

(D) Funding, capitalization, or other initiatives to provide assistance to farmers to adopt low-impact farming and tillage practices that reduce soil erosion, pesticide and fertilizer application, and preserve trees, forested areas, and vegetation along cultivated field boundaries and along waterways, thereby improving drinking water quality; and

(E) Any initiative that the Coastal Regional Commission of Georgia conducts to assess how coastal communities may need to prepare for sea level rise, storm surges, and other extreme weather hazards in the future, including, but not limited to, the need for construction of sea walls, levees, and dune barriers, or other physical infrastructure; the restoration of or construction of wetlands, artificial reefs, or other natural infrastructure; and managed retreat."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 12-5-525, relating to review and revision of the comprehensive state-wide water management plan, as follows:

"(c) After a comprehensive state-wide water management plan becomes effective pursuant to subsection (a) of this Code section, the division shall review such plan in its current form not later than July 1, 2010, and at least every three years thereafter, for purposes of determining whether revision of such plan is necessary or appropriate for recommendation. After said review, the division shall submit a written report to the General Assembly and the Governor regarding the status of implementing the plan and the resources required to achieve full implementation."

SECTION 3.

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

"12-5-525.1.

(a)(1) There is established a network of Regional Water Districts throughout the state outside of the jurisdiction of the Metropolitan North Georgia Water Planning District created pursuant to Article 10 of this chapter.

(2) The Water Council, in coordination with any state agency, authority, or commission, shall propose, subject to approval by the General Assembly, the jurisdiction of each Regional Water District. The jurisdiction of each such district shall be based as closely as practicable on the hydrological boundaries of natural river basins, lake basins, or other watersheds, subject to such modifications as may be necessary to align with municipal or other relevant units.

(3) Any county or municipality adjoining a member county or municipality shall be added to the district area upon the application of such entity to be included in the district by resolution of its governing authority and upon approval of the director.

(b) Each Regional Water District shall be governed by a Regional Water Council. Members of Regional Water Councils shall be subject to nomination and approval by the General Assembly. Members shall represent state and local governments and agencies; nongovernmental water users with a clear interest in the district's water resources, including, but not limited to, farmers; urban residents; anglers and sportsmen; relevant industries; private landowners; water supply system operators; and individuals or organizations concerned with conservation and the preservation of the natural environment.

(c) Each Regional Water Council shall prepare a regional water plan, in order to support the implementation of the comprehensive state-wide water management plan within its district. The regional water plan shall be issued, reviewed, and approved by the director following any review and revision of the comprehensive state-wide water management plan, and shall, at minimum:

(1) Assess the sustainability of groundwater aquifers in the district, and whether current rates of withdrawal are at or below natural rates of replenishment;

(2) Establish minimum environmental flow requirements for each major waterway within the district, which the division shall consider when allocating water between users or issuing permits for groundwater wells;

(3) Create standards for water-use prioritization during water shortages; and

(4) Recommend any other measure to improve the sustainability of groundwater use in the district, including any measure enumerated in subsection (d) of this Code section or in Code Section 12-5-6 or 12-5-96, or other relevant Code section, and recommend a timeline for implementation.

(d) A Regional Water Council may:

(1) Subject to any limitation imposed by general law, levy fees on water users within the district and expend appropriated moneys for the purposes of financing such water infrastructure or services; employing staff; seeking expert technical or scientific advice or expertise; convening and consulting water users; providing training on best practices in water conservation; and any other function necessary to implement the provisions of this Code section, and Code sections 12-5-4, 12-5-4.1, 12-5-443, and 12-5-574;

(2) Create a water banking mechanism to store surface water flows during times of high water availability in the district's groundwater aquifers for use in times of water shortage, and, where possible, to stop seawater intrusion of coastal aquifers; and

(3) Establish a system for granting and trading water rights, with initial water rights allocated on the basis of historic usage with caps established according to the State Water Plan.

(e)(1) Any local government within the district shall implement the provisions of the district plan that applies to it. Should any local government fail to do so, the director may enforce implementation of the provisions of the plan.

148 (2) Upon the approval of a district plan, the director may modify any applicable permit
149 within said district to conform with the provisions of the plan. The director may include
150 any plan provision as a condition in any issued, modified, or renewed permit to any local
151 government.

152 (3) Any local government that fails to adopt and implement a plan pursuant to this
153 subsection shall be ineligible for state grants or loans for water supply and conservation
154 projects determined by the director to be inconsistent with such plan. The determination
155 of the director may be appealed by the local government to the board, whose decision by
156 majority vote shall be final."

157 **SECTION 4.**

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