

House Bill 43

By: Representatives Davis of the 87<sup>th</sup>, Schofield of the 63<sup>rd</sup>, Taylor of the 92<sup>nd</sup>, and Scott of the 76<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to general provisions of wells and drinking water, so as to establish the  
3 Disadvantaged Community Drinking Water Assistance Program; to provide for purpose,  
4 requirements, restrictions, and priorities of the program; to provide for definitions; to provide  
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
9 relating to general provisions of wells and drinking water, is amended by adding a new Code  
10 section to read as follows:

11 "12-5-74.

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

13 (1) 'Director' means the director of the Environmental Protection Division of the  
14 Department of Natural Resources.

15 (2) 'Disadvantaged community' means any census block group in which 30 percent or  
16 more of the population comprises individuals with an annual household income equal to  
17 or less than 200 percent of the federal poverty level.

18 (3) 'Division' means the Environmental Protection Division of the Department of Natural  
19 Resources.

20 (b) There is established the Disadvantaged Community Drinking Water Assistance  
21 Program to be administered by the division.

22 (c) The purpose of the Disadvantaged Community Drinking Water Assistance Program  
23 shall be to provide financial assistance, as shall be appropriated to the division, to  
24 disadvantaged communities that have experienced a significant decline in quantity or  
25 quality of drinking water and to obtain or maintain adequate quantities of water that meets  
26 the standards set by the federal Safe Drinking Water Act, 42 U.S.C. Section 300f, et seq.

27 (d) Grants provided pursuant to this Code section may be used for the following purposes:

28 (1) Point of use treatment and point of entry systems;

29 (2) Wellhead treatment and distributed treatment facilities;

30 (3) Blending systems in compliance with state regulations;

31 (4) Costs related to the consolidation of a small rural water system or multiple small rural  
32 water systems with a larger system;

33 (5) Construction of new water source facilities including wells and connections to  
34 existing systems;

35 (6) Water distribution facilities;

36 (7) Water capacity fees, water supply development fees, water connections fees, and  
37 similar fees that are assessed when a new connection is added to an existing public water  
38 system as part of a consolidation;

39 (8) Assistance to households to connect to water facilities;

40 (9) Emergency water supplies; and

41 (10) Application and technical assistance costs associated with the activities described  
42 in paragraphs (1) through (9) of this subsection.

43 (e) In determining priorities for funding projects, the director shall take into consideration:

44 (1) Disadvantaged communities that are currently operating under notices of violation  
45 for failing to provide potable water that meets primary drinking water standards;

46 (2) Whether the applicant has the ability to qualify for alternative funding sources that  
47 do not result in water rate increases unable to be absorbed by the residential ratepayers;

48 (3) Disadvantaged communities deemed vulnerable to water shortage conditions because  
49 the systems serving such disadvantaged communities are located in critically overdrafted  
50 groundwater basins and have only a single water supply source;

51 (4) Rural disadvantaged communities served by individual, on-site domestic wells that  
52 have documented dry well conditions or contaminated well conditions; and

53 (5) Public water systems that desire to consolidate with each other, or with a larger urban  
54 system, to increase economies of scale to reduce cost of service and increase the level and  
55 quality of water service delivery.

56 (f) A grant provided under this Code section shall not be used to fund:

57 (1) More than 100 percent of the costs for:

58 (A) Technical assistance and other costs associated with application for assistance  
59 through the Disadvantaged Community Drinking Water Assistance Program;

60 (B) Initial operating costs incurred to start up, test, and place into service project  
61 facilities or components; and

62 (C) Capital costs of construction of facilities or components to ensure such facilities  
63 and components are properly operational; or

64 (2) More than 25 percent of operation and maintenance costs incurred subsequent to  
65 placing the facilities or components into service to ensure service remains efficient and  
66 effective.

67 (g) No more than 25 percent of funds made available in any fiscal year for grants under  
68 this Code section shall be used for operations and maintenance costs."

69 **SECTION 2.**

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