

GEORGIA WATER RESOURCES: WATER PLANNING AND DROUGHT MANAGEMENT

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Abstract During the 2007-2008 term of the Georgia General Assembly, water-related activities focused on three areas: the Comprehensive State-wide Water Management Plan, drought, and other water issues. In the 2007 session, legislators were waiting for the Comprehensive State-wide Water Management Plan draft to be completed by EPD and reviewed by the Water Council before it came up for legislative consideration during the 2008 session. Consequently, water-related legislation was light during the 2007 session. After the session, the drought affecting primarily North Georgia became more severe and caused significant concern both within the legislature and across the state. Drought-related legislation was enacted during the 2008 session.

Although the focus during the 2007-2008 legislative term was on the comprehensive water plan and responding to drought concerns, other water-related legislation did pass.

INTRODUCTION

Legislative activity during the 2007-2008 legislative term focused on three water-related areas: the Comprehensive State-wide Water Management Plan, response to drought conditions affecting primarily North Georgia, and other water legislation. In the 2007 session, the Comprehensive State-wide Water Management Plan was being developed for consideration in 2008. Consequently, water-related legislation was limited during the 2007 session. When the legislation ratifying the plan came before the legislature in 2008, action was swift and supported by a significant majority of the members of the House and Senate.

Directly after the 2007 session, the drought affecting 61 North Georgia counties worsened to an “exceptional” drought, requiring unprecedented actions by the state and water users. Outdoor watering bans and mandatory water cutbacks by permit holders were instituted. The drought continued throughout the remainder of 2007 and through the 2008 legislative session, stimulating legislation attempting to ensure adequate water supplies for North Georgia.

Although the focus during the 2007-2008 legislative term was on the comprehensive water plan and responding

to drought concerns, other water-related legislation did pass.

2007-2008 WATER LEGISLATION

By far, the major water legislation of the 2007-2008 legislative term related to the Comprehensive State-wide Water Management Plan. Legislation calling for development of the plan (HB 237) was passed in 2004 and assigned responsibility for drafting the plan to the Environmental Protection Division (EPD). The legislation identified the water goal for the state: “Georgia manages water resources in a sustainable manner to support the state’s economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.” The legislation also included nine guiding principles adopted by the Water Plan Study Committee in 2002 to guide the planning process. With the water goal as a target and principles to guide the planning process, the legislation required the planning process to: 1) evaluate water trends and conditions to determine the types of challenges that we face now or will face in the future; 2) evaluate our legal/management structure (i.e., statutes, rules, programs, policies) to address those challenges; 3) identify gaps and other weaknesses in our water management approach; and 4) identify options for addressing these gaps and weaknesses and the benefits and drawbacks of each option.

The Georgia Water Council, created by HB 237 and composed of key legislators, legislative appointees, and the heads of state agencies with water-related responsibilities, was charged with overseeing development of the plan and to sign off on the draft plan prior to it being considered by the General Assembly in the 2008 legislative session. EPD met quarterly with the Water Council to keep them informed and to receive feedback on the plan.

Developing the plan took three years. During that time, four policy research studies were undertaken focused on the four objectives of the plan: water conservation and reuse, maximizing water returns to river basins, balancing instream and offstream water uses, and protecting water quality. These studies were focused on the science related to the objectives and reviewing the efforts of other states in addressing them. Where additional information was needed to determine how Georgia might deal with certain

technical matters, EPD created technical advisory committees.

EPD was directed by the legislation to obtain public and stakeholder input in the planning process. Consequently, EPD created a statewide advisory committee and seven basin advisory committees to provide input on draft plans. In addition, "Town Hall Meetings" and hearings were held across the state. A website was created to enable everyone interested in commenting on the plan to do so. Overall, the public and stakeholder involvement process used in developing the water plan was likely the most extensive public involvement process ever used by the state. Everyone who had interest in the plan had ample opportunity to have their thoughts considered.

EPD completed the draft plan and transmitted it to the Water Council for their consideration at the end of June 2007. A major function of the Water Council was to make the plan politically acceptable. The council held hearings, completed its review of the plan, and adopted a revised version on January 8, 2008. The council then sent the plan to the General Assembly for consideration.

Normally in Georgia, the first week of any legislative session is devoted to ceremonial and startup activities such as the Governor's State of the State Address and Budget Address. After the first week, the legislature usually breaks for one or two weeks for budget hearings. Following the hearings, the legislative work generally begins in earnest. During the first week of the 2008 session, however, both the Senate and House introduced identical resolutions ratifying the water plan as adopted by the Water Council on January 8 (SR 701 and HR 1022). By Friday of the first week both resolutions had passed by a wide majority. The General Assembly almost never uses concurrent resolutions, so this approach was unique. After reconsideration, the Senate adopted the House version and on February 6, 2008, the governor signed the resolution. In addition, the Governor's budget contained \$11 million for the first year of the substate regional water planning.

With the ratification of the Comprehensive State-wide Water Management Plan, the state moved into the second phase of planning, focused on regional plans. The plan created 11 substate regions to develop regional water development and conservation plans. It is anticipated that this planning phase will also take about three years to complete.

During the 2008 legislative session, the General Assembly was faced with concerns relating to the drought affecting primarily North Georgia and actions taken to address it. The "Green Industry," including nurseries, lawn care companies, golf courses and others involved in landscaping and lawn and garden type activities, were hard hit by the drought. Many of the water conservation measures imposed by state and local governments, focus on restricting outdoor water use. In response, the Green Industry lobbied effectively for HB 1281 which prohibits

local government restrictions on outdoor water use during periods of drought that are more restrictive than those imposed by the state without EPD's approval. Commercial car washers, who were also the focus of water conservation measures, sought relief from water use restrictions. SB 466 exempts permanent facility car washes from outdoor water restrictions if they are certified by EPD as meeting best management practices for this industry.

Reviving interest in the concept of "Drought Proofing" North Georgia as proposed during Governor Joe Frank Harris' administration, the legislature moved to assist local governments in building water supply reservoirs. HB 1226 and SB 342 established a funding mechanism for drinking water supply reservoirs and created a new water supply division within the Georgia Environmental Facilities Authority.

Legislative concern over North Georgia's water situation turned to the possibility of using water from the Tennessee River. A nearly 200 year old dispute between Georgia and Tennessee over the border between the two states once again appeared. When Georgia ceded her western lands to the United States government, the boundary between Georgia and Tennessee was set at the 35th parallel. In 1818, a survey team using inadequate instruments, however, marked the border line about a mile south of the 35th parallel at the northwestern corner of Georgia. This line was adopted as the border between the two states by Tennessee but Georgia never accepted it. Attempts to redraw the line have emerged several times over the past two centuries but have not resulted in any changes. Although the land in dispute is relative inconsequential, if the line was drawn on the 35th parallel, the northwest border of Georgia would be in Lake Nickajack in the Tennessee River, giving Georgia riparian rights to the river. This could be a significant source of water for the northern part of the state. After initially calling on the Governor to push for creation of a border commission to recommend changing the border to the 35th parallel, the General Assembly passed legislation directing the Governor to negotiate with the Governor of Tennessee over water use from the Tennessee River (SR 822 and HR 1206).

Although the major focus of the 2007-2008 legislative term was on the comprehensive water plan and the drought, other water-related legislation saw action. During the 2007 session, the Erosion and Sedimentation Control Act was amended to simplify training and certification requirements for some subcontractors (HB 463). SB 221 which was incorporated into HB 463 by the House, shifts responsibility for permitting new land disposal sites which receive septage from the Department of Human Resources to EPD.

Although funding for the solid and hazardous waste trust funds and land conservation program that had been used to help balance the budget in previous years was re-

stored in 2008, current economic and state budget shortfalls will likely see their demise in the 2009 session.

CONCLUSIONS

The 2007-2008 term of the Georgia General Assembly is noteworthy from a water-related perspective due to the ratification of the Comprehensive State-wide Water Management Plan. The plan puts the state in a better position to effectively address the water challenges she faces. In addition, the drought affecting the state during this legislative term served as a real test of the state's Drought Management Plan which was adopted after the 1998-2002 drought. Based on the most recent experience, state and local governments should review their drought plans to see how they worked and to make changes to better prepare them for the next drought. The planning process and the drought also served as significant educational incentives, resulting in greater public awareness of water issues facing the state. Hopefully, this heightened awareness will aid in the development of the Regional Water Development and Conservation Plans.

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