

# **Comments on the Draft Statewide Water Management Plan**

Association County Commissioners of Georgia

August 17, 2007

## **Introduction**

The Association County Commissioners of Georgia (ACCG), representing all 159 Georgia counties, commends the dedication and work of all parties and stakeholders involved in the development of this draft Comprehensive Statewide Water Management Plan. We fully support the development of this plan, believing it essential in order to guide the state in managing our water resources both now and into the future. ACCG's first and foremost concern with the development of a state water plan is that of funding. While it is certainly appreciated that the plan calls for the State of Georgia to invest additional resources in the plan's development and implementation, it remains to be seen what sort of funding the state is willing and able to provide. Accordingly, ACCG urges the Georgia Water Council and the EPD to provide a budget and schedule for these activities and a schedule for using this data for regional planning and decision making.

We also urge the Governor to budget and the General Assembly to appropriate and establish a constitutionally-dedicated source of funding that will be used to successfully conduct the initial and ongoing water quantity and water quality assessments, data compilation, and regional planning administration. Without comprehensive, frequently-updated and science-based data, and state funding to support these endeavors, the Water Plan will be incomplete and cannot succeed. Secondly, while understanding that this may be beyond the scope of the Water Plan, ACCG recommends language calling on the Governor, General Assembly and other stakeholders to call on Georgia's Congressional delegation and the U.S. Army Corps of Engineers to expeditiously develop and implement up-to-date Water Control Plans, per the Corps' existing regulations, for its reservoirs in the state so that Georgia and its downstream neighboring states can know with certainty the expected yields of these reservoirs and their watersheds. Without this information, any Georgia Water Plan will be incomplete.

## **Integrated Water Policy**

760-1-1-.03 (2): ACCG respectfully disagrees with the Water Coalition and believes that it is appropriate that the Director "may" place appropriate condition in said permits to reflect full evaluation of such considerations.

## **Water Assessment**

760-1-1-.06 (1)(a),(b), and (c): ACCG recognizes that the effective management of Georgia's water resources requires a sound scientific understanding of the condition of our state's water resources and that a comprehensive and accessible database must be developed to provide this information to water planners. We commend and join the draft Water Plan's call for Georgia to invest additional resources to coordinate current monitoring efforts and expand the monitoring necessary for this plan to succeed. Georgia counties will step up to the plate to do their part, but local governments do not have the resources necessary to carry out the monitoring requirements and regional plan

development and administration. This is particularly and painfully true if current proposals to eliminate all ad valorem taxes are successful.

### **Water Quantity Management Practices**

760-1-1-.07 (2): ACCG respectfully disagrees with the Water Coalition's recommendation that the term "may" ought to be changed to "shall" in the first sentence.

760-1-1-.07 (2)(c): ACCG commends the draft Water Plan for recognizing that desalinization and aquifer storage and recovery may be an important water supply management practice in the future.

760-1-1-.07 (3): In order that all Georgia water users share equal conservation responsibilities, it should be made clear that "all" water use sectors applies to private neighborhood and community water systems as well. While it is understood that the Water Plan cannot preempt state law, special recognition should be given to the fact that in some cases, agricultural uses may need to be subject to water conservation measures as well.

760-1-1-.08 (2)(b),(c), and (d): While ACCG has long encouraged counties to implement policies, programs and practices which promote water conservation and the Association supports water conservation measures, we discourage EPD from basing water permitting decisions on Water Plan components, especially conservation and consumptive use measures, until the Water Plan's necessary water assessment data has been collected, compiled, and carefully studied. Existing and near-future requests should be expeditiously processed using existing rules and policies.

### **Enhanced Water Quality Standards and Monitoring Practices**

760-1-1-.12 (3): ACCG applauds the draft Water Plan's call for the Director to update water quality standards for bacteria and dissolved oxygen for reasons outlined by Mr. Frank Stephens, Gwinnett County Water Resources, and others.

760-1-1-.13 ACCG has long encouraged counties to pay close attention to the link between land use and water resource management and to consider impacts on water resources during the development and implementation of their land use plans. We commend the draft Water Plan for addressing this. However, if further land management practices are required to be employed by local governments (i.e., increased buffers, impervious surface limitations, post-construction or other stormwater management measures), we believe that the Water Plan should make clear that in the case that any inverse condemnation or regulatory takings measures are adopted in Georgia (whereby such regulations must either be dropped or the affected property owner be compensated) that the state bear the expense of said compensation.

760-1-1-.13 (1)(k): ACCG supports watershed permitting. While we support assessing whether pollutant allocation trading can be an effective means by which to meet water quality goals, ACCG again stresses that much research and costs will be required to

adequately gather the assessment data necessary to apply this to non-point sources. This funding must be appropriated by the state.

760-1-1-.13(3)(b): We are pleased the plan encourages local governments to implement stormwater utilities as a means to help fund stormwater management controls. Perhaps it would be beneficial if the plan discouraged future state measures restricting a local government's ability to do so, or state-imposed exemptions on the utilities' applicability.

760-1-1-.13 (7): ACCG recommends adding language calling on the state to adopt legislation empowering counties to direct local boards of health to require the periodic inspection and/or maintenance of all on-site wastewater management systems within their jurisdiction, particularly applicable to systems located within water supply watersheds or other critical areas.

760-1-1-.13 (8): ACCG supports strengthening the state's septage hauler manifest system whereby haulers are required to document their pick-up and disposal locations and to dispose of waste in a safe and legal manner, thus preventing the illegal disposal of waste from on-site sewage management systems. Toward meeting the goal of returning waters to their source when appropriate and feasible, ACCG recommends incorporating language that discourages the state from adopting legislation that would prohibit local governments from requiring a sewer connection to any existing community or address with an on-site sewage management system.

### **Regional Water Planning**

760-1-1-.14 (4) While ACCG discourages that the EPD Director have sole authority to delineate water planning regions, we are encouraged that there exist an opportunity for public input and local government consultation.

760-1-1-.14 (5) ACCG discourages vesting the EPD Director with the sole authority to appoint members of the regional water planning councils. Perhaps a stakeholder board, consisting of legislators from within that district, should aid in this appointment process. No matter the process, ACCG believes that the majority of the voting members of water planning councils be local elected officials as they are responsible for implementing regional planning efforts, ensuring compliance with other state and federal clean water requirements, and ultimately are accountable to the communities which they represent. This make-up could reflect the current selection process for the Metropolitan North Georgia Water Planning District whereby, for example, a member of the region's largest city is appointed, the three largest counties each have seats, and for the remaining counties, seats alternate between cities and counties. In order to shield the EPD Director from having to step in and solely determine the acceptance of a hotly-contested water development and conservation plan, it will likely be necessary to establish a binding dispute resolution process to resolve the conflicts certain to arise within, between and among Regional Water Planning Councils.