

SECTION 14: REGIONAL WATER PLANNING

Background

The characteristics of water resources and water users vary significantly in differing regions across Georgia. In order to meet Georgia's water resource needs in a sustainable manner, long-term plans must be developed for each of the state's major surface water and groundwater resources. To serve this purpose, this plan provides for the preparation of regional water development and conservation plans (WDCPs) throughout the state.

As described in detail below, regional water development and conservation plans will be prepared by a water planning council or by EPD. Water planning councils will be diverse and broadly representative of local governments, water users, and other water-related interests in each planning region. Membership will depend on the existing water-related organizations and institutions in each region as well as the characteristics of regional water resources, water uses, and regional economies.

Water planning councils will be responsible for overseeing the preparation of a recommended plan, following EPD guidance and with support from consultants under contract with EPD. EPD's water quantity and water quality assessments for each major water resource in the planning region will be provided as guidance for plan preparation. WDCPs will include forecasts of future water supply and assimilative capacity needs and will identify the optimal water management practices for that planning region. Each water planning council will submit a recommended plan to EPD, which will adopt the plan if it is complete and consistent with EPD guidance.

Once adopted by EPD, the regional WDCPs will be used by EPD as a basis for making permitting decisions. They will also guide decisions regarding state grants and loans from the Georgia Environmental Facilities Authority for water-related projects in each water planning region. The water planning councils are not expected to have a direct role in implementation of the adopted WDCPs. Rather, implementation of management practices specified in the WDCPs will be the responsibility of water users in the region, including local governments and others with the capacity to develop water infrastructure and apply for the required permits, grants, and loans.

EPD will ensure that water planning is carried out consistently and equitably across water planning regions, and that the resultant plans will lead to management of water resources so that opportunities for current and future use of water resources are maintained.

Regional Water Planning Policy

(1) The characteristics of water resources and water users vary significantly in differing regions across Georgia. Protecting the ability of the state's water resources to meet needs for water supply and assimilation of wastewater will require regional, resource-based plans that identify the management practices appropriate to the resources and users in each region.

Implementation Actions

- (1) Delineation of Water Planning Regions.
 - a. Water planning regions will be coincident with the state service delivery regions defined by O.C.G.A. §50-4-7 and, with the exception of counties that are part of the Metropolitan North Georgia Water Planning District, regional water planning will be conducted within the boundaries of the state service delivery regions.
 - b. The provisions of this plan apply to the Metropolitan North Georgia Water Planning District, as consistent with O.C.G.A. 12-5-570 et seq. The District's boundaries, however, are established by O.C.G.A. §12-5-573 and cannot be altered by this plan. Water planning for those counties that are part of the Metropolitan North Georgia Water Planning District will continue as part of the District's planning processes, regardless of service delivery region.
- (2) Water Quantity and Water Quality Assessments.
 - a. For each water resource (as defined by the Director), the Division will complete an assessment of the water resources' capability for water supply and assimilative capacity, as described in section 6 of this plan. These assessments will be provided to the Water Planning Councils as guidance for regional planning. Assessments for resources relied upon or impacted by jurisdictions within the Metropolitan North Georgia Water Planning District will be provided to the District as guidance for revisions of the plans required by §12-5-570 et seq.
 - b. Resource assessments will have to be updated to reflect new information and changing conditions over time. As resource assessments are modified for other water planning regions of Georgia, the respective regional water development and conservation plans must also be modified to respect these updated resource assessments.
- (3) Designation of Water Planning Councils.
 - a. Each water planning council shall have no more than 18 members and three alternates. Each Council will be broadly representative to include agriculture, forestry, industry, commerce, local governments, water utilities, regional development centers, tourism, recreation and the environment.
 - i. The balance of representation among these interests will be determined by the Governor, Lieutenant Governor, and the Speaker of the Georgia House of Representatives through their appointment decisions, described below. This allows the flexibility necessary to accommodate the varying economic and resource needs among the state service delivery regions.
 - b. The Environmental Protection Division, along with the Department of Community Affairs and Department of Economic Development, shall collect the names of nominees they believe are qualified to serve on each water planning council.

- i. Business, agriculture, forestry, local government, educational, environmental, and other organizations and interest groups will be asked to supply the names and qualifications of potential nominees.
- ii. The request for nominations will include desired qualifications and experience.
- iii. The Environmental Protection Division, Department of Community Affairs, and Department of Economic Development will review all nominations and provide the names of nominees they believe to be qualified upon request of the Governor, Lieutenant Governor, and Speaker for their review.
- c. The Governor, Lieutenant Governor, and Speaker will consider pre-qualified nominees for appointment, as well as such other individuals as they may choose, with the Governor appointing 10 members and the Lieutenant Governor and Speaker each appointing four members. The Governor, Lieutenant Governor, and Speaker will also each select an alternate member who will be eligible to attend all meetings and vote if needed to establish a quorum. In addition, the Lieutenant Governor and Speaker will each appoint a non-voting ex officio member from among the membership of the Senate and the House.
- d. Newly-appointed members of water planning councils will be required to attend mandatory training.
- e. Members of water planning councils shall have a three-year term with re-appointment at the pleasure of the initial appointing authority. In the event of a vacancy, the official who made the initial appointment shall appoint a replacement to serve the remainder of the three-year term.
- f. Each water planning council will, through a memorandum of agreement (MOA) with EPD, establish procedures including but not limited to:
 - i. Decision-making procedures;
 - ii. Provisions for appropriate public sector involvement in plan development and implementation of management practices;
 - iii. Specifications for advisory bodies and processes, including opportunities for meaningful public participation in plan development;
 - iv. Provisions for consultation with local governments located outside the planning region boundary that rely on, or impact, water resources within the planning region;
 - v. Other requirements established by guidance issued by the Director.
- g. Memoranda of agreement between EPD and water planning councils shall have a three-year term and be subject to renewal. Renewal of a MOA shall be contingent on performance, which shall be evaluated according to regional water planning guidance.
- (4) The Board of Natural Resources, as authorized by O.C.G.A. §§12-5-31 and 12-5-96, and in a manner consistent with O.C.G.A. §§ 12-5-522, will consider promulgating rules and regulations for preparation of water development and conservation plans, with provisions as follows.
- (5) Following promulgation of rules for regional water planning, the Director shall issue guidance consistent with those rules as necessary to support preparation of regional water development and conservation plans with provisions described below.
- (6) Provision of guidance and technical assistance
 - a. Following promulgation of rules for regional planning, the Division shall develop guidance for the process of creation, finalization and revisions of regional water development and conservation plans. This guidance shall include, but not be limited to:
 - i. Procedures and criteria for forecasting water demands and needs for assimilative capacity.
 - ii. Minimum requirements for public participation in preparation of recommended water development and conservation plans.
 - iii. The criteria for review of such plans, including provisions to ensure that plan implementation shall not cause undue adverse impacts on water users or water uses in the subject planning area or in other planning areas.
 - iv. Procedures and criteria for future review and revision of water development and conservation plans.
 - v. Procedures for providing state water planning funds to contractors to assist water planning councils in plan development.
 - b. The Division shall provide technical assistance to water planning councils in preparation of water development and conservation plans. The Division shall also contract for services needed to support the preparation of the plan. In work with contractors, EPD or another appropriate state agency will provide fiscal oversight and contract management while Water Planning Councils will direct contractors' planning activities, including identification of water quantity and water quality management objectives and recommendation of appropriate management practices to meet those objectives.
 - c. The Director shall take the steps necessary to ensure communication and coordination between water planning councils charged with preparation of plans for water resources that are hydrologically-connected or those affected by water management activities in adjacent planning regions.
 - i. The Environmental Protection Division will, in consultation with the Water Planning Councils, ensure coordination of planning across the boundaries of adjoining planning regions. Coordination activities may include joint work sessions of adjacent water planning councils, convened by the councils or by

EPD. Water planning councils and the Environmental Protection Division will also provide opportunities for public review and comment during preparation and review of recommended water development and conservation plans.

- d. Guidance for regional water planning will also apply to future revisions of the regional plans of the Metropolitan North Georgia Water Planning District. In 2003, the District completed their initial plans following guidance from EPD. Draft plans were subject to review and approval by the EPD Director, and the final plans now guide EPD permitting decisions. O.C.G.A §12-5-570 et seq. requires that the District's plans be revised every five years again following EPD guidance. EPD guidance for future revisions of District plans will be consistent with that provided for preparation of water development and conservation plans, and will include assessments of water supply capabilities and assimilative capacities for the District's water resources that conform to those provided to the water planning councils established under this plan.
 - i. The 2008 updates of the water plans of The Metropolitan North Georgia Water Planning District are scheduled for completion in December of 2008. These updates must also be consistent with the provisions of this plan, which may require additional planning time. The District may reschedule the completion of the planning updates until June 2009.
 - e. Guidance for regional water planning will include alternatives for dispute resolution to be developed jointly by EPD, DCA, and other appropriate state agencies.
- (7) Regional Water Development and Conservation Plans (WDCPs).
- a. Water planning councils shall, following guidance to be provided by the Director, oversee preparation of regional water development and conservation plans. Plans shall include forecasts of water supply and assimilative capacity needs for each water source within each planning area, developed in consultation with the Division.
 - b. In accordance with O.C.G.A. §12-5-522 et seq., regional water development and conservation plans shall promote the sustainable use of Georgia's waters, through the selection of an array of management practices, to support the state's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens. The plans shall identify steps which will be taken to ensure that the forecasted needs can be met within the water resources' capabilities, as specified in the water resource assessments defined by the Director.
 - c. Plans shall include the following principal elements, which shall be developed according to guidance issued by the Director:
 - i. Local governments lying in whole or part within the water planning region;

- ii. Planning for regions at the periphery of the water planning region that may be located in more than one regional water planning region;
 - iii. Major water users;
 - iv. Surface water and groundwater sources and their conditions;
 - v. Forecasts of 10-, 20-, 30-, and 40-year population expectations, water demands, wastewater returns, land surface types and distribution, and employment characteristics, developed in consultation with EPD;
 - vi. Forecasted uses of water bodies for water supply, wastewater discharge, and storm flows for each forecast period;
 - vii. Comparisons of those forecasts with the consumptive use assessments and assimilative capacities of water resources as determined by the water quantity and water quality assessments.
 - viii. Water quantity and quality management objectives for 10-, 20, 30-, and 40-year time horizons.
 - ix. Recommendations for appropriate management practices for stormwater management, wastewater treatment, water supply, water conservation, and the general protection of water quality within the planning region. Management practices shall help meet the water quality and water quantity management objectives of the WDCP and provide for sustainable use of available water or practices that supplement water availability when consistent with specified criteria. Practices should also ensure the sustainable use of assimilative capacity on a watershed basis, the restoration of impaired waters and protection of waters that currently meet water quality standards.
 - x. Consideration of the intersection with current and future state plans which impact water resources such as the State Energy Strategy;
 - xi. Proposals for addressing data and information needs;
 - xii. Benchmarks for assessment of plan effectiveness and identification of required revisions;
 - xiii. Actions required of the state to support objectives in the recommended water development and conservation plan;
 - xiv. Other elements established by guidance issued by the Director.
- (8) Regional Water Development and Conservation Plan Review and Approval.
- a. Regional water planning councils shall submit recommended regional water development and conservation plans to the Director. The Director will review recommended regional water development and conservation plans and any amendments thereto to determine if they are consistent with the rules for regional water planning and guidance adopted pursuant to those rules. The Division will then take one of three actions:

- i. Adopt a recommended plan if it is complete and consistent with the provisions of the rules for regional water planning and guidance adopted pursuant to those rules; or
 - ii. Advise the regional water planning council as to additional measures that should be taken to complete a recommended plan and make it consistent with the provisions of the rules for regional water planning and guidance adopted pursuant to those rules; or
 - iii. Adopt a recommended plan with conditions.
- b. For any water planning region for which a recommended plan is not submitted by the date specified in the guidance for plan development, the Director shall prepare the regional water development and conservation plan and identify management practices as described above.
- c. Before taking action to adopt any regional water development and conservation plan, the Director shall provide public notice of the recommended plan and a comment period of at least forty-five days.
- d. Upon adoption, the Director shall use the water development and conservation plans to guide decisions regarding permitting. Plans will also guide state grants and loans from the Georgia Environmental Facilities Authority for water-related projects within that water planning region.
- (9) Review and Revision of Regional Water Development and Conservation Plan
- a. Meeting current and future water needs will require periodic review and revision of regional water development and conservation plans. Every five years, each plan will be subject to review by the WPC following EPD guidance. Review and revisions shall consider the current resource assessments and regional population and employment forecasts provided as guidance for regional planning. The five-year reviews by the WPCs should include the following:
 - i. Assessment of progress against plan objectives and benchmarks for water quality and quantity
 - ii. Assessment of the need for further scientific assessment of issue(s) relevant to water planning in the region;
 - iii. Updates, where necessary, of water and wastewater forecasts; and
 - iv. Recommended changes in the plan.
 - b. Revisions and adoption of revised water development and conservation plans shall follow the rules and guidance developed pursuant to this plan and meet the criteria listed above.