



GEORGIA WATER COALITION



a report of the
GEORGIA WATER COALITION
————— 2004 —————

Effective water management that is fair to all users and supports sustainable growth must begin with the principle that water is a public resource.

This time honored concept has a long history, dating back to the Justinian Code in Rome, which said: “By the law of nature, flowing water is the common property of all men.” The idea that water is held in common by the people, subject to reasonable use by others, is inherent in Georgia’s common-law system of riparian rights, as reaffirmed in our statutes that give the state authority to manage surface and ground waters in the public interest. It is essential for Georgia’s leaders to continue to clarify this tradition of managing water as a public resource within our regulated riparian system.

Once taken for granted, Georgia’s abundant fresh water supplies have been under increasing demand for multiple uses from the state’s fast-growing population. Counties and cities want clean drinking water. Farmers want water for irrigation. Some industries use water as a chemical feedstock or as a heat sink. While power companies want a steady flow of water through their dams to generate baseload electricity, lakeshore residents want to keep the lakes full for recreation. During periods of drought, these upstream demands strain the function and health of the state’s watersheds and also result in a lack of fresh water in the coastal estuaries, which negatively impacts marine life and consequently, the coastal economy.

Smart water management is key to sustainable growth, allowing both economic development and conservation to exist side by side. With this concept in mind, the Georgia Water Coalition (the Coalition) was organized to make recommendations concerning the implementation of a comprehensive water policy for the State of Georgia. The goal of the Coalition is to find a sustainable solution to Georgia’s water crisis that addresses the needs of agriculture and business and contributes to public health, while maintaining the integrity of Georgia’s natural systems.

The following four principles define the framework of the Coalition's work and its recommendations:

1. That the surface and ground waters of the state continue to be a public resource managed in the public interest and in a sustainable manner by the State to protect natural systems and meet human and economic needs,
2. That water management must be guided by a comprehensive state water management plan, developed by a lead agency with a dedicated planning staff, in coordination with other agencies and with the participation of all interested citizens,
3. That effective water management requires regional water planning, based on watersheds, river basins, and aquifers that is tied to implementation, including an adaptive management process,
4. That regulation of interbasin transfers must be strengthened to reflect scientific knowledge, respect natural systems, and protect the basins of origin and receipt.

The Georgia Wildlife Federation, the Georgia Conservancy, the Upper Chattahoochee Riverkeeper, and the Southern Environmental Law Center are the founding members of the Coalition. Over the past two and a half years, 93 organizations have officially joined the Coalition's efforts. This diverse group of individuals includes members of the environmental community, college professors, churches, well drillers, forest landowners, farmers, industrialists, sportsmen, and community activists.

While the Coalition has looked at an array of water issues, members quickly agreed that the overarching need is to maintain water as a public resource in Georgia. Without that, any recommendations with regard to conservation, biodiversity, groundwater, or enforcement become much more difficult to implement.

The Coalition applauds the Georgia General Assembly's passage in 2004 of House Bill 237, which establishes a mechanism for the creation of a Comprehensive Statewide Water Management Plan. The creation and implementation of this plan will be a major point of focus for the Coalition, while it also continues to advocate other water issues.

The recommendations in this report are supported by a full consensus of the Coalition, and it is urged that they be implemented by the governor, the General Assembly, the Water Council, the Department of Natural Resources, and the Environmental Protection Division. The Coalition views the following recommendations as essential components of the foundation for water policy and management in Georgia for the next one hundred years.

RECOMMENDATIONS OF THE GEORGIA WATER COALITION



I. WATER PLANNING AND MANAGEMENT

The public must be provided with opportunities for meaningful participation in the water planning process at the state, regional, and local levels. Policymakers must be provided with comprehensive information so that they can make the wisest choices when planning and implementing water policies.

Recommendation 1:

Affirm that water is a public resource.

- Water planning and management in Georgia must continue to be based on the foundation that water is a public resource, managed by the State in the public interest and subject to the State's sovereign power to plan, regulate, and control the withdrawal and use of those waters, under law, in order to protect the public health, safety, and welfare. "Water as a public resource" means that surface and ground waters lying within or forming a part of the boundaries of the state are so essential to the common good that they must be managed in the public interest, subject to reasonable use.

Recommendation 2:

Incorporate the following six principles into the Comprehensive Statewide Water Management Plan.

1. Georgia should continue to regulate large withdrawals under the Regulated Riparian Doctrine.
2. All water withdrawals should be subject to the "reasonable use" standard.
3. All persons withdrawing water should have an interest in land adjacent to or above the water source before obtaining a permit.
4. Georgia's water programs should manage water resources in an integrated system that recognizes the physical realities of water to include the interrelationship of surface and ground water and water quality and quantity.
5. The State should determine the safe yield for its water resources, maintaining minimum flows and levels in all water sources as necessary to protect the appropriate biological, chemical, and physical integrity of water sources by reserving such waters from allocation and by authorizing additional protections for the waters of the State.
6. The State should conserve the waters of the State through suitable policies promoting water conservation, efficiency, and reuse, and by encouraging private efforts to conserve and to avoid waste.¹

¹ These principles were recommended by the Water Rights Working Group of the Joint Comprehensive Water Plan Study Committee in 2001.

Recommendation 3:

Create a Water Resources Advisory Group.

- Create an advisory group to the Water Council, to be composed of technical experts from state and federal water-related agencies, academic institutions, private organizations, and other stakeholders. Assure geographically broad and user-balanced stakeholder representation on the advisory group.

Recommendation 4:

Ensure meaningful public involvement in the water planning process.

- Require that the Water Council provide meaningful opportunities for the public to participate in the development of the Comprehensive Statewide Water Management Plan and any revisions. The Water Council should draw on the DNR Public Involvement Task Force recommendations in the planning process.

Recommendation 5:

Organize the Comprehensive Statewide Water Management Plan to reflect the natural boundaries of watersheds.

- Regional planning and management of the state's water resources should be based on the natural boundaries of the state's fourteen major river basins and the water supply aquifers recharged by those systems.

Recommendation 6:

Adopt guidelines for regional planning and management statewide.

- Local and regional planning for watersheds and aquifers must be based on uniform, enforceable minimum standards. The plans should be developed by river basin and aquifer planning councils that have broad and balanced memberships and that provide for extensive public participation. Local actions must be consistent with state and regional water plans and guidelines.

Recommendation 7:

Develop and implement a comprehensive plan for headwaters protection.

- Twelve of Georgia's fourteen river basins have their headwaters in our state. Safeguarding these headwaters is vital to the protection of water quality, water quantity, and the health of our aquatic resources.

Recommendation 8:

Collect and disseminate baseline data to support water management decisions.

- Develop and implement systematic, scientifically based methods of collecting high-quality data to support water quality and quantity management decisions.



RECOMMENDATIONS OF THE GEORGIA WATER COALITION



II. PROTECTION OF THE RESOURCE

Meeting human needs for water must include a commitment to minimizing impacts on the resources and respecting the integrity of rivers, aquifers, and native ecosystems.

Recommendation 9:

Maintain and preserve natural seasonal flow patterns for streams and rivers.

- Commit the resources necessary to move from an Interim Instream Flow Policy to a Final Policy that is science-based, is protective of the instream needs of water bodies, and can be used to evaluate permit applications. Maintain natural seasonal flow patterns for streams impacted by runoff, withdrawals, returns, or reservoir releases.

Recommendation 10:

Protect groundwater resources and aquifer recharge areas.

- Protect groundwater resources, including significant recharge areas, concentrated recharge areas, and aquifers by enhancing and enforcing applicable laws and regulations.

Recommendation 11:

Preserve vegetated buffers adjacent to Georgia's surface waters.

- Natural buffers protect water quality, filter storm water, provide flood control, prevent erosion, and serve as wildlife habitat. Protections for vegetated buffers should be strengthened to reflect the value of all of these functions.

Recommendation 12:

Increase protection for Georgia's freshwater wetlands.

- Georgia's freshwater wetlands recharge aquifers, improve water quality, filter pollutants, provide flood control, and serve as habitat for wildlife. Protections for freshwater wetlands, including the use of buffers, should reflect the value of all of these functions.

RECOMMENDATIONS OF THE GEORGIA WATER COALITION



III. MANAGEMENT TOOLS

Recommendation 13:

Standardize the criteria for issuance, amendment, or denial of both surface and ground water withdrawal permits for all proposed uses.

- Amend the Groundwater Use Act and the Water Quality Control Act to authorize the Director of the Environmental Protection Division to grant or deny applications for agricultural permits under the same standards applicable to applicants for other uses. All water withdrawal permits issued by EPD should also be subject to amendment by EPD for purposes of reallocation and protecting instream flow.

Recommendation 14:

Limit new interbasin transfers of water.

- Allow new interbasin transfers only in limited and narrowly defined circumstances to be defined by the Comprehensive Statewide Water Management Plan, such as for temporary emergencies declared by the governor.
- Treat any geographic extension or volumetric increase of an existing interbasin transfer as a new interbasin transfer.
- Insist that new or expanded water and wastewater systems return non-consumptive uses to the basin of origin.
- Establish detailed permitting criteria for EPD to use in considering pending and proposed interbasin transfers that will protect the basins of origin and receipt.

Recommendation 15:

Strictly regulate existing interbasin transfers.

- Establish strict guidelines for grandfathering existing interbasin transfers of water to include the following:
 - The volume, end use, percentage of consumptive use, basin of origin, and basin of receipt of all existing interbasin transfers shall be explicitly incorporated into the water withdrawal permits associated with those transfers upon the renewal of such permits.
 - Interbasin transfers should be allowed to continue only if the applicant is in full compliance with the Comprehensive Statewide Water Management Plan and any local, regional, or state water management or conservation plans.
 - All transfers must protect the basins of origin and receipt.
 - All transfers should reflect the natural hydrograph of the affected systems.

Recommendation 16:

Continue the moratorium on aquifer storage and recovery (ASR) indefinitely.

- Aquifer storage and recovery is not a viable means of water supply in Georgia. Its effects on aquifer water quality have yet to be tested. Furthermore, ASR can lead to unfounded assertions of property rights in the injected water that may run counter to Georgia's riparian system of water regulation.

Recommendation 17:

Consider the construction of reservoirs and dams as a last resort for water supply, recreation, or economic development.

- Alternatives must be investigated prior to planning the construction of a new dam or reservoir.



RECOMMENDATIONS OF THE GEORGIA WATER COALITION



IV. WATER CONSERVATION

Water conservation is the reduction of water use, waste, and loss. Water conservation and the efficient use of existing water supplies must always be treated as the highest priority in planning to meet human and ecosystem needs.

Recommendation 18:

Aggressively manage the demand for water before increasing water supplies.

- In all water supply plans, aggressively implement water conservation programs to reduce the demand for water prior to increasing supplies. Ensure that state agencies and facilities implement water conservation plans and serve as models for conservation and efficient use of water.

Recommendation 19:

Maximize conservation using water withdrawal permit requirements.

- Conservation plans should be included as enforceable provisions of new, renewed, or expanded permits. Require all permitted users to maintain a standardized record of their use of surface and groundwater. No new permits or any modification of existing permits should be issued until the impact on the resource is known and the applicant has implemented a conservation program. Revocable portions of existing permits should be reviewed and modified to achieve conservation of the resource.

RECOMMENDATIONS OF THE GEORGIA WATER COALITION



V. PUBLIC HEALTH AND PUBLIC INVOLVEMENT

Recommendation 20:

Inform citizens about potential health effects.

- Provide better information about substances in water that affect the health of citizens. “Report cards” issued by water utilities should be enhanced to educate citizens about potential health effects of regulated and unregulated substances. Water suppliers should inform users on a timely basis when problems arise.

Recommendation 21:

Maintain citizens’ rights to effective administrative and judicial review of all permit decisions.

- The public plays an important and complementary role in the enforcement of Georgia’s environmental laws. Permitting decisions can have significant impacts on our water resources, and our citizens must not be deterred from seeking review of these decisions before irreparable harm occurs.

RECOMMENDATIONS OF THE GEORGIA WATER COALITION



VI. ENFORCEMENT

The State must enforce the provisions that are enacted to protect water resources, and the legislature must appropriate sufficient funding to support planning, enforcement, research, and policymaking regarding water.

Recommendation 22:

Create and provide economic and regulatory incentives.

- Provide incentives to encourage entities that are in full compliance with all applicable laws and regulations to voluntarily implement plans to reduce environmental impacts to water resources and to bring innovative conservation technologies to Georgia.

Recommendation 23:

Provide adequate funding for enforcement positions.

- Adequate funding for enforcement positions in the Environmental Protection Division should be included in the budget proposed by the governor and adopted by the legislature. These positions can be funded through permit fees and the institution of penalties for violations that accurately reflect the injury to public resources caused by the violation and the economic benefit to the violator for noncompliance.

Recommendation 24:

Improve the linkage between permitting and compliance status.

- Renewed permits should not be granted to facilities that are not in compliance with their current permit unless the renewed permit contains a specific, enforceable plan to bring the permittee into compliance within the shortest practicable time period. Permit standards should reflect the best results that can be achieved to protect natural resources using the most practicable available technology.

Recommendation 25:

Increase enforcement of the Erosion and Sedimentation laws and regulations.

- Provide consistent, thorough, and rigorous enforcement of laws relating to Erosion and Sedimentation control (E&S), including greater use of “stop work orders.” Increase the number and education of enforcement and inspection personnel through the use of the money generated by user fees for this purpose. EPD should provide sufficient oversight of local authorities, provide guidance to local authorities to use in enforcing the E&S laws, and assert their position as the ultimate authority under the State General Construction Stormwater Discharge Permit.

Recommendation 26:

Evaluate EPD for ways to make enforcement more effective.

- Conduct periodic independent performance audits of the environmental programs administered by EPD to identify where enforcement can be improved and institute the recommended improvements.



Georgia Water Coalition Partners

Altamaha Riverkeeper
Atlanta Audubon Society
Athens Grow Green Coalition
Athens Land Trust
Bear Creek Bass Club
Benjamin E. Mays Center, Inc.
Bike Athens
Blue Heron Nature Preserve
Brook Trout Limited
Burnt Fork Watershed Alliance
CCR Environmental, Inc.
Canoochee Riverkeeper
Center for a Sustainable Coast
Central Savannah River Land Trust
Chattahoochee Hill Country Conservancy
Chattahoochee Riverkeeper
Chattooga Conservancy
Citizens for Clean Air and Water
Citizens for Environmental Justice
Clean Coast
Coastal Environmental Organization of Georgia
Coosa River Basin Initiative
DeKalb County Soil and Water Conservation District
Earthkeepers & Company
East Atlanta Community Association
Ens & Outs, Unitarian Universalist Congregation of Atlanta
Foundation for Global Community, Atlanta
Friends of the Apalachee
Friends of Georgia, Inc.
Friends of the Ogeechee River
Garden Club of Georgia, Inc.
Georgia Center for Law in the Public Interest
The Georgia Conservancy
Georgia Conservation Voters
Georgia Council Trout Unlimited
Georgia Environmental Council
Georgia Environmental Organization
Georgia ForestWatch
Georgia Kids Against Pollution
Georgia Land Trust
Georgia Legal Watch
Georgia Poultry Justice Alliance
Georgia Public Interest Research Group
Georgia River Network
Georgia River Survey
Georgia Wildlife Federation
Glynn Environmental Coalition
Green South Fulton
Hydro Management Systems
Junior Bass Busters
LaGrange Boaters, Anglers, Campers Association
Lake Allatoona Preservation Authority
Lake Blackshear Watershed Association
Lake Hartwell Association
Lake Lanier Home Owners Association
Lake Oconee Property Owners' Association
Lake Oconee Water Watch
League of Conservation Voters Education Fund
League of Women Voters of Georgia
Legal Environmental Assistance Foundation
Long Island Creek Watershed Preservation Association
Middle Georgia Advisory Group
National Wildlife Federation
Neighborhood Planning Unit-W, City of Atlanta
New Echota Rivers Alliance
Nickajack Watershed Alliance
Ocmulgee Riverkeeper
Oconee River Land Trust
Ogeechee Audubon Society
Peavine Watershed Alliance
Physicians for a Social Responsibility Atlanta
Presbytery of Greater Atlanta
REP America- Georgia Group
Sautee-Nacoochee Community Association
Savannah Riverkeeper
Save Lake Oconee's Waters
Save Our Rivers, Inc.
Save Our Satilla - SOS
Sierra Club- Georgia Chapter
Soque River Watershed Association
South Atlantans for Neighborhood Development
Southeastern Natural Sciences Academy
Southern Alliance for Clean Energy
Southern Environmental Law Center
SouthWings: Conservation through Aviation
Turner Environmental Law Clinic
United Nations Association - Atlanta Chapter
Upper Chattahoochee Riverkeeper
Upper Oconee Watershed Network
Vegetarian Solutions
West Point Lake Advisory Council
West Point Lake Coalition
The Wilderness Society



Georgia Water Coalition

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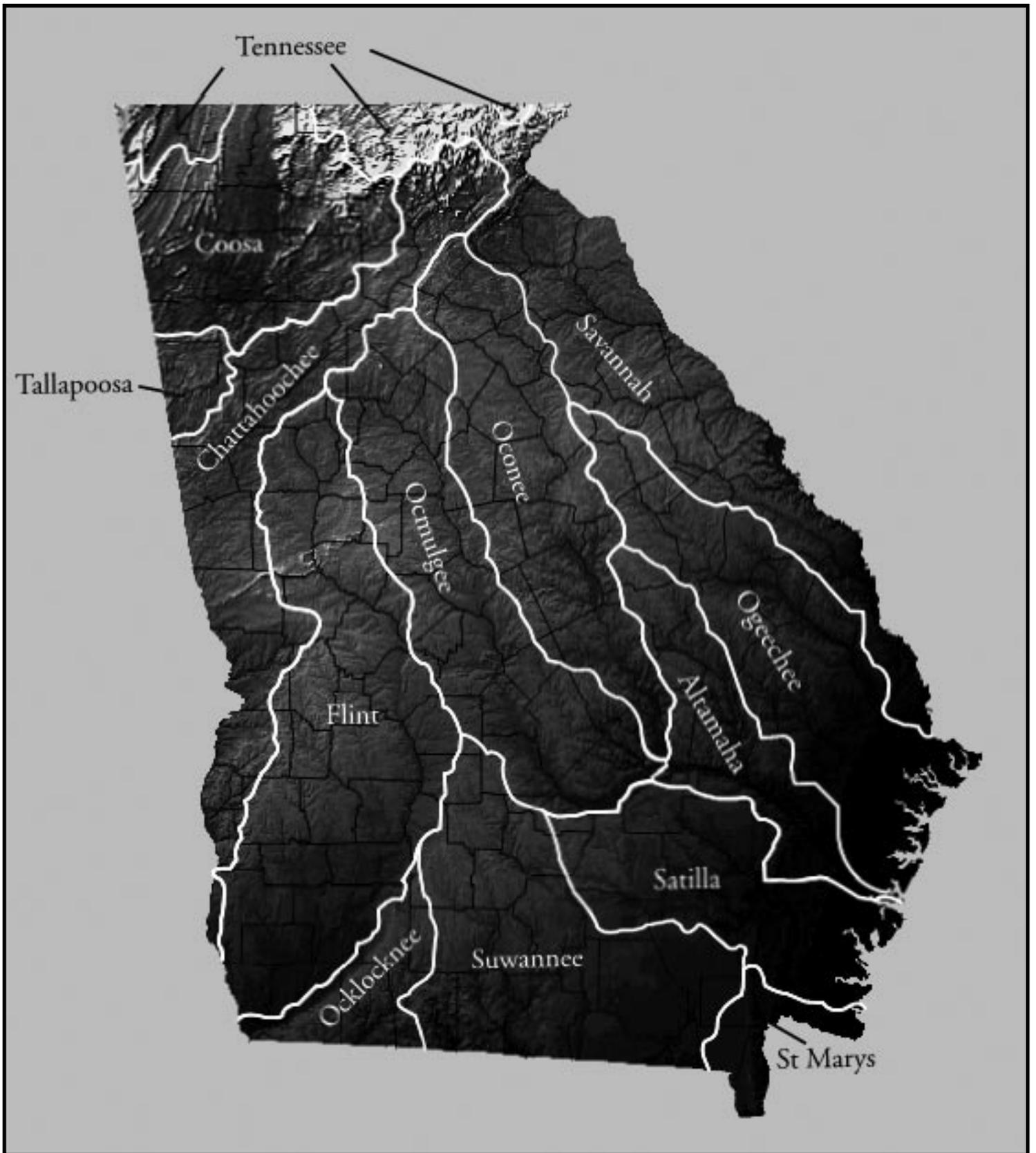
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GEORGIA'S 14 RIVER BASINS



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