
a report of the
GEORGIA WATER COALITION
2008



GEORGIA
WATER
COALITION





Mission Statement of the Georgia Water Coalition

To protect and care for Georgia's water resources, which are essential for sustaining Georgia's prosperity, providing clean and abundant drinking water, preserving diverse aquatic habitats for wildlife and recreation, and strengthening property values.

The Principle Defining the Coalition's Work and its Recommendations

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, and enforceable through statutes and regulations.

Introduction

Smart water management is key to sustainable growth, allowing economic development and conservation to exist side by side.

Over the past seven years, 168 organizations representing well over a quarter of a million Georgians have officially joined the Coalition's efforts. Including farmers, homeowner associations and business owners, sportsmen's clubs and conservation organizations, professional associations and religious groups, the Coalition continues to speak out and provide information about the importance — even critical nature — of prudent statewide water management. The Georgia Water Coalition (GWC) effort benefits all Georgians because it asks our leaders to make responsible decisions about how to best protect our water — now and into the future.

The following recommendations, representing a consensus of the Coalition, are an essential part of establishing a sustainable water management plan for Georgia for the next 100 years. This is the third such report of the GWC, reflecting actions taken during the last General Assembly and more recent events in the state.

These recommendations should be implemented by the Governor, the General Assembly, the Water Council, the Department of Natural Resources and the Environmental Protection Division (EPD).



Hank Ohme

1 To protect property values, Georgia must maintain water as a public resource; our rivers and aquifers are not a commodity that can be bought and sold to the highest bidder.

1. 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 participation in permitting decisions and seeking review of these decisions before irreparable harm occurs.

2. Fully fund water resource assessments.

The General Assembly should provide adequate funding for continued, thorough, science-based and objective assessments of all surface and ground water resources in Georgia. These assessments must then be used to guide planning that respects natural boundaries and resource limitations.

3. Require technical review and public participation in the Regional Water Resource Assessments.

Since the Statewide Water Plan is to be a composite of Regional Plans, and those are to be based on resource assessments to be performed by contractors engaged by the Environmental Protection Division (EPD), the confidence of the public depends on an assurance of openness, fairness, and accuracy. Full public disclosure of all assessments, facts, and assumptions, along with outside independent technical review, prior to any adoption by Regional Planning Councils and only after public hearing and comment, is essential to the planning process.

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

Aquifer storage and recovery is not a viable or environmentally sound 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.

5. Recognize that water pollution trading will not work in Georgia.

There is no evidence that water pollution trading will work in Georgia. Current monitoring of Georgia's waterways is inadequate, even for current enforcement purposes. The state needs truly comprehensive monitoring to provide data on existing water quality and should encourage and solicit voluntary monitoring by citizens and businesses for supplemental information until complete state monitoring is in place.

Water pollution trading schemes in other places have resulted in the formation of pollution hot spots and in trading over long distances within a watershed. Combined with a lack of enforcement, these defeat the purpose of improving water quality within a specific watershed and undermine the intent of the Clean Water Act. In addition, water pollution trading must never be used to introduce water markets or water withdrawal permit trading in Georgia.

2

The value of Georgia's water requires that it be used efficiently.

1. The state shall actively foster efficient use of the waters of the state.

The state will implement policies promoting water conservation, efficiency, and reuse by all sectors and by encouraging all private efforts to conserve and to avoid waste of water.

2. Implement economic and regulatory incentives and consumer education to encourage maximum efficiency by all water users.

The state will provide and publicize 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.

All water rates and bills need to be designed so that they plainly promote fairness, conservation, and simplicity to and for water users. Rates that promote the use of excess water for any reason must be eliminated.

3. Maximize conservation and efficiency through water withdrawal permit requirements.

Conservation plans should be included as enforceable provisions of new, renewed, or modified water withdrawal permits. The state should require all permittees to maintain a standardized record of their use of surface water and groundwater and make records publicly available on the Georgia Environmental Protection Division's website. No increase in existing water withdrawals should be permitted until the impact on the resource is known and the applicant has met specific conservation and efficiency goals and benchmarks. New permittees should be required to use the most water-efficient practicable technology available. Unused portions of existing permits should be revoked to keep water in streams, rivers, and lakes.

4. Promptly issue rules that implement the Water Conservation Implementation Plans.

Rules should include water conservation and efficiency requirements for all water user sectors. These benchmarks should have numerical targets and associated timelines to reach these targets in the short-term and long-term.

3

Our future generations are due a heritage of plentiful clean water.

1. The state should aggressively manage the demand for water — before increasing water supplies — to reduce the burden on taxpayers, avoid future capital costs, and conserve water resources.

The state should develop, invest in, and implement aggressive water conservation programs, including electricity demand conservation, to reduce the demand for water prior to the approval of new supplies such as reservoirs and the expansion of permitted withdrawals. The Environmental Protection Division must require proof that aggressive water conservation goals and benchmarks have been met before permits are renewed or new permits are granted. Specific measures can be added to an aggressive water conservation program, such as conservation pricing, plumbing retrofits, watering restrictions, leak detection, efficient energy measures, and water-smart best practices for outdoor watering. Ensure that state agencies and facilities implement water conservation plans and serve as models for conservation and efficient use of water.

2. Strictly regulate existing interbasin transfers of water and limit new 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.

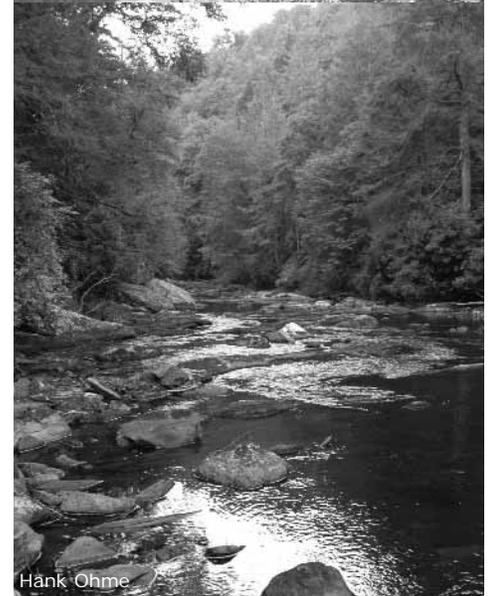
Closely regulate new interbasin transfers under the following guidelines:

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.



Joe Cook



Hank Ohme



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Hank Ohme



Shana Udvardy

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.

Properly condition regulation of new interbasin transfers in order to maintain and restore natural variation in stream flow patterns for all waters for water quality, ecology and economic benefits, including recreation.

Initiate rulemaking on interbasin transfer policy outlined in Comprehensive Statewide Water Management Plan.

3. Drought planning and management must be routine activities.

Georgia has experienced water supply shortages exacerbated by population growth and drought conditions. Drought and water supply planning must become permanent year-round activities for state and local government.

4. Strictly regulate new and existing septic systems.

Septic systems should be properly sited, maintained, and cleaned regularly to remain functional and to ensure that surface and groundwater are not contaminated. EPD should execute aggressive studies of the location and use of septic systems in areas of concern, such as the coastal hydric system and high density metropolitan areas. Septic systems in these areas should be regulated more stringently than those in other locations. Such regulation should include minimum pump-out schedules and plans for progressive elimination of septic systems if it is found that natural systems are overburdened. EPD needs to coordinate more closely with local boards of health and the Department of Human Resources to ensure that septic systems are regulated uniformly and with proper oversight. In addition to regulation, citizens must be educated as to the proper maintenance of septic systems.

5. Recognize that desalination is not a viable water supply alternative for Georgia.

Desalination is not a viable water supply alternative for Georgia. Pollution byproducts of the desalination process are destructive to marine ecosystems and the economies that depend on them. Desalination discourages conservation and other more responsible water supply alternatives. The process is extremely expensive, both in terms of producing potable water and of transporting that water to a destination. It also results in the consumption of large amounts of energy and fresh water to produce the energy required to produce the desalinated water.

4

Healthy natural systems are essential for human and environmental well-being and economic prosperity.

1. Determine safe yield for each of the state's water resources.

The state should determine the safe yield for its water resources. This means maintaining optimal flows and levels of all water sources necessary to protect the biological, chemical and physical integrity of waters. This is done by protecting waters from over-allocation and by authorizing additional protections for the waters of the state.

2. Diligently inform citizens about potential health effects of water resource problems.

The state will adequately monitor and regularly report to the public accurate information on water quality issues that affect public health by making information accessible via print and electronic media and at places where the public regularly uses the waters of the state or seeks information about those waters.

3. Adopt and implement a final instream flow policy and limit the construction of dams and reservoirs.

The policy should result in the restoration, maintenance, and preservation of natural seasonal flow patterns for streams and rivers. It should maintain and restore natural variations in stream flow patterns and minimize the biological disruption caused by barriers for all waters — for water quality, ecology, and economic benefits, including recreation.

The final policy should be science-based, protective of instream needs, and account for seasonal variations. This information should be used for evaluating permit applications.

Georgia's remaining free-flowing streams and stream segments are vital for people and wildlife of Georgia; therefore, the state should consider the construction of reservoirs and dams only as a last resort. The state should initiate rulemaking on reservoir permitting that is outlined in the Statewide Water Management Plan. When evaluating whether to construct new reservoirs and dams, the state should first consider making use of existing impoundments to minimize the impacts to rivers and streams.

4. Protect and restore groundwater resources and aquifer recharge areas.

The state should protect and restore groundwater resources, including significant recharge areas, concentrated recharge areas, and aquifers by increasing legal and regulatory protections and enforcing applicable laws and regulations. The state should expand its monitoring and assessment of groundwater resources throughout the state, and should specifically focus on increasing our understanding of the relationship between groundwater and surface water.

5. Preserve and restore vegetated buffers adjacent to all of Georgia's state waters, including small streams, freshwater wetlands, and coastal marshlands.

Natural buffers protect water quality, filter stormwater, provide flood control, prevent erosion, preserve native flora and fauna, and serve as wildlife habitat. Protections for vegetated buffers should be strengthened to reflect the value of all of these functions and to reflect scientific understanding of what is needed to protect stream quality. The state must enforce stream buffer regulations uniformly and minimize the granting of variances. The state must provide funding for enforcement, and create and apply effective penalties that include repairing damage and restoration when violations are committed.

6. Improve state protection of Georgia's saltmarsh ecosystem by regulating activities that affect the marsh.

Georgia's coastal saltmarsh ecosystem provides a nursery for commercially and recreationally valued species of fish, shellfish, and other wildlife; provides an important buffer against storms, flooding, and erosion; filters and breaks down pollutants; and provides a recreational resource that is vitally linked to the state's economy. Protections should take into consideration not only in-marsh activities and their cumulative impacts, but also wetlands functions and other upland activities, including stormwater management, both adjacent to the marsh and up gradient, that impact the saltmarsh.

5

High water quality standards must be mandatory — not a budgetary option.

1. Protection of water quality depends on comprehensive monitoring.

The state should invest in comprehensive water quality monitoring, both in frequency of monitoring and the number of sites that are monitored. Polluters should be held accountable for violating water quality rules and creating water quality impairments. The state should not rely on data from polluters conducting self-monitoring. The standards used for Georgia's Adopt-a-Stream program should be the same as those used for enforcement, and Adopt-a-Stream monitoring results should be used to alert EPD of potential violations.

2. Increase enforcement of erosion, sedimentation, and stormwater laws, regulations, and permits; continue to improve stormwater Best Management Practices (BMPs) and require statewide compliance with the Georgia Stormwater Management Manual (commonly known as the Blue Book).

The state must provide consistent, thorough, and rigorous enforcement of laws and permits relating to erosion, sedimentation, and stormwater control, including more effective use of stop work orders. The state must increase the number and educational requirements of enforcement and inspection personnel through the annual appropriation of all the monies generated by user fees for these purposes. The Georgia Environmental Protection Division should provide sufficient oversight of local authorities, provide guidance or guidelines for local authorities to use in enforcing the erosion and sedimentation laws, and assert its position as the ultimate authority under the Erosion and Sedimentation Act and the State General Stormwater Discharge Permits.

Best Management Practices must be used to restore to and maintain the site's original hydrological and ecological function. Natural BMPs, as opposed to engineered, are preferred. The system of BMPs designed, installed, and maintained on a given site should protect existing vegetation and tree canopy; minimize impervious surface; and preserve the pre-development hydrology of the stream receiving stormwater flows.

3. Provide adequate funding for enforcement personnel.

Sufficient funding for permit enforcement by EPD and the Coastal Resources Division should be included in all budgets proposed by the Governor and adopted by the legislature. These positions can be funded, in part, through permit fees and penalties for violations (that accurately reflect the injury to public resources caused by the violation, and the economic benefit realized by the violator as a result of noncompliance). A constitutional amendment to dedicate these funds to these special purposes should be enacted.



James Holland



4. Allow development only where adequate water supplies and assimilative wastewater capacity exists.

Georgia has seen record economic and population growth over the last two decades. A large portion of that development has occurred in North Georgia, location of the headwaters of several major Georgia rivers and now experiencing water supply shortages as a result of that growth and a series of severe droughts. Continued extensive development is anticipated in the northern and coastal regions, parts of which do not have adequate water supplies or capacity to assimilate wastewater. Such Developments of Regional Impact, so designated by the Regional Development Centers of the state, should require any such proposal to include assurances of adequate and permanent water supply and ability of streams receiving wastewater to assimilate the waste as a required first step before consideration of any other factors of the proposal.

5. Clarify and strengthen permitting for land application systems and related waste disposal.

Land application systems (LAS) can have significant effects on both water quantity and quality in Georgia. There is currently confusion over what constitutes a LAS, as opposed to a septic system or the land disposal of septic tank waste. Through rulemaking and guidance, the Georgia Environmental Protection Division should clarify its definition of land application systems, differentiate these systems from related septic disposal systems, and clearly identify the permitting and operation requirements for each type of system. Permits must meet all state and federal requirements and must be strictly enforced.

6. Apply sufficient resources to ensure that streams attain Total Maximum Daily Load Standards (TMDLs) in a timely fashion and that newly discovered stream impairments are addressed immediately.

Georgia's current TMDL program lacks sufficient resources to monitor the vast majority of our water bodies or to effectively carry out TMDL implementation plans that are developed. Local governments are often required to implement plans that they do not have the resources or expertise to implement, nor do they have the resources to monitor the effect of their work. EPD needs to put more resources toward this program to ensure that impairments are eliminated. Streams should remain on the 303(d) — impaired streams — list until the impairments are eliminated.

6 Establish common sense water management policies

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

All significant water withdrawals need to be subject to permits, requiring a revisiting of the current 100,000 gallons per day threshold in light of recent conditions and technological advances. All water withdrawal permit requests should be publicized and include public participation prior to issuing the permit. All withdrawal permits issued by EPD should be subject to review and modification by the agency for reallocation and protection of instream flows and aquifer yields, including water conservation and efficiency requirements. The Groundwater Use Act and the Water Quality Control Act should be amended to authorize the EPD Director to grant or deny applications for agricultural permits under the same standards applicable for other uses, including water conservation requirements.

2. Link permits to compliance status.

Water withdrawal and waste water discharge permit renewals should not be granted to facilities that are not in compliance with their current permit unless a conditional renewed permit contains a specific, enforceable plan to bring the permittee into compliance within the shortest practicable time period. Permits must be evaluated in light of low flows resulting from drought. Permit standards should reflect the best results that can be achieved to protect natural resources using the most practicable available technology with an ultimate aim of the eliminating of discharges of all pollutants.

3. Adopt a state law to ensure protection of freshwater wetlands and restore degraded wetlands.

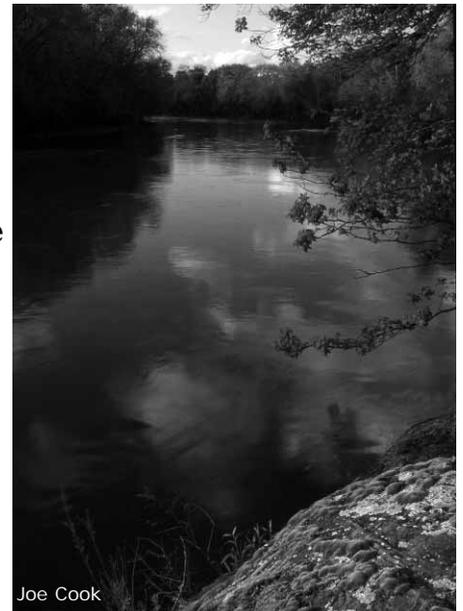
Georgia's freshwater wetlands recharge aquifers, improve water quality, filter pollutants, provide flood control, and serve as habitat for wildlife. Protections for, and restoration of, freshwater wetlands, including the use of buffers, should reflect the value of all of these functions. Public and professional educational efforts regarding wetlands soils, hydrology, and vegetation need additional attention in school and continuing education curricula.

4. Develop and implement a comprehensive plan for headwaters protection.

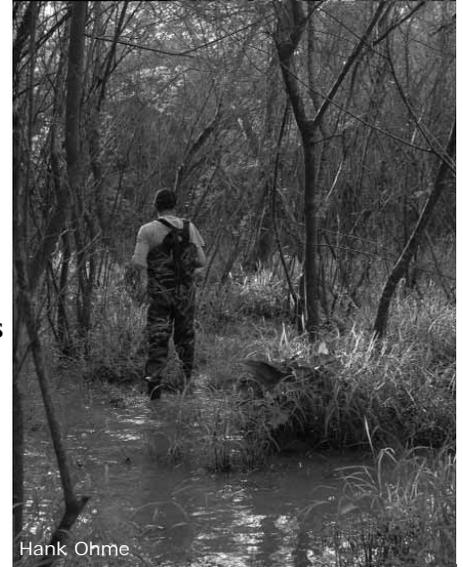
All of Georgia's fourteen river basins have their headwaters in our state. Safeguarding these headwaters is vital to the protection of water quality, water quantity, and the health of our aquatic resources.

5. Find ways to make enforcement more effective.

The state should fund periodic independent performance audits of the environmental programs administered by the Georgia Environmental Protection Division, the Georgia Environmental Facilities Authority, and the Georgia Soil and Water Conservation Commission to identify where enforcement can be improved, and institute and fund the recommended improvements.



Joe Cook



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American Rivers
American Whitewater
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Central Savannah River Land Trust
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Chattahoochee Nature Center
Chattahoochee River Watch
Chattooga Conservancy
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Citizens for Environmental Justice
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DeKalb County Soil & Water Conservation District
Earthkeepers & Company
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Ens & Outs, Unitarian Universalist
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Environment Georgia
Environmental Community Action Inc.
 (ECO-Action)
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Flint Riverkeeper
Foundation for Global Community,
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Friends of Georgia, Inc
Friends of McIntosh Reserve
Friends of the Apalachee
Friends of the Chattahoochee
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Georgia Bass Chapter Federation
Georgia Canoeing Association, Inc.
Georgia Coalition for the People's Agenda
Georgia Coalition of Black Women
Georgia Conservancy
Georgia Conservation Voters
Georgia Erosion Control Center (GECC)
Georgia ForestWatch
Georgia Interfaith Power and Light
Georgia Irrigation Association
Georgia Kayak Fishing
Georgia Kids Against Pollution
Georgia Lakes Society
Georgia Land Trust
Georgia Onsite Wastewater Association
Georgia Organics
Georgia Poultry Justice Alliance
Georgia River Fishing
Georgia River Network
Georgia River Survey
Georgia Rural Urban Summit
Georgia Wildlife Federation
Glynn Environmental Coalition
GreenLaw
Green South Fulton
Hiwassee River Watershed Coalition
Hotlanta Adventures
Hydro Management Systems
IMPACT
Interface, Inc.
Intrenchment Creek Coalition
Jackson Lake Homeowners Association
Jett Ferry Manor Homeowners Association
Junior Bass Busters
Knottalotta Entertainment
Krull and Company
LaGrange Boaters, Anglers, Campers Association
Lake Allatoona Preservation Authority
Lake Blackshear Watershed Association
Lake Hartwell Association
Lake Homeowners Alliance
Lake Lanier Homeowner's Association
Lake Oconee Property Owners' Association
Lake Oconee Water Watch
Lake Yonah Association
League of Women Voters of Georgia
Little Tennessee Watershed Association
Long Island Creek Watershed Preservation Assn
Lumpkin Coalition
MBD Water Solutions
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Minds Eye Scenic Arts
Mountain Park Watershed Preservation
 Society, Inc.
National Wildlife Federation
The Nature Conservancy
Neighborhood Planning Unit - W, Atlanta
Netlink IP Communications
New Echota Rivers Alliance

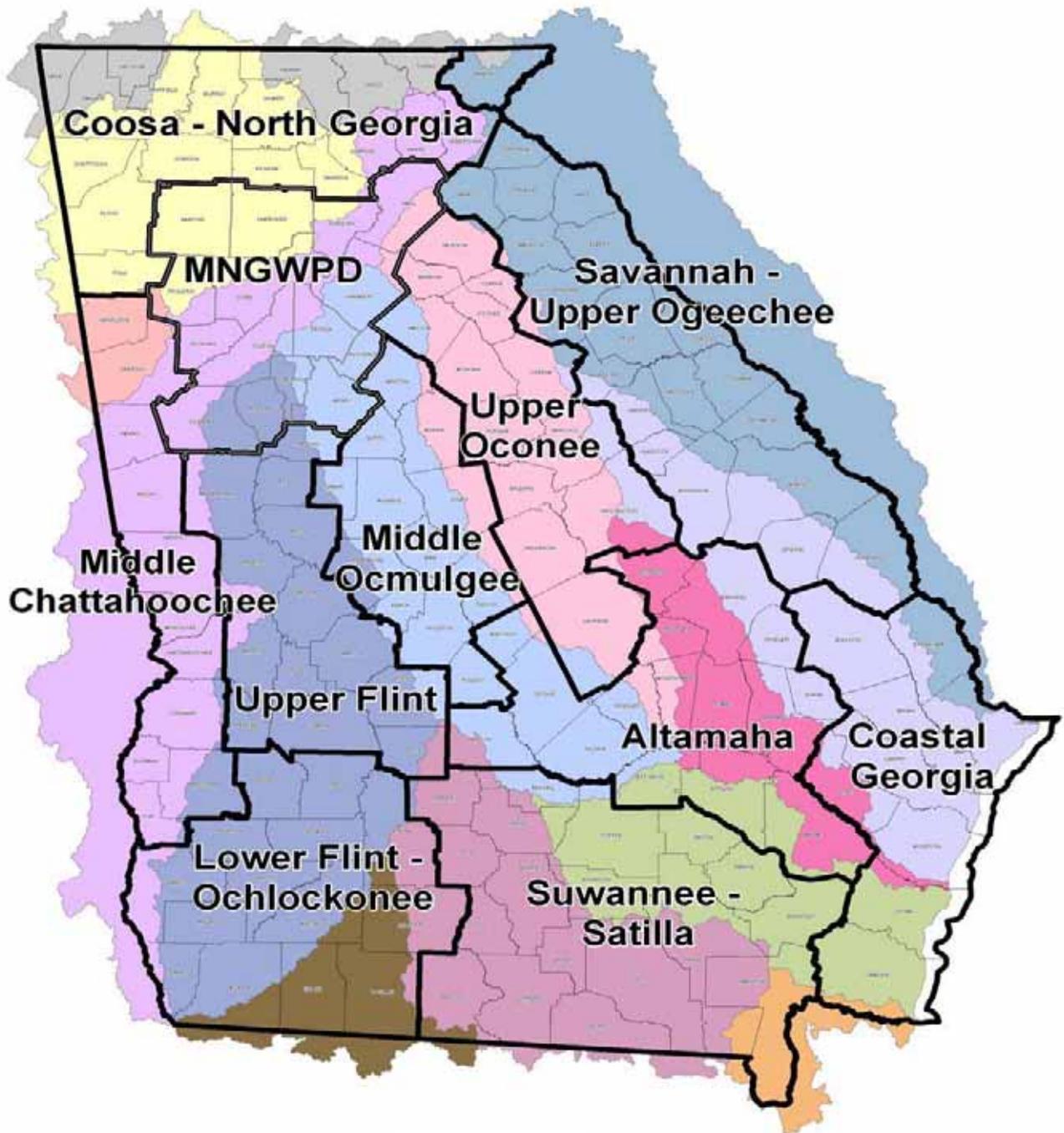
Nickajack Watershed Alliance
Norris Lake Community Benefits Corporation
North Georgia Trout Online
Nuclear Watch South
Oceana
Oconee River Land Trust
Ogeechee Audubon Society
Ogeechee - Canoochee Riverkeeper
Peavine Watershed Alliance
Physicians for a Social Responsibility Atlanta
Presbytery of Greater Atlanta
The Rain Harvest Company, Inc.
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REP America- Georgia Group
Richmond Hill Garden Club
Ridgeview Neighborhood Civic Association
Satilla Riverwatch Alliance, Inc.
 & Satilla Riverkeeper
Sautee-Nacoochee Community Association
Savannah-Ogeechee Canal Society, Inc.
Savannah Riverkeeper
Savannah Tree Foundation
Save Lake Oconee's Waters (SLOW)
Save Our Rivers, Inc.
Sierra Club- Georgia Chapter
Small Carpenters at Large
Soque River Watershed Association
South Atlantans for Neighborhood Development
Southeastern Natural Sciences Academy
Southern Alliance for Clean Energy
Southern Environmental Law Center
Southface
SouthWings: Conservation through Aviation
Spring Creek Watershed Partnership
Sustainable Business Partners
T-Shirt Construction Co.
Tallulah River Watershed Protection Committee
Trout Unlimited - Georgia Council
Turner Environmental Law Clinic
Unicoi Outfitters
United Nations Association - Atlanta Chapter
Upper Chattahoochee Riverkeeper
Upper Oconee Watershed Network
Upper Tallapoosa Watershed Group
US Green Building Council - Atlanta Chapter
US Green Building Council - Savannah Chapter
Vegetarian Solutions
West Atlanta Watershed Alliance
West Point Lake Advisory Council
West Point Lake Coalition
The Wilderness Society
World Wildlife Fund

*October 16, 2008
168 Partners*



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Current Delineation of Water Planning Regions — And Their Lack of Congruity With River Basins



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Protecting and caring for Georgia's waters