

**Georgia Department of Natural Resources**  
**Environmental Protection Division**

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Judson H. Turner, Director  
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June 4, 2015

**MEMORANDUM**

To: Judson H. Turner, Director  
Environmental Protection Division

From: James A. Capp, Chief  
Watershed Protection Branch

Subject: Responses to Comments Received During the Public Comment Period  
Regarding Proposed New Rules for Public Water Systems to Improve  
Water Supply Efficiency, Chapter 391-3-33

On April 13, 2015, EPD issued a public notice requesting comments on proposed Rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33. A public hearing was held at 10:00 a.m. on May 5, 2015, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. The public comment period ended May 13, 2015.

A summary of the comments received and EPD's responses to the comments is attached. No changes to the proposed rules are recommended as a result of comments received.

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**1) Comment:** Several commenters stated that the definition of a "Qualified Water Loss Auditor" was not clear enough and lacked specificity.

**Response:** The proposed rule defines a "Qualified Water Loss Auditor" as an individual who has completed a basic water loss auditing course approved by the Division and who demonstrates the knowledge, skills and ability to validate water loss audits in accordance with the Georgia Water System Audits and Water Loss Control Manual. The definition was crafted this way intentionally to allow public water systems to conduct, and submit, the water loss audits as long as they have had some basic training and they are proficient enough to submit a quality audit. EPD is developing, through a contractor, a specific training course designed to instruct water professionals how to do a good quality water loss audit.

**2) Comment:** Several commenters stated that the requirement to demonstrate progress lacked specificity and they were concerned that this gave the EPD Director too much discretion to reduce or deny water withdrawal permits or drinking water permits for failure to make demonstrated progress towards improving water supply efficiency. Most of these same commenters commended EPD for not including numeric criteria for

which to gauge progress. Instead of numeric criteria, they requested a framework and measurements showing how progress could be demonstrated.

**Response:** The rule provides a framework for demonstrating progress that recognizes the substantial variation among public water systems with regard to age, geographical size, population density, and other relevant factors. Each public water system is required to develop and implement a water loss control program. Within that program, each public water system is required to establish individual goals to set measures of water supply efficiency and to improve water supply efficiency. The rule states that public water systems may demonstrate progress through process or performance measures. The rule also specifies the timing of when a public water system is required to submit a demonstration of progress.

Georgia state law has long vested the decision to issue a water withdrawal permit with the EPD Director. This decision has been based on a demonstration of need and reasonable use by the permit applicant (see O.C.G.A § 12-5-31(g), § 12-5-31(h) and § 12-5-31(k)). These new rules do not change that fundamental principle.

**3) Comment:** One commenter stated that EPD should relax the requirements for detailed Water Loss Control Programs and Reporting for systems that are already producing excellent results as shown in the Infrastructure Leak Index and Validity Scores resulting from annual Water Audits.

**Response:** State law requires (see O.C.G.A § 12-5-4.1(b)) that the audits be conducted annually according to the International Water Association water audit method/standard, so that requirement may not be relaxed. Development and implementation of a water loss control program is important for all public water systems subject to the rule to ensure that we are being good stewards of our water resources. For systems that currently show good performance, the water loss control program will help ensure that performance does not degrade over time.

**4) Comment:** One commenter stated that the proposed rule should be expanded beyond water providers to include water users such as local governments and industry.

**Response:** These rules are being developed pursuant to O.C.G.A. §12-5-4, in general, and particularly O.C.G.A. §12-5-4.1; these code sections very clearly focus on public water systems. The addition of other water users such as local governments and industry is outside the scope of this particular rulemaking process.

**5) Comment:** One commenter stated that the proposed rule should require public water systems to develop and implement demand side management programs.

**Response:** This particular rulemaking focuses on the specific directive in O.C.G.A. §12-5-4.1 to implement the water loss audit and water loss detection programs. As such, demand side management programs are outside the scope of this particular rulemaking process.

**6) Comment:** One commenter noted that the proposed rule requires the water loss control programs to be updated periodically as needed. The commenter stated the rule should require that the water loss control programs be updated at least every two years, or more frequently if needed.

**Response:** It is expected that the water loss control programs will include elements spanning multiple years due to the nature of the program and, as such, will not need to be updated very frequently. EPD will check the control programs as part of the demonstration of progress that is included when permit applications are submitted. Regardless of the frequency of the program update, the public water system is responsible for demonstrating progress when they submit an application. The public water systems are best situated to make the decision of when their program needs updating, and the rule provides the necessary flexibility to do so.

**7) Comment:** Two commenters stated that the definition of “Real Losses” is incorrect. “Reservoirs” and the water treatment facilities should be removed. Evaporative Losses from Reservoirs and losses at the treatment plant are not part of “Real Losses”. The M36 definition should be used instead.

**Response:** The definition of Real Losses in the proposed rule is consistent with the Georgia Water System Audits and Water Loss Control Manual, version 1.2. No change to the definition is needed.

**8) Comment:** One commenter questioned how EPD would determine an audit to be of “poor quality,” which could trigger a requirement to correct, and resubmit, the audit or to hire a third party to correct, and resubmit, the audit.

**Response:** EPD would review the audit results in accordance with the Georgia Water System Audits and Water Loss Control Manual. If EPD were to find that all, or parts, of the audit were not conducted in accordance with the manual, EPD could trigger those requirements.

**9) Comment:** One commenter stated that “Revenue Recovery Activities” should be removed from the rule because it is a utility management issue that should not be regulated by EPD.

**Response:** EPD is not regulating “Revenue Recovery Activities.” Public water systems may, but are not required to, include Revenue Recovery Activities in their water loss control program.

**10) Comment:** One commenter stated that it is acceptable to require use of the AWWA water loss audit software as long as it is free.

**Response:** If the software were to become unreasonably expensive in the future, EPD would assess whether or not acceptable alternatives were available and/or changes to the rule were necessary.