#	Public comments	EPD responses
1	Several commenters provided feedback on historic noncompliance. "Addressing non-compliance among landowners with pre-2012 surface water or groundwater sources or out of compliance acres is crucial. We advocate bringing these landowners into compliance to gather data and allow responsible irrigation practices in non-drought conditions. Any assessments should align with legal considerations from neighboring states, ensuring fairness without penalizing responsible users. GAC fully supports these initiates significant steps toward securing agriculture's future in Southwest Georgia while promoting responsible water management practices." "As the Director considers compliance issues with wells drilled before 2012, we recommend that all wetted acres considered in Georgia v. Florida be brought into compliance within the framework of existing permits at that time, barring actions by bad actors. In the instance that a grower's wetted acres were accounted in the lawsuit, there should be a pathway to compliance to allow them full access given the courts findings that water usage at that point was not detrimental to the aquifer." "It is my belief, along with most of the farmers that I know, that all of the existing wells should be grandfathered in and acres updated to include watered land regardless of the acres that were applied for on well permits that date back to the early 1970s and 1980s."	The Georgia Environmental Protection Division (EPD) recognizes the critical importance of addressing non-compliance. Because these acres have been evaluated and not found to be unreasonable, EPD has revised its Permitting and Compliance Management Strategy, particularly Section 6.0 (Enforcement Process) in response to this comment. For acres put into irrigation pre-2012 suspension in green or yellow zones or pre-1999 suspension in red zone, EPD will issue permits consistent with the 2006 Flint River Basin Plan. EPD believes that this approach will allow EPD to focus on the most environmentally impactful noncompliance – acres and sources out of compliance since 2012.
2	One commenter said, "Claiborne wells are expensive to operate and several of our wells seem to have more problems than others. We can use the Claiborne wells as backup in the event we needed to stop using Florida wells due to low water table. The cost of repairing a Claiborne well is close to the initial cost of digging a Florida well and a Florida well is much cheaper to operate."	EPD understands the maintenance costs associated with large Claiborne wells. EPD is proposing these drought-restricted permits to provide farmers with a Floridan option. Claiborne wells could be used as a backup during times of drought, when the drought-restricted Floridan well would not be available.
3	Several commenters provided feedback on volumetric permits.	EPD expects that volumetric permits will be used primarily as a compliance option. The choice between a drought-restricted permit and a volumetric permit is specifically applicable to agricultural water users who have an existing groundwater or well-to-pond permit and are over-irrigating on their permitted

	One commenter requested that, in addition to permits with drought restrictions for new permit holder, they "would also like the option of a volumetric limit of 15.94 inches per year." A different commenter recommended, "Any new well that will be drilled going forward should be allowed in the Floridan Aquifer with a minimum usage allowed of 24 inches per crop year." Another commenter said, "This proposal's flexibility to choose between drought restricted permits or volumetric permits allows growers to make the best decision for their individual operation. We encourage the initial limits in the draft volumetric permits to reflect the sound research from partners at UGA College of Agricultural and Environmental Sciences to ensure a necessary but reasonable supply of water is accessible, balancing crop requirements and management of the basin."	acres. This choice is just one of a broader set of options available to these permit holders. Permit holders may select the option that works best for them. If a permit holder has an existing surface water permit and is overirrigating their permitted acres, the permit hold may choose a volumetric permit. Drought-restricted permits are not available for surface water sources. Volumetric permits are not an option for new users or for someone irrigating without a permit. Providing a volumetric permit to a new user or someone irrigating without a permit could result in additional use of the Floridan aquifer in times of drought. The volumetric limit will rely on the basin average application depth during the most critical drought year (2011) or 15.94 inches. According to the University of Georgia Extension Irrigation Reference Guide for Corn, Cotton, Peanuts, and Soybeans, cotton needs 16.59 inches, peanuts need 18.85 inches, and corn needs 26.61 inches. Given that irrigation is supplemental to rainfall, the basin average irrigation depth is consistent with crop needs. EPD understands that local soil types or rainfall may vary, and EPD also understands that timing of water application matters. As a result, volumetric permits may not be a tool for every farmer or for every field.
4	One commenter said that, "For drought restricted permits, we believe the daily notification system through text messages and emails will provide growers with the information they need in a timely manner. It is important EPD has included a 24 hour window after the notification for growers to adjust to the restrictions if enacted. When determining if the aquifer has been depleted to the point of triggering drought restrictions, we ask that the Director limit and tailor restrictions only to the affected region and not suspend all drought restricted permits."	EPD plans to maintain the 24 hour window after notification to provide farmers with time to complete an irrigation cycle. EPD considered more localized drought restrictions. However, several challenges emerged. Ensuring compliance in more localized regions was assessed to be resource intensive and difficult, and accurately assessing drought conditions without a basin-wide perspective presented significant limitations. The triggering of any five of the 15 monitoring wells used by EPD is a reliable indicator of aquifer health across the basin and correlates well with other key drought metrics, such as stream flows and precipitation deficits. For these reasons, a basin-wide approach remains the most effective way to manage drought conditions while maintaining consistency and fairness across the region.

5	One commenter said that, “It is imperative growers have a safety net when the state restricts their ability to irrigate. We ask for assurance that when restrictions are enacted, crop insurance will protect growers from damages incurred from limited water access.”	Crop insurance coverage related to water use limitations during drought depends on the timing of restrictions. If no restrictions are in place before planting and a restriction is imposed after planting, then a failure in irrigation supply would be considered an insurable cause of loss under the irrigated practice. However, if a restriction exists before planting and there is no reasonable expectation of sufficient water supply, the affected acreage must be reported as non-irrigated. Additionally, if a restriction is in place before the end of the planting period and conditions such as insufficient soil moisture prevent planting, the farmer may be eligible for prevented planting coverage. EPD strongly encourages all agricultural water users to contact their insurance providers directly to discuss specific questions about their coverage. Your insurance agent can provide the most accurate and up-to-date information about how your policy may be affected by changes in water availability. EPD recommends staying updated on the number of wells that have been triggered by drought conditions. We recommend regularly checking whether 1, 2, 3, 4, or all 5 wells have been triggered. This information may help you make timely decisions about your water use and crop management strategies. Your local cooperative extension agents, commodity groups, and other trusted agricultural advisors will be valuable local resources, in many cases.
6	One commenter proposed the following modifications “be added to the drought conditions parameter: 1. Perennial crops – irrigation may continue for the current year but at a reduced rate 2. Annual crop options a. may not be irrigated if a drought restriction is in place b. irrigation may continue for the current year but at a reduced rate, and irrigation is forfeited for the next year”	EPD recognizes the unique challenges posed by perennial and orchard crops under drought-restricted permits. The current proposal does not include crop-specific exemptions. Permits with drought restrictions may not be a good fit for each crop type. The current proposal does not allow for reducing use in future years to make up for continued use during a drought, and EPD cannot adopt such a system where water use is "borrowed" from future years. Water resource management must respond to current conditions, and drought restrictions are implemented to protect the immediate health of the aquifer and ensure sustainability during times of scarcity. Other water users, including aquatic ecosystems, rely on adequate water availability in real-time and cannot wait until future years for relief.

		EPD remains committed to refining its drought management strategies to balance agricultural needs with sustainable water resource practices and will continue to consider feedback as part of this ongoing process.
7	One commenter proposed that EPD grant a permit to "existing agricultural wells in the Floridan aquifer that were historically drilled and used before the 2012 permitting suspension but are not currently permitted". The commenter goes on to recommend that EPD provide the landowner with a defined time with which to work with EPD on this permit.	Please see response #1 for EPD's discussion on granting permits to unpermitted wells. EPD plans to notify all landowners with wells drilled and used before the 2012 suspension who have not yet obtained permits. As landowners apply for a permits, EPD will offer support throughout this process to ensure all relevant wells are brought into compliance with clear parameters, including the number of authorized acres, authorized use (e.g., irrigation, livestock, pond refill), maximum flow rate, authorized aquifer, and metering and conservation requirements. EPD supports deadlines to ensure timely action, and landowners may be given a defined period to work with EPD in validating the information used to issue permits. During this time, any necessary revisions to permit parameters can be made, ensuring that the issued permits reflect both historical use and the current needs of each landowner. Once the information is validated and any revisions are completed, EPD will issue final permits, officially bringing these wells into compliance. This process allows landowners to resolve discrepancies while ensuring their wells meet all legal and regulatory requirements for continued use.
8	One commenter proposed that EPD grant a permit with drought restrictions to "existing agricultural wells in the Floridan Aquifer (INCLUDING any 4" wells that are being used for agricultural irrigation) that were historically drilled and used after the 2012 permitting suspension but are NOT currently permitted". The commenter proposed defined periods of time for landowners to work with EPD and echoed the permitting schema proposed in comment #6.	EPD agrees that permits with drought restrictions are an appropriate compliance path for any new acres irrigated or new sources installed in the green or yellow zones after the 2012 suspension. Please note that in the red zone, the compliance date is the 1999 suspension, consistent with the 2006 Flint River Basin Plan. Other compliance options, as specified in the Permitting and Compliance Management Strategy, may be good options, too, depending on the farmer's specific circumstances. In addition, some farmers may choose to drill a new Claiborne aquifer well. Please see response #6 for EPD's response to the permitting schema proposed by the commenter.

9	One commenter asked EPD to consider revising a permit if it is simply for the "replacement of existing agricultural wells permitted in the Floridan Aquifer". The commenter wished EPD to consider both previously permitted agricultural wells, as well as newly permitted agricultural wells.	EPD has a well-established process for replacing existing permitted wells, including those that are drought-restricted or brought into compliance. When a well is replaced, EPD will issue a revised permit with the updated well location, while maintaining the originally approved parameters. This includes the number of authorized acres, authorized use, maximum flow rate, and the authorized aquifer, ensuring consistency with the original permit. Metering and conservation requirements, if applicable, will also remain in place or be updated as necessary. Any new or replacement well must comply with all existing regulations to protect Georgia's water resources.
10	One commenter asked EPD to consider allowing modification "to existing agricultural wells permitted in the Floridan Aquifer… where ONLY the approved place of use is being modified within contiguous lands owned by permit holder". The commenter wished EPD to consider both previously permitted agricultural wells, as well as newly permitted agricultural wells.	When a modification to the place of use is requested, EPD will use its existing process and issue a revised permit that reflects the updated irrigated acreage, as long as the modification occurs within contiguous land owned by the permit holder. The originally approved number of authorized acres, authorized use, maximum flow rate, and authorized aquifer will remain unchanged. Metering and conservation requirements, if applicable, will continue as originally specified. It is important to note that the modification must not adversely impact existing users or water resources in the area.
11	"EPD may want to consider assigning volumetric limits to all water withdrawal permits based on the water consumption of the crop with the highest water need that is typically grown within each unique hydrologic basin or sub-basin. This would be similar to what is done in western states that have high groundwater irrigation needs and would make it easier for EPD to manage and balance the use of water from the Floridan Aquifer and other aquifers with their average annual recharge."	EPD will maintain the proposed volumetric limits based on the 2011 basin-wide average irrigation depth of 15.94 inches. This approach ensures that water use remains aligned with historical levels and helps to safeguard the aquifers' long-term sustainability. Increasing water usage beyond 2011 levels could have adverse impacts on water resources, including both the Floridan Aquifer and surface waters.
12	One commenter requested that EPD "allow our producers once again to utilize the Floridan Aquifer like they did prior to 2012." The commenter goes on to say that they, "support the efforts devoted to monitoring groundwater levels in the monitoring wells across the state as an indicator of the state of drought farmers are facing, and imposing water reduction requirements at that point seems reasonable. However, even in "wet" years, there is almost always dry seasons that would allow producers to utilize this very dependable, and much cheaper water source. Digging Wells from deeper aquifers such as the Cretaceous or the Clayton, is much	We understand the desire to return to pre-2012 utilization of the Floridan Aquifer. The drought of 2011-2012 was indeed severe, and while such extreme conditions may not occur frequently, our water management policies must account for a range of scenarios to ensure long-term sustainability of our water resources. We also recognize that the Floridan Aquifer is a valuable and often cost-effective water source for many producers, particularly during dry seasons that can occur even in otherwise "wet" years. However, we must consider the impacts of aquifer usage on the overall water system, including surface water levels and ecosystems that depend on these water sources.

	more expensive initially, but is also much more expensive due to the additional pumping costs. With farmers facing stagnant commodity prices and very high input costs, margins are thin enough to begin with. Any additional savings would be appreciated and make producers more efficient and thereby more sustainable long term."	Your support for our groundwater monitoring efforts is appreciated. These monitoring wells play a crucial role in our ability to make informed decisions about water usage and drought conditions. The implementation of water reduction requirements based on these indicators is designed to balance the needs of agricultural producers with the necessity of protecting our water resources.
13	Two commenters made comments related to how EPD determines that the "same person" owns both properties in an acreage shift situation. "I request to add to the acre exchange clause 'or their entities'. I own land in several different entities, and it seems unfair to me to limit flexibility in the way it is written. I define 'entities' as partially owned by multiple owners. I would be okay to include the word 'Family'. That would cover all of my entities and almost all of my landowners that I lease from. However, I have one landowner entity that is different, owned by two families. It would seem to me it would be unfair to them to use the word 'family'." "Where acre exchange is an option for compliance, we request the addition of entities to this process. This would allow the flexibility of a permit holder, with controlling interest in another entity, to transfer those acres to said entity."	The Ground-water Use Act of 1972 states that, "No person shall withdraw, obtain, or utilize ground waters in excess of 100,000 gallons per day for any purpose unless such person first obtain a permit" from the EPD (O.C.G.A. 12-5-96(a)). The Ground-water Use Act of 1972 defines person as, "any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this state or any other state or country." (O.C.G.A. 12-5-92(8)). The Georgia Water Quality Control Act, which includes provisions for surface water withdrawal, which require any person who withdraws, diverts, or impounds the surface water of the state that involves more than 100,000 gallons per day on monthly average to obtain a permit from EPD (O.C.G.A. 12-5-31(b)). The Georgia Water Quality Control Act defines person as, "any individual, corporation, partnership, or other unincorporated association. This term may extend and be applied to bodies politic and corporate." (O.C.G.A. 12-5-22(7)). Persons, as defined by the Ground-water Use Act and the Georgia Water Quality Act, can be considered "the same" for permit consolidation and acreage transfer purposes both entities have the same Beneficial Owner.
14	One commenter said, "I request that well permits be allowed to be moved. It seems to me this would not change water flow."	EPD has an existing process for moving permitted groundwater wells. Generally, a well can be moved up to 300 feet during the replacement process, unless the original well is located within 300 feet of a critical stream buffer, in which case additional review may be required. If a well needs to be moved more than 300 feet while continuing to irrigate the same fields or acreage, the relocation can be approved after a favorable assessment of the impact on neighboring permitted wells.

		When the request involves moving a well across property boundaries, whether for irrigating the same or different fields, this is allowed only when there is no increase in permitted acreage, the land remains contiguous, ownership does not change, and a favorable assessment of impact on neighboring wells is made. Additionally, the well must remain within the same HUC12 subbasin. If wells are proposed to be moved to a different HUC12 subbasin, EPD can consider special cases on a case-by-case basis, if the change results in a flow benefit. In all cases of well relocation, the original well must be properly plugged and abandoned. While it may seem that moving well permits would not impact water flow, the hydrology of the Flint River Basin is quite complex. This region is known for its unique characteristics, particularly the strong connection between the Floridan Aquifer and surface water systems. Due to this interconnectivity, changes in well locations can affect water flow patterns in ways that might not be immediately apparent.
15	One commenter said, "If a landowner does indeed put one of these wells in, the farmer would need more time to adjust for the days that would be an 'Off Day or Off Period'. Having to go day by day would be pretty stressful but if there was a way to put out a couple of days before hand projection would be helpful. For example, we pretty much know our watering schedule this week from studying our water sensors over the weekend. I have sent out schedules and all my guys know what to do. I know this would be on a small scale but if it ever did get to a point of major scale, a little better system of heads up that would already be in place would be helpful."	We understand your concerns about the challenges of making day-to-day adjustments, and we appreciate the importance of efficient planning for farm operations. The current proposal is designed to ensure water usage remains sustainable and aligns with the Flint River Basin's drought conditions, which can vary rapidly based on weather and climate impacts on aquifer levels. While the day-to-day check may seem stressful, it is an important measure to manage water resources in real time and avoid over-extraction during critical periods. However, we recognize the value of having advance notice to better coordinate irrigation schedules. Unfortunately, providing multi-day projections may not always be feasible due to the unpredictable nature of weather and water demand. That said, EPD is committed to offering information and water condition updates when possible to help farmers prepare. We will be updating our website with links to climatic and weather data from state and national experts. These resources may help you better understand current and future weather conditions, potentially better informing decision making. We also encourage farmers to continue using water sensors and other planning tools as you've described, which can aid in adapting quickly to the available water supply.

16	One commenter said that, "This process can be simplified so that the burden of proof does not lie on the EPD for "drought conditions" nor the Farmer to prove that there is sufficient water. Input costs continue to remain high and commodity prices are already so low that it is impossible to show a profit. Restricting water usage will absolutely cause our yields to suffer making the losses even greater."	Thank you for your comment. The five monitoring wells used by EPD are reliable indicators of aquifer health across the basin and correlate well with other key drought metrics, such as stream flows and precipitation deficits. For these reasons, a basin-wide approach remains the most effective way to manage drought conditions while maintaining consistency and fairness across the region.
17	Several commenters expressed support of EPD's proposed changes to agricultural water withdrawal program, including the requirement to include telemetry and including drought restrictions on new Floridan aquifer permits moving forward.	Thank you for your comments.
18	One commenter urged "EPD not to consider some of the suggestions provided by stakeholders that could introduce 'permit trading' or 'permit switching' between properties or existing and new wells."	EPD is not proposing to allow for permit trading. EPD will allow for limited acreage transfer between two or more permits held by the same person. This allows a farmer flexibility in determining appropriate on-the-ground operations of their farm. This acreage transfer is subject to review by EPD to ensure no unreasonable adverse effects on the water resource or existing users.