

EPD Watershed Protection Branch
Notice of Stakeholder Meeting Regarding Draft Rule Amendments
re: letter of concurrence from local government for building or
expanding private water system in certain coastal counties,
Rules for Safe Drinking Water, Chapter 391-3-5

The Georgia Environmental Protection Division (EPD) Watershed Protection Branch will hold a virtual stakeholder meeting to discuss requirements for proposed changes to the rules requiring local government approval for building of a new or expanded private water system in certain coastal counties. The meeting will be held on **Thursday, November 14, 2024, beginning at 10:00 am** on the Zoom web conferencing platform. The login information for the meeting is listed below.

Following the passage of HB1146, EPD is seeking a rule change waiving the requirement in certain counties for local governments to provide letters of concurrence for new or expanding private water systems if specific conditions are met. The proposed requirement is attached below.

The purpose of this meeting is to inform and solicit input from the public and impacted organizations regarding these requirements. EPD will also listen to comments and address stakeholder questions during the meeting. A copy of these items may also be requested by contacting Mr. Manny Patel of the Watershed Protection Branch at manny.patel@dnr.ga.gov or (470) 524-0585.

Zoom Meeting Details:
Thursday, November 14, 2024, beginning at 10:00 a.m.

Link to Join:

<https://gaepd.zoom.us/j/93761667053?pwd=o2cwTHkithFgcYAoVbiby0Kn8aTyDi.1>

Meeting ID: 937 6166 7053

Passcode: 551425

Those joining via computer can use their computer audio, or may also dial-in.

Dial-in number: 1- 470-381-2552 (with same Meeting ID as above)

At the stakeholder meeting, anyone may present data, make a statement, or offer comments either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, should be submitted in writing.

Written comments are also welcomed and should be received by close of business on **Thursday, November 21, 2024**. Written comments may be emailed to EPDComments@dnr.ga.gov. Please include the words “Drinking Water Program Updates” in the subject line to help ensure that your comments will be forwarded to the correct staff.

DRAFT RULE EXCERPTS FOR STAKEHOLDER MEETING DISCUSSION

Rule 391-3-5-.04 Approval Required.

(1) Approval. No person shall erect, construct, or operate a public water system, nor undertake substantial enlargements, extensions, additions, modifications, renovations or repairs to any public water system, including storage, distribution, purification, or treatment components, without having first secured the Division's approval of: the source of water supply; the means and methods of treating, purifying, storing and distributing said water; and obtaining a permit to operate a public water system, except as provided by paragraph (2) of this Rule. The approval of the Director must be obtained prior to the dividing of a public water system. For purposes of these rules "substantial" as used in this Rule shall not include routine maintenance.

(2) Limited Additions. Governmentally owned public water systems and water authorities and privately owned community water systems whose owners serves a combined population of greater than 10,000, with qualified staff and meeting operating criteria developed by the Division may, with prior approval from the Division, approve limited additions to the water system. These additions will be limited to water distribution lines to serve subdivisions, apartment complexes and shopping centers. The review of other additional types of water distribution system additions and/or extensions may be delegated to those water systems that have demonstrated the capability for such reviews. All delegations shall be by written agreement. Additions approved by the water system must be reported annually in a format prescribed by the Division. The report shall be due by July 1 of each year and describe additions approved in the previous calendar year.

(3) Local Governmental Approval. Except as specified in paragraph (6), ~~B~~efore a person may initiate construction of a new public water system or increase the capacity of an existing public water system, the person shall notify the local government in which the system is located and obtain the local government's approval for development of the project within its jurisdiction, prior to the submittal of the plans and specifications to the Division for approval. To the extent practicable, the person should avoid locating part or all of the new or expanded facility at a site which:

(a) is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or

(b) except for intake structures, is within the floodplain of a 100- year flood or is lower than any recorded high tide where appropriate records exist; or

(c) is on or in close proximity to an abandoned landfill or any other site used for waste disposal.

(4) Connect to Local Governmental Public Water System. Any person who desires to own or operate or who desires to commence the operation of a public water system shall first evaluate connecting to an existing local governmentally owned and operated public water system.

(5) Approval for No Connection to Local Governmental Public Water System. Except as specified in paragraph (6), ~~N~~o approval of the plans and specifications for the development of a separate source of water supply or the construction of the water system will be made and no permit to operate will be issued until the owner has provided acceptable certification to the Division outlining the reasons why the system cannot connect to an existing local governmentally owned water system.

(6) Pre-Operating Compliance Conditions. Beginning January 1, 1998, the Division shall require compliance with the following conditions prior to the issuance of the initial permit to

operate to a new privately owned community public water system or a permit modification to increase service connection(s) of a previously permitted privately owned public water system:

(a) The owner shall provide written certification from the local government, water authority or other public entity in which the system is located, that the local government or other public entity is in concurrence with the development of the privately owned public water system. The certification shall be provided to the Division with the submission of the permit application and prior to or concurrently with the submission to the Division of the plans and specifications for construction of the proposed public water system.

(b) A letter of concurrence for a new or expanded privately-owned public water system will not be required—in the following counties, and where all the following conditions are met. The requirements of this paragraph (b) shall expire on January 1, 2029.

1. The source water for the new or expanded permit to operate a public water system would be provided from groundwater within the Counties of Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Long, Liberty, McIntosh, and Wayne;

2. A person seeking water service has made the request for such service in writing to the local government or other public entity;

3. The local government lacks the capability or permitted capacity to provide the requested water service within a period of 18 months from the date of such request;

4. The owner of the privately owned community public water system has delegated authority as specified in paragraph (2) and demonstrated that it has the capability and permitted groundwater capacity to provide the requested water service within a period of 18 months from the date of such request.

~~(b)~~(c) The owner must retain a Professional Engineer, registered in the State of Georgia, to prepare plans and specifications for approval by the Division for the construction of the proposed public water system, and the owner shall submit to the Division a certification from the engineer that the water system was constructed according to the plans and specifications approved by the Division. The public water system must be designed and constructed in accordance with the Division's "Minimum Standards for Public Water Systems", latest edition.

~~(e)~~(d) The owner must provide an approved back-up water source, such as an additional well, capable of providing adequate water service if the primary source becomes nonfunctional. The requirement for an approved back-up water source may be waived by the Director for systems with less than 25 service connections.

(7) Treatment Products and Materials.

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