

Georgia EPD
Drought Management Rule
Stakeholder Meeting #2
July 15, 2014

NOTE: DRAFT AS OF July 3, 2014

Drought Management Rule – Stakeholder Meeting #2

- Agenda
 - Welcome & Introduction
 - Overview of Rough Draft Drought Management Rule (391-3-30)
 - -.01 Purpose;
 - -.02 Definitions;
 - -.03 Predrought mitigation strategies;
 - -.04 Drought indicators and triggers;
 - -.05 Drought declaration process;
 - -.06 Drought response committee;
 - -.07 Record Keeping and Reporting
 - -.08 Drought response strategies;
 - -.09 Variance Procedures
 - Groundwater Withdrawal Permitting - 391-3-2-.04(11)(d)
 - Surface Water Withdrawal - 391-3-6-.07(4)(b)9
 - Wrap Up

Welcome & Introduction

- Overview and Purpose of Stakeholder Meeting
 - This meeting is responsive to OCGA § 12-5-7 and § 12-5-8 and other Georgia Code sections charging EPD with the responsibility to ensure that water resources are responsibly conserved
 - EPD previously held a public stakeholder meeting on this subject on May 13, 2014
 - EPD is holding this stakeholder meeting to:
 - Identify and inform stakeholders of rule changes that are under consideration;
 - Receive input from stakeholders
 - EPD requests that any input in response to this stakeholder meeting be submitted to EPD by August 5, 2014
 - EPD is not formally proposing any rule changes at this time
 - There is no set schedule for making any changes at this time
 - Proposed Rule by end of 2014 is a possibility
 - Any proposed rule changes in the future would involve public notice, public hearing, and opportunity to comment

Primary Goals of Rule

- Primary Goals:
 - Protect water supplies in order to ensure that public water systems have sufficient water to meet public health needs during droughts
 - Implement OCGA § 12-5-7 and § 12-5-8
- Accomplished Through:
 - Non-drought: Water Stewardship Act
 - Drought Level 1:
 - 2.5% reduction October-March
 - 5% reduction April-September
 - Drought Level 2:
 - 5% reduction October-March
 - 10% reduction April-September
 - Drought Level 3:
 - 10% reduction October-March
 - 15% reduction April-September

Overview of Rough Draft Drought Management Rule

Applicability

- (a) Water withdrawal permit holders pursuant to the Georgia Water Quality Control Act;
- (b) Water withdrawal permit holders pursuant to the Groundwater Use Act; or
- Safe Drinking Water Act permit holders that use water obtained from any person meeting the criteria in paragraphs (a) or (b);
- Farm use permit holders are not subject.
 - They are subject to irrigation efficiency requirements in FRDPA, which is on a separate rulemaking track;
 - Further improvements to FRDPA may be pursued in future
- Requirements vary based on size (> 1 mgd) and type (industry vs. public water system)

Predrought Mitigation Strategies

- Irrigation outdoors for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants shall be in accordance with O.C.G.A. §12-5-7(a.1)(1) and (2).
 - Generally allows outdoor water between hours of 4pm to 10am with certain specific categories allowed all day
- Drought Contingency Plans* and Water Conservation Plans required under Rules 391-3-2-.04(11), 391-3-6-.07(4)(b)8, and 391-3-6-.07(4)(b)9
 - * Drought Contingency Plan requirements under the permitting rules are being considered for revisions as part of this rulemaking
- Rule acknowledges extensive investments already made within the state to conserve water

Drought Indicators & Triggers

- The Director shall monitor climatic indicators and water supply conditions as needed to assess drought occurrence and severity, and its impact upon the ability of permittees to provide adequate supplies of water and avoid or relieve local water shortages. Such indicators may include but may not be limited to the following:
 - Precipitation, Streamflow, Groundwater, Reservoir Levels, Soil Moisture, Short Term Climate Predictions

Drought Declaration

- Based on climatic indicators and water supply conditions, the Director may declare various drought levels for specific areas
 - 3 Levels (Level I, Level II, Level III)
 - Notice provided to those affected
- Similarly, the Director may declare non-drought conditions after a drought has passed
- Drought declaration could differ for Surface Water vs. Ground Water users in a given area
- Director has flexibility to establish the geographical boundary of the drought area as needed under the specific circumstances of the drought

Drought Response Committee

- May be convened by the Director at any time for purposes of consulting on the development and/or implementation of pre-drought mitigation strategies or drought response strategies and may consist of such members and for such period of time as the Director deems appropriate.

Record Keeping & Reporting

- For permittees with monthly average water use of one million gallons per day or greater
- Record water use on the EPD form in for each calendar month.
- Submit to EPD
 - Non-drought: 14 days after each month
 - Drought: 5 days after each months
- Phase in period: 90 days after effective date of Rule
- Electronic online reporting is anticipated

Drought Response Strategies - Overview

- Best Management Practices
 - General Outdoor Watering - OCGA 12-5-7(a.1)(1)
 - Nondrought: 4pm to 10am
 - Drought Level 1: 8pm to 8am
 - Drought Level 2: 10pm to 6am
 - Drought Level 3: none allowed
 - All uses under OCGA 12-5-7(a.1)(2) are allowed
 - A few are subject to additional requirements based on drought severity
 - Some restrictions on types of outdoor watering not specifically listed in OCGA 12-5-7(a.1)(1) or (2)
 - Drought surcharge programs at Levels 2 and 3
- Level 3 drought triggers numeric reduction targets
 - Public water systems: 10% during cooler months & 15% during warmer months
 - Industry: case-by-case established through permits

Drought Response - Nondrought

- General Outdoor Watering, OCGA 12-5-7(a.1)(1) - 4pm to 10am
- Specific Categories, OCGA 12-5-7(a.1)(2) – no changes
- Other Categories – no changes
- Drought Surcharge Program – not triggered
- Numeric Reduction Targets – not triggered

Drought Response – Level 1

- General Outdoor Watering, OCGA 12-5-7(a.1)(1) - 8pm to 8am
- Specific Categories, OCGA 12-5-7(a.1)(2) – no changes
- Other Categories –
 - Watering in of pesticides, herbicides and fertilizers on turf permitted between the hours of 4:00 p.m. and 10:00 a.m.;
 - Using hydrants not permitted except for firefighting, public health, safety, or flushing
- Drought Surcharge Program – not triggered
- Numeric Reduction Targets – not triggered

Drought Response – Level 2

- General Outdoor Watering, OCGA 12-5-7(a.1)(1) - 10pm to 6am
- Specific Categories, OCGA 12-5-7(a.1)(2) –
 - Categories (E), (F), (G), (H), and (K) subject to time of day requirements
- Other Categories – Same as Level 1 plus:
 - Washing hard surfaces such as streets, gutters, sidewalks and driveways not permitted except when necessary for public health and safety;
 - Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls not permitted
- Drought Surcharge Program – Triggered
- Numeric Reduction Targets – not triggered

Drought Surcharge Program

- Reference: AWWA Manual M1: Principles of Water Rates, Fees and Charges, 6th Edition
 - Chapter V.3.; Drought and Surcharge Rates
- Within 1 year of effective date of rule, implement a drought surcharge program with the following criteria:
 - (i) Distinct from established water rates;
 - (ii) Apply only to the volumetric water rates;
 - (iii) Consistent with achieving a 5% (D2) or 10% (D3) water use reduction compared to the baseline for months October through March and a 10% (D2) or 15% (D3) water use reduction compared to the baseline for months April through September; and
 - (iv) Shall be approximately revenue neutral relative to the water usage reduction goal and pre-drought revenues

Drought Response – Level 3

- General Outdoor Watering, OCGA 12-5-7(a.1)(1) – None permitted
- Specific Categories, OCGA 12-5-7(a.1)(2) – Same as Level 2
- Other Categories – Same as Level 2 plus:
 - Pressure washing of buildings not permitted
- Drought Surcharge Program – Triggered
- Numeric Reduction Targets – Triggered
 - Applies to permittees > 1 mgd water usage
 - Municipal systems reduce 10% in cooler months, 15% in warmer months
 - May adjust slightly based on viability of water supply and water loss audit results
 - Industry permittee percent reduction determined on a case-by-case basis through permitting process

Variance Requests – General Criteria

- Permittees may submit a variance request for more stringent, or less stringent, actions than what is required by the rule
- Variances would only be allowed to move up, or down, the Drought Level scale, including a Drought Level 3 plus if Level 3 restrictions are not sufficient
 - For example, under a declared Drought Level 1, a permittee could request to move back to non-drought requirements or could request to move up to Drought Level 2 or 3 requirements.
- EPD shall make decisions on requests within 5 business days

Variance Requests – Application Content

- More stringent:
 - A statement of which Drought Response Level (Level 1, Level 2, Level 3, or Level 3 plus) is sought;
 - Duration of those restrictions;
 - Description of why such restrictions are necessary;
 - For surface water, a water supply and demand analysis which includes a quantitative analysis of the effect that additional restrictions will have.
- Less stringent:
 - A statement of which Drought Response Level (non-drought, Level 1, or Level 2) is sought;
 - Duration of the less stringent restrictions;
 - Description of why the restrictions are not necessary;
 - For surface water, a water supply and demand analysis which includes a quantitative analysis of the effect that less stringent restrictions will have;
 - Permittees dependent upon water sources controlled by federal operations may not request a variance for restrictions that are less stringent than those described in this Rule.

Wrap Up

- Thank you for your interest, attendance, and participation
- Please provide any comments by August 5, 2014
 - Mail: James A. Capp
Chief, Watershed Protection Branch, EPD
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, GA 30334
RE: Drought Management Rule – Stakeholder Meeting #2
 - E-mail: tim.cash@dnr.state.ga.us; Subject: Drought Management Rule – Stakeholder Meeting #2
- To ensure that you are notified of any future EPD Watershed Branch stakeholder meetings and/or public hearings on this subject, please email Tim Cash: tim.cash@dnr.state.ga.us

END