DROUGHT RULE STAKEHOLDER COMMENTS

STAKEHOLDER MEETING #3

OCTOBER 22, 2014

ACCG/GMA/GAWP

COBB COUNTY-MARIETTA WATER AUTHORITY

COBB COUNTY WATER SYSTEM

DAVID WORD

GEORGIA INDUSTRY ENVIRONMENTAL COALITION

GEORGIA MUNICIPAL ASSOCIATION

GEORGIA POWER

GEORGIA WATER COALITION

GWINNETT COUNTY

MACON WATER AUTHORITY

METRO DISTRICT

ACCG/GMA/GAWP

Cash, Tim

From: Edwards, Todd <TEdwards@ACCG.org>
Sent: Friday, November 14, 2014 11:49 AM
To: Cash, Tim
Cc: Pamela Burnett (pburnett@gawp.org); 'Jack Dozier Email'; David Word (davidword@joetanner.com); cfleming@gmanet.com; King, Ross; Pennington, Russ
Subject: Drought Rule Comments
Attachments: GMA ACCG GAWP Joint Comments 11_14_2014.pdf

Tim:

Please find attached the joint comments of ACCG, GMA and GAWP on EPD's latest draft of the proposed revisions to Georgia's Drought Management Rule.

Thanks for allowing us this opportunity, and for your time and consideration.

Todd

Todd Edwards
Associate Legislative Director
404-522-5022
Tedwards@accg.org

ACCG is celebrating 100 years of advancing Georgia's counties! Learn more about ACCG's centennial celebration and how your county can get involved by clicking here.

November 13, 2014

Mr. James A. Capp
Chief, Watershed Protection Branch, EPD
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, Georgia 30334

RE: Drought Management Rule – Stakeholder Meeting 3

Dear Jac:

The Georgia Municipal Association (GMA) represents Georgia's municipal governments and provides legislative advocacy, educational, employee benefit and technical consulting services to its members. ACCG - Georgia's County Association, serves as the consensus building, training, and legislative organization for all 159 county governments in the state and as a catalyst for advancing Georgia's counties. The Georgia Association of Water Professionals (GAWP) provides professional development and promotes sound public policy in properly managing and protecting Georgia's water resources to its 4,000 individual members and more than 200 utilities and corporations.

GMA, ACCG and GAWP appreciate the Environmental Protection Division's consideration and response to the suggestions of local governments and water professionals on the previous draft Drought Management Rule. In general, this third draft is better written and can serve as a valuable tool to manage water usage by local governments during future periods of drought in Georgia.

However, we continue to have one overriding objection with the draft rule: the proposed state-mandated water rate structures on local water providers.

The third draft rule is an improvement in terms of water rate structures since exceptions can be granted to drought surcharge rates based on the inability of billing systems to include these rates or based on implementation of year-round tiered water conservation rates. We commend EPD for this positive, yet insufficient, revision.

Our associations support local governments which have adopted tiered water conservation rates and we encourage additional local governments to do so. However, we cannot support EPD regulation of water rates, or making permitting decisions based upon these rates, in any form. This is an unacceptable precedent which could lead to many unintended consequences and we respectfully request that this portion of the draft be deleted. Instead, we feel that EPD and other stakeholders should encourage tiered water conservation rates through the regional state water planning process, which is the intended and appropriate forum established by the State of Georgia to address this issue.

Thank you for including us in the stakeholders group and for your consideration of our joint recommendation.

Sincerely,

Lamar Norton,
Executive Director
Georgia Municipal Association

Ross King,
Executive Director
ACCG – Georgia's County Association

Pamela Burnett,
Executive Director
Georgia Association of Water Professionals

COBB COUNTY-MARIETTA WATER AUTHORITY

Cash, Tim

From: Becky Mixon <bmixon@ccmwa.org>
Sent: Friday, November 14, 2014 1:32 PM
To: Capp, James
Cc: Cash, Tim; Caldwell, Nap; Champion, Becky; Katherine Zitsch; theard@ccwsa.com
Subject: Comments from CCMWA re Drought and Water Efficiency Rules
Attachments: Comments re Drought and Water Efficiency Rule 11-14-2014.pdf

Mr. Capp,
Attached are comments from CCMWA regarding the proposed Drought Management and Water Efficiency Rules. Thank you for the opportunity to comment.
Sincerely,

Becky Mixon
770-514-5208

Cobb County-Marietta Water Authority
1170 Atlanta Industrial Drive
Marietta, GA 30066

COBB COUNTY-MARIETTA WATER AUTHORITY
REGIONAL WATER RESOURCE MANAGEMENT

November 14, 2014

Mr. James A. Capp
Chief, Water Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Drive, Suite 1152 East Tower
Atlanta, Georgia 30334

RE: Comments on Drought Management and Water Efficiently proposed rules

Dear Mr. Capp:

Cobb County-Marietta Water Authority (CCMWA) is appreciative of the opportunity to review and comment on both the Drought and Water Use Efficiency Strawman as drafted.

We have reviewed the comments provided by Cobb County Water System, and fully incorporate those into our comments (see attached).

As stated in our letter of August 19, 2014, because CCMWA is a wholesale-only water provider, we are regularly in a unique position in the application of State rules and regulations. Our contracts with our wholesale customers do not allow CCMWA to regulate water use of the end-users of our customers. Also, as previously stated, CCMWA has no physical means to limit supply to one customer without creating an unnecessary public health and safety risk to our entire system.

CCMWA concerns regarding the validation of the water loss audit by a "Certified Water Loss Auditor" are the same as those expressed in Cobb County Water System's comments. CCMWA prepares all reports submitted to EPD accurately and correctly, and believes that the requirement of having an outside review calls into question the utility's integrity.

Thank you again for the opportunity to comment on the Strawmen. We look forward to working with EPD to finalize and implement a drought management rule and a water efficiency rule that is both reasonable and effective.

Respectfully,

Robert L. Kenyon

Robert L. Kenyon
Director of Operations

cc: Nap Caldwell
Tim Cash
Becky Champion
Thomas Heard
Katherine Zitsch

1170 Atlanta Industrial Drive, Marietta, GA 30066 770-514-5300, 770-514-5225 Fax

Cobb County Water System's Comments on the Draft Drought and Water Efficiency Rule Released 10/3/14

Chapter 391-3-30 Drought Management

Cobb County Water System appreciates Georgia EPD's acknowledgement of the stakeholders' feedback on the initial draft strawman and is very supportive of the significant changes made to the Drought Management Rule. We would recommend a few minor clarifications.

First, a general review of the document to ensure the accurate use of the terms "permitted water supplier" and "permittee". Not all actions in the drought management rule apply to industrial permittees, and the interchange of these terms is inconsistent in some parts of the document.

391-3-30-.03 Pre-drought Mitigation Strategies

In the stakeholder meeting, it was brought up that the new rule combined with the stewardship bill will completely replace all previous outdoor water use rules.

(1) Only discusses outdoor water use for irrigation purposes. There needs to be some mention of other outdoor water uses (washing cars, hard surfaces, pool filling, etc.) The rule should spell out if there are no restrictions on these other uses in non-drought or if they are also subject to the hours in the stewardship bill of 4PM-10AM.

391-3-30-.04

(2) This paragraph may just need clarification. State Law prohibits local utilities from putting their drought contingency plans into effect without a variance from EPD. The wording of this section could be clarified to say inform EPD when the triggers in your drought contingency plan are surpassed, and the language about drought plan being put into effect could be removed.

391-3-30-.07 Drought Response Strategies

(3)(b)5. This prohibition just needs to be clarified to say non-commercial.

(4)(b) May need to clarify that drip is exempt from the restrictions.

(4)(b)7. Remove certified and licensed from the description of landscaper and substitute professional landscapers.

A mandated reduction in usage is mentioned as a possible next step for drought response, but there is no mention of how this would be determined or what will be used to determine the baseline. CCWS would recommend using the Baseline Water Use and efficiency Report that has been successfully piloted by several Georgia utilities. It provides flexibility and consideration for systems that have invested in conservation and efficiency.

Georgia Rules for Water Use Efficiency

Cobb County Water System (CCWS) supports the use of the AWWA Water Audit methodology in Georgia. CCWS has been completing the audit since 2005.

391-3-33-.02 Definitions

In the definition of "Certified Water Loss Auditor" it states "an individual with the demonstrated knowledge, skills and ability to conduct a validation assessment of water loss audit." There is no explanation of what qualifies someone as having demonstrated knowledge, skill, and ability. Who would make this decision? What criteria would be used? There are certainly no present requirements, training or otherwise, for this proposed position. Nor does the State Licensing Board recognize this position. Should the EPD wish to pursue this position, I would suggest they communicate and coordinate with the AWWA or IWA or the Association of Boards of Certification. This has been discussed within the ABC and may become a certification they would pursue in the future. Since the Water Loss Audit is national in scope, it would make sense that any certification associated with this audit also be national in scope. Also, there is no standardized validation assessment process.

In addition, water professionals equate "certified" to "licensed", as in Certified Operators. CCWS recommends revising the definition as follows:

"Qualified Water Loss Auditor" means an individual who has completed a basic water loss auditing course endorsed by EPD and who demonstrates the knowledge, skills and ability to perform water loss audits in accordance with the Georgia Water System Audit and Water Loss Control Manual.

391-3-33-.03

Validation. In this section, it states the validation should be performed in accordance with the Georgia Water System Audit and Water Loss Control Manual. The Certified Water Loss Auditor would be using the guidance in the same capacity as the person performing the audit. CCWS fails to see the need for this. Furthermore, in reviewing the stewardship bill as well as other legislation around the country associated with water loss auditing and reporting, CCWS can find no basis in statute or in similar legislation that would provide the justification for an independent entity to review every audit submitted by a Georgia water utility subject to the Stewardship Bill. The language in the bill is quite specific as to the scope of the rule.

> *The Board of Natural Resources shall by January 1, 2011, adopt rules for the minimum standards and best practices for monitoring and improving the efficiency and effectiveness of water use by public water systems to improve water conservation. The best practices program shall include without limitation:*
>
> *(1) Establishment of an Infrastructure Leakage Index;*
> *(2) The establishment of categories of public water systems based on geographical size and service population;*
> *(3) A phased-in-approach requiring public water systems to conduct standardized annual water loss audits according to International Water Association water audit method/standard and to submit those to the division;*

(4) *A phased-in approach requiring public water systems to implement water loss detection programs; and*
(5) *The development of technical assistance program to provide guidance to public water systems for water loss detection program, to include without limitation metering techniques, utilization of portable and permanent water loss detection devices, and funding when available.*

CCWS cannot find the requirement for a third party review of data within the 5 items delineated as comprising a best practice program. In fact the only requirement beyond turning in the audit referenced is the establishment of an ILI. The audit itself already has ILI thresholds and explains the desired threshold for a system based upon specific system criteria. The other aspects of the rule focus on establishing water loss control programs including guidance, assistance, training, and funding for those programs. CCWS agrees that the audit is an essential tool to making the correct investments in a water loss program. It is a utility specific tool. The utility should decide what staff participates, and they should utilize the available training and resources to make sure it is completed accurately. Additionally, it is clear in the law that it will be published on the EPD website and considered in permitting as delineated in the Stewardship Bill. The State has already made a substantial investment in training and has prepared a Georgia Water Loss Control Manual with best practices for completing the audit. In addition, the Georgia Water Loss Control Committee continues to provide training for new personnel or individuals wishing to gain more experience.

CCWS prefers for EPD enforce that utilities use trained staff and the guidance document, then review the audits and take further steps, if there appears to be gross errors or discrepancies. EPD has been receiving audits for a few years, and CCWS is certain that they have gained the knowledge to identify very significant problems. Also, Version 5 of the software now has a reporting sheet. This could provide a needed guide for EPD to review the data. A failure to complete the reporting worksheet could trigger a further review or validation. The new rule should require that the most current version of the AWWA Water Audit Software available be used. If further validation is needed, perhaps EPD could first work with the professional organizations GAWP, GAWWA, and GRWA to see if some kind of training or peer to peer review could be set up for audits that might need additional validation after EPD reviews them.

If EPD keeps the requirement for third party validation of the data in the rule, the language should be modified so that it is clear as to whether only the audits completed by utility staff require validation by a third party or whether all audits require validation. As currently written, it appears that if a utility hires a consultant to complete its audit, the utility would be required to hire a different third party to validate that audit. If that is the case, than some utilities would be paying double for their audit. If EPD's intent is to only have audits completed by utility staff validated, than it is disconcerting that EPD would implement a requirement that implies that, in general, the people in Georgia who provide safe drinking water to the public are not competent or are less competent than consultants.

In summary, CCWS is very concerned about the precedent that would be set by having a rule that requires third party review of a utility's data prior to submittal to EPD. Utilities currently submit quite a bit of data to EPD without a third party review. Requiring a third party review prior to submission of the data and with no quality review from the regulator, calls into question the integrity of all data submitted by the utility. CCWS recommends deleting the Validation paragraph in its entirety and adding the following sentence to the end of 391-3-33-.03 (1):

"The audit shall be conducted by or validated by a Qualified Water Loss Auditor."

EPD may want to add a certification to the audit similar to the language below, which is consistent with other certifications required by EPD, in order to ensure that utilities are doing their due diligence in completing the audit.

> I certify under penalty of law that this audit was prepared under my direction or supervision in accordance with the Georgia Water System Audit and Water Loss Control Manual. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

391-3-33-.04

(4) Demonstrable Progress

CCWS is pleased to see there are no specific numeric targets. The emphasis on utility specific improvement plans is the correct approach to maximize the effectiveness of the water audits, in the development of effective water loss control programs. CCWS has no problem with the evaluative criteria on demonstrable progress, but, as it is currently written, it appears that there is an assumption that improvement in water loss is a linear progression. In fact, several factors can affect water loss, and CCWS recommends that a suite of process metrics be looked at in concert with the evaluative benchmarks. The utility could choose those most relevant based upon their audit.

For Example:

- A leak detection program, where 10-15% of the system is surveyed annually.
- A meter testing and calibration program for large meters. These meters should be tested at least every 2 years.
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- Billing and business process review program
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(c) Failure to make demonstrable progress

CCWS finds no statutory basis to reduce existing water quantity permits if adequate progress is not achieved. The refusal to increase permitted capacity or withdrawals is consistent with the State's Water Plan and the need for utilities to demonstrate stewardship, but the reduction of existing permits for a failure to demonstrate progress is an extreme consequence. Perhaps a better approach would be to issue an NOV and then require a progress report every quarter on the individual goals submitted with their audit.

COBB COUNTY WATER SYSTEM

Cash, Tim

From: Nguyen, Kathy <Kathy.Nguyen@cobbcounty.org>
Sent: Friday, November 14, 2014 7:47 AM
To: Capp, James
Cc: Champion, Becky; Cash, Tim; Moeti, Lebone
Subject: Cobb's Comments
Attachments: Cobb's Comments of Drought and Water Use efficiency.pdf

Mr. Capp,

Attached are Cobb's comments on the most recent strawmen dealing with drought and water use efficiency. Thank you in advance for your consideration of our comments.

Kathy Nguyen
Senior Project Manager
Cobb County Water System
770-419-6244

COBB COUNTY WATER SYSTEM

Customer Services Facility
660 South Cobb Drive
Marietta, Georgia 30060-3105
770-423-1000
www.cobbwater.org

Stephen D. McCullers, P.E.
Director

Divisions
Business Services
Customer Services
Engineering & Records
Stormwater Management
System Maintenance
Water Protection

November 13, 2014

Mr. James Capp, Chief, Water Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, GA 30334

Dear Mr. Capp:

Cobb County Water System is grateful to have an opportunity to review both the Drought and Water Use Efficiency Strawmen in advance of the rule making process. We appreciate Georgia Environmental Protection Division addressing stewardship of our water resources, which is a key issue for our state.

Having been actively involved in drought management, drafting of the stewardship bill, and having worked closely with EPD on educating Georgia utilities on water loss, we understand the importance of these activities in managing Georgia's resource both in times of adequate supply and shortage. We have provided comprehensive comments about the strawmen based upon our experience. We are happy to provide any clarification or discuss these comments in greater detail.

If you have any questions please feel free to contact us at 770-419-6338 or 770-419-6244.

Sincerely,

COBB COUNTY WATER SYSTEM

Stephen D. McCullers, P.E.
Director

Kathy Nguyen
Senior Project Manager

CC: Judy Jones
Tim Cash
Becky Champion
Nap Caldwell

Cobb County Water System's Comments on the Draft Drought and Water Efficiency Rule Released 10/3/14

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DAVID WORD

Cash, Tim

From: David Word <davidword@joetanner.com>
Sent: Wednesday, November 05, 2014 1:58 PM
To: Cash, Tim
Cc: Capp, James
Subject: Suggestion for the Rules for Drought Management and Suggestions for the Rules for Water Use Efficiency

Tim,

I suggest the following paragraph to be added to Section 391-3-30-.08 of the proposed rules for drought management:

(e) A permittee who receives all or a portion of its water supply from storage in or releases from a project owned by the U.S. Army Corps of Engineers may request a variance proposing restrictions on outdoor water use that are more stringent than the restrictions prescribed in this rule. There shall be a rebuttable presumption that such a variance request be granted by the Director within five days of the request.

I suggest the following revisions to the proposed rules for water use efficiency:

391-3-33-.02 (2) *"Public water system" means a system for the provision to the public of piped water for human consumption, if such system regularly serves at least 3,300 individuals.*

391-3-33-.03 (3) I suggest the validation process that is selected for this section of the rule have a start date of March 2017.

391-3-33-.04 (4) (b) . *Starting January 1, 2017, Demonstrable Progress may be evaluated by the Division as part of the review of the following applications: .....*

391-3-33-.04 (c) *Starting January 1, 2017, failure to make Demonstrable Progress toward improving water use efficiency may result in an action by the Director that may include one or more of the following:*

1. *If an application is submitted to increase the amount of water withdrawal in an existing permit issued to a public water system under the Georgia Groundwater use Act of 1972, O.C.G.A. Section 12-5-90 et seq. or the Georgia Water Quality Control Act, O.C.G.A. Section 12-5-20 et seq., the Director may make a reduction in the requested water withdrawal increase or may deny the requested increase.*
2. *If an application is submitted to increase the number of permitted service connections in an existing permit issued to a public water system under the Georgia Safe Drinking Water Act of 1977, O.C.G.A. Section 12-5-170 et seq., the Director may make a reduction in the number of the requested increased connections or may deny the requested increase.*

I realize you have solicited suggestions for the metrics for Demonstrable Progress and that the language of .04(c) above will implement such metrics.

Thank you for including me in the stakeholders process.

Dave

GEORGIA INDUSTRY ENVIRONMENTAL COALITION

Cash, Tim

From: Debbie Phillips <dphillips@giec.org>
Sent: Monday, November 17, 2014 2:43 PM
To: Cash, Tim
Cc: Capp, James
Subject: GIEC Comments on Drought Management Rule
Attachments: 11-17-2014 GIEC Draft Markup of EPD Proposed DM Rules.pdf; 11-17-2014 GIEC Letter to EPD re Proposed DM Rules.pdf

Hi Tim.
When convenient, could you please confirm receipt of this email. Attached is GIEC's comment letter along with a corresponding markup of EPD's unofficial Stakeholder Draft Drought Management Rules. I apologize for missing EPD's deadline of November 14th and hope that our comments will still be given consideration. If that is not the case or you have any questions, please let me know.

Sincerely,
Debbie

Deborah A. Phillips, Executive Director
Georgia Industry Environmental Coalition, Inc.
O: 770.421.3479 / C: 404.428.3479
E: dphillips@giec.org / www.giec.org

GIEC
Georgia Industry Environmental Coalition

November 17, 2014

Mr. James A. Capp, Chief, Watershed Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King Jr., Suite 1152 East
Atlanta, Georgia 30334

via tim.cash@dnr.state.ga.us

Dear Mr. Capp:

We are writing on behalf of the Georgia Industry Environmental Coalition (GIEC) concerning the Georgia Environmental Protection Division's (EPD's) second unofficial "Stakeholder Draft" (draft Rule) dated October 2, 2014 for a Draft Drought Management Rule 391-3-30 amendment and a new Draft Water Efficiency Rule 391-3-33.

GIEC member companies employ more than 55,000 people across Georgia operating industrial facilities representing a wide spectrum of industrial classifications including paper, chemicals, textiles, utilities, metal products, mining, and more. GIEC member companies include self-supplied water permittees and many industrial water customers served by permitted public water systems across Georgia.

GIEC recognizes EPD's intent to consider industrial water users on a case-by-case basis, and we appreciate the significant improvements reflected in this present draft Rule compared to the earlier draft of July 3, 2014. Based on EPD's intent to consider industrial water users on a case-by-case basis, we offer the following four comments and suggestions for the present draft Rule, and for convenience we have attached a "red-line" markup document that shows potential approaches to operationalizing these comments.

1. Clarify that the permittees to which the Draft Drought Management Rule applies are permittees "that are public water systems." Despite EPD's intention to consider industrial water users on a case-by-case basis rather than in an omnibus fashion through this Rule 391-3-30, the Rule would define "permittee" to include permitted industrial water users and inadvertently apply many requirements to "permittees" without qualification. Thus, it could be argued that industrial water users would fall within the draft Rule's ambit in a manner inconsistent with EPD's intent for addressing such users. Consequently, as indicated in the attached markup a number of the references to "permittees" should be revised to "permittees that are public water systems" as such term is already used in EPD's draft Rule. Consistent changes are also proposed in the Purpose and Definition sections in the attached markup.

2. Clarify that the proposed drought surcharge program and the proposed numeric water usage reduction requirements applicable to public water systems do not apply to industrial customers or essential industrial water use amounts within those public water systems.

3. Clarify that self-supplied industrial permittees providing drinking water within their own industrial facilities are not subject to the public water system requirements of this Rule, particularly those regarding drought surcharge or numeric water usage reduction requirements.

4. Change the draft proposed amendments of Rules 391-3-6-.07 and 391-3-2-.04 pertaining to the interplay between this draft Rule 391-3-30 and the drought contingency plan components of surface water and groundwater withdrawal permits so that permittees can rely on their drought contingency plans to achieve regulatory compliance. Specifically, the language "If there are conflicts between this plan and Rule 391-3-30, Rule 391-3-30 shall prevail" should be removed. Such an approach to conflicts between operational documents and rules appears unprecedented in the DNR's regulations, and for good reason. Under this approach, permittees could not necessarily rely on the terms of the drought contingency plan submitted to the agency in support of an approved permit to achieve compliance. Rather, a permittee's drought contingency plan would always be vulnerable to a come-back argument that the plan is inconsistent with the Rule—despite the fact that EPD's permit issuance was premised in part on that very drought contingency plan. Consequently, this language would create significant regulatory uncertainty for permittees.

   The draft proposed amendments of Rules 391-3-6-.07 and 391-3-2-.04 should also be revised to clarify that they apply only to new, modified, or renewed permits issued after the amendments' effective date. This is true whether or not the conflict-resolution language noted above is removed. If that language is not removed and the proposal is not revised to clarify that existing permits are not affected, the above-described regulatory uncertainty could be injected into existing permits, as well as new, modified, and renewed permits. Even if the conflict-resolution language noted above is removed, the impact of the proposed language "The plan shall be consistent with Rule 391-3-30" on existing permits is arguably unclear.

   We consider it unsound policy at a minimum to use a DNR rulemaking such as this to diminish the rights of current permittees to the protections afforded by the procedures for the disposition of contested cases under the Administrative Procedures Act (APA). Rather, this rulemaking should not invalidate or affect any provision of an otherwise valid permit nor diminish any legal or administrative appeal rights available to such existing permit holders. Any conflicts that may exist or arise between an existing permit and Rule 391-3-30 should remain subject to the normal processes for addressing such issues: permit-specific administrative actions like permit modification or renewal that are subject to review under the APA. A statement to this effect is proposed in the Purpose section of the attached markup.

We trust EPD will give thoughtful consideration to these and other comments received prior to moving forward with any formally proposed rules. Thank you for again seeking GIEC's input at this stage of EPD's internal deliberations.

Best regards,

Georgia Industry Environmental Coalition, Inc.

Dominic Weatherill
Chair, Water Resources Workgroup

Gregory Jones, CHMM
Chair, Board of Directors

REVISED FROM 10/2/14 STAKEHOLDER DRAFT

PROPOSED AMENDMENTS TO THE RULES OF THE DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION RELATING TO DROUGHT MANAGEMENT, CHAPTER 391-3-30

Chapter 391-3-30 Rules for Drought Management

391-3-30-.01 Purpose of Rule.

To establish rules and regulations relating to drought management, including: provisions for a drought response committee; drought indicators and triggers; a drought declaration process; and state and local predrought mitigation strategies and drought response strategies for implementation by public water systems. Pre-drought mitigation strategies are designed to minimize the potential effects of drought. Drought response strategies include measures or actions to be implemented by public water systems during various stages of drought. Nothing in these rules and regulations shall alter or modify permits or drought contingency plans, and contested cases involving water withdrawal and safe drinking water permits and drought contingency plans shall be subject to and governed by the Procedures for Disposition Of Contested Cases (Ga. Comp. R. & Regs., Chapter 391-1-2 et seq.) under the Administrative Procedure Act.

Authority O.C.G.A. Secs. 12-5-7, 12-5-8, 12-5-20 et seq., 12-5-170 et seq.

391-3-30-.02 Definitions.

When used in this Chapter:

(1) "Affected drought area" means any area subject to a drought declaration made in accordance with Section 391-3-30-.05.

(2) "Director" means the director, or his/her designee, of the Environmental Protection Division of the Department of Natural Resources.

(3) "Division" means the Environmental Protection Division of the Department of Natural Resources.

(4) "Drip irrigation" means the use of an irrigation system manufactured and sold specifically for delivering water through small flexible pipes and emitters slowly and directly to the soil around the base of individual plants in a manner that minimizes evaporative losses, pooling, runoff and wetting of plant foliage. This type of system may be part of a larger automated irrigation system or may operate as a stand-alone system connected to a typical outdoor faucet.

(5) "Farm uses" means irrigation of any land used for general farming, forage, aquaculture, pasture, turf production, orchards, or tree and ornamental nurseries; or provisions of water supply for farm animals, poultry farming, or any other activity conducted in the course of a farming operation. Farm uses shall also include the processing of perishable agricultural products.

(6) "Permittee" is defined as:

(a) Any person that holds a water withdrawal permit issued by the Director pursuant to the Georgia Water Quality Control Act, O.C.G.A. §12-5-20 et seq.;

(b) Any person that holds a water withdrawal permit issued by the Director pursuant to the Groundwater Use Act, O.C.G.A. §12-5-90 et seq.; or

(c) Any person that holds a permit issued by the Director pursuant to the Georgia Safe Drinking Water Act, O.C.G.A. §12-5-170 et seq., that uses water obtained from any person meeting the criteria in paragraphs (a) or (b);

(d) Permittee does not include any person that holds a water withdrawal permit for farm uses.

(7e) "Public water system" means a community system for the provision to the public of piped water for human consumption if such system regularly serves as least 3,300 individuals.

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(f8) "Soaker hose" means a hose that is connected to a typical outdoor faucet and that is manufactured and sold specifically for delivering water slowly and directly to the soil around the base of individual plants by allowing water to seep from it in a manner that minimizes evaporative losses, pooling, runoff and wetting of plant foliage.

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391-3-30-.03 Pre-drought Mitigation Strategies.

(1) During non-drought periods, 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).

(2) The state has already made, and continues to make, extensive investments in water efficiency since conservation measures play such an important role in water stewardship. Therefore, with the exception of the outdoor irrigation requirements in O.C.G.A. §12-5-7(a.1)(1) and (2) and the 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, this rule does not repeat or modify any existing pre-drought mitigation strategy or create any new pre-drought mitigation strategies.

391-3-30-.04 Drought Indicators and Triggers.

(1) 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 that are public water systems to provide adequate supplies of water and avoid or relieve local water shortages. Such indicators and conditions may include but may not be limited to the following:

(a) Precipitation;

(b) Streamflow;

(c) Groundwater;

(d) Reservoir Levels;

(e) Soil Moisture;

(f) Short Term Climate Predictions;

(g) U.S. Drought Monitor; and

(h) Water Supply Conditions.

(2) The Division shall periodically make available to the public reports of current climatic indicators. These reports shall be released at least semi-annually; however, when any area of the state has, for at least two consecutive months, been under severe or higher intensity drought conditions, as indicated by the U.S. Drought Monitor, the reports shall be released at least monthly. These reports shall compare current climatic conditions to historical levels and/or reservoir rule curves, if appropriate, for each indicator. These reports shall include, at a minimum, the following drought indicators:

(a) Precipitation: Standardized Precipitation Index (SPI-3, 6, 12), which is the precipitation during the prior 3, 6, and 12 months, compared to the same time periods historically.

(b) Streamflow from the following United States Geological Survey gage locations: Chattooga River at Summerville (02398000), Etowah River at Canton (02392000), Chestatee River near Dahlonega (02333500), Broad River near Bell (02192000), Chattahoochee River near Cornelia (02331600), Flint River at GA 26 near Montezuma (02349605), Oconee River at Dublin (02223500), Ocmulgee River at Macon (02213000), Ogeechee River near Eden (02202500), Spring Creek near Iron City (02357000), Ichawaynochaway Creek at Milford (02353500), Alapaha River at Statenville (02317500), Satilla River at Atkinson (02228000).

(c) Groundwater: CD4 well: 11AA01, CD5 well: 21T001, CD7 wells: 13L180, 12M017, 11K003, 13J004, 12K014, 10G313, 08K001, 08G001, 09F520.

(d) Reservoir Levels: Allatoona Lake, Lake Hartwell, Clarks Hill Lake, Lake Lanier.

(3) Permittees that are public water systems shall notify the Division in writing within 7 days if their drought contingency plan required by Rules 391-3-2-.04(11)(d) or 391-3-6-.07(4)(b)9 is triggered. The notification shall include the drought conditions or events that put the drought contingency plan into effect such as streamflow levels, ground water levels, reservoir storage or levels, system demands, and/or other approved indicator(s).

(4) Prior to making a drought response level declaration pursuant to Section 391-3-30-.05, except for non-drought conditions, the Director shall convene a conference call, or similar communication medium, with all permittees for whom climatic indicators and water supply conditions are such that the Director is considering making a drought declaration. Within three business days of the Director's communication, potentially affected permittees may submit information to the Division regarding climatic indicators and/or their water supply conditions. For permittees whose principal source of water supply is surface water, they may submit a water supply and demand analysis as described in 391-3-30-.08(1)(b).

(5) During a declared drought pursuant to Section 391-3-30-.05, the Director shall convene a conference call, or similar communication medium, at least quarterly with all permittees subject to Drought Response Strategies in the affected drought area(s). The purpose of this communication will be to review the latest climatic indicators and water supply conditions as they relate to the permittees.

(6) Prior to making a drought response level declaration pursuant to Section 391-3-30-.05, the Director may consult with state and federal entities charged with collecting, interpreting and disseminating data used as a basis for developing drought indices. Such agencies may include but not be limited to the following:

(a) State Climatologist;

(b) National Oceanic and Atmospheric Administration;

(c) United States Geological Survey; and

(d) United States Army Corps of Engineers.

391-3-30-.05 Drought Declaration.

(1) Based upon an evaluation in accordance with Section 391-3-30-.04, the Director may declare non-drought conditions and various drought response levels for the affected drought area(s). Such declaration shall be based upon the severity of drought conditions and their impact on the ability of permittees that are public water systems to provide adequate supplies of water within the affected drought area(s) and avoid or relieve local water shortages.

(2) The Director may declare non-drought conditions and drought response Level 1, 2 or 3, with Level 1 being the least severe and Level 3 being the most severe drought response level.

(3) The Director shall designate the geographical boundary of the affected drought area(s). The geographical delineation of a drought response level shall be based upon the severity of climatic indicators and condition of water supplies occurring within all or a portion of defined hydrologic units, counties or other areas. The drought response level shall apply to all permittees that are public water systems, except as described in subparagraph (4), within the affected drought area(s).

(4) The Director may differentiate between surface water drought and ground water drought in any affected drought area(s).

(5) Upon declaring a drought response level, including non-drought conditions, the Director shall provide notice of such declaration to all permittees that are public water systems within the affected drought area(s). At a minimum, the Director shall issue a press release and send each such affected permittee a letter which shall include the drought response level and a summary of the requirements for that particular drought response level.

391-3-30-.06 Drought Response Committee.

A 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.

391-3-30-.07 Drought Response Strategies.

(1) Within 5 days of receipt of notice from the Division of a drought response level declared pursuant to 391-3-30-.05, each permittee that is a public water systems within an area subject to a drought response level declaration shall implement the applicable drought response strategies listed below.

(2) Drought Response Level 1.

(a) Public water systems shall implement a public education campaign that shall include, at a minimum, public notice regarding drought conditions and drought specific public-service messages in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.

(3) Drought Response Level 2. During Drought Response Level 2, permittees that are public water systems shall implement all Drought Response Level 1 measures plus the following additional Drought Response Level 2 measures:

(a) General Outdoor Watering. Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in O.C.G.A. §12-5-7(a.1)(1), shall be limited to two days a week on an odd-even schedule. Even numbered addresses may irrigate on

Wednesday and Saturday between the hours of 4:00 p.m. and 10:00 a.m. Odd numbered addresses may irrigate on Thursday and Sunday between the hours of 4:00 p.m. and 10:00 a.m. "Even numbered address" means an address number ending with the number 0, 2, 4, 6, 8, or the site does not have a numbered address. "Odd numbered address" means an address ending with the number 1, 3, 5, 7, or 9.

(b) Outdoor Water Use not listed in O.C.G.A. §12-5-7(a.1)(1) or (2). The following outdoor water uses shall not be allowed ~~by permittees~~, except when legally required or as provided below:

1. Washing hard surfaces such as streets, gutters, sidewalks and driveways, except when necessary for public health and safety;

2. Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls;

3. Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing;

4. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts;

5. Washing, or pressure washing, buildings or structures, except for immediate fire protection; and

6. Charity, or non-commercial fund-raiser, car washes.

(c) Permittees that are public water systems shall select and implement four, or more, additional practices from the Drought Response Strategies Menu under paragraph (5). Such ~~P~~permittees shall submit monthly reports to the Division by the 10th of each following month detailing the drought response strategies the system has selected, the extent of implementation, and enforcement strategy, if applicable.

(4) Drought Response Level 3. During Drought Response Level 3, permittees that are public water systems shall implement all Drought Response Level 1 and 2 measures plus the following additional Drought Response Level 3 measures:

(a) General Outdoor Watering. Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in O.C.G.A. §12-5-7(a.1)(1), is not permitted.

(b) Specific Categories of Outdoor Water Use. The outdoor water uses listed in O.C.G.A. §12-5-7(a.1)(2) shall be allowed ~~by all permittees~~, subject to the following additional requirements:

1. Irrigation of personal food gardens shall be conducted between the hours of 4:00 p.m. and 10:00 a.m., unless done using drip irrigation or soaker hoses. Irrigation of personal food gardens using drip irrigation or soaker hoses may be done at any time;

2. Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields may be conducted at any time of day during installation and between the hours of 4:00 p.m. and 10:00 a.m. for a period of 30 days immediately following the date of installation;

3. Handwatering with a hose with automatic cutoff or handheld container may be conducted between the hours of 4:00 p.m. and 10:00 a.m.;

4. Irrigation of athletic fields or public turf grass recreational areas may be conducted between the hours of 4:00 p.m. and 10:00 a.m., subject to the two days a week odd-even schedule described in Drought Response Level 2;

5. Irrigation of golf courses shall be conducted in accordance with the "Golf Irrigation Prediction and Estimation Worksheet" and only between the hours of 4:00 p.m. and 10:00 a.m., provided, however,

irrigation of golf course greens may occur at any time of day;

6. Use of reclaimed waste water by a designated user from a system permitted by the Division to provide reclaimed waste water shall not be allowed for general outdoor watering as described in O.C.G.A. §12-5-7(a.1)(1). It shall be allowed for any use described in O.C.G.A. §12-5-7(a.1)(2) subject to the limitations in 391-3-30-.07(4)(b);

7. Installation, maintenance, or calibration of irrigation systems is ~~permitted~~allowed, provided that it is done by professionally certified or licensed landscapers.

(c) Permittees that are public water systems shall implement all practices from the Drought Response Strategies Menu under paragraph (5).

(d) Rate Structures. Within 1 year of the effective date of this Rule, permittees ~~who~~ that are public water systems shall develop a drought surcharge program as a temporary price incentive for customers who are not industrial customers~~permittees~~ to reduce water demand during a declared drought. Permittees that are public water systems with tiered conservation rates that comply with specific criteria for tiered conservation rates in the applicable Regional Water Plan are not required to develop a drought surcharge program.

1. The drought surcharge program shall meet the following criteria:

(i) Drought surcharge rate(s) shall be implemented within 60 days of receipt of a drought response level declaration notice.

(ii) Drought surcharge rate(s) shall be distinct from established water rates;

(iii) Drought surcharge rate(s) shall apply only to the volumetric water rates; and

(iv) Drought surcharge rate(s) shall be approximately revenue neutral relative to non-drought periods. The Division will give deference to public water systems for their reasonable definition of revenue neutral.

(v) The drought surcharge program is not ~~required~~ to include industrial customers that are permittees.

2. Permittees that are public water systems shall be exempted from the requirement to have drought surcharge rate(s) that are distinct from established water rates if they demonstrate to the Division that their billing system is unable to make such distinction. Such permittees shall notify all affected customers of the drought surcharge rate(s) through a billing insert whenever the drought surcharge program is initiated.

3. Permittees that are public water systems shall be exempted from the requirement to have drought surcharge rate(s) that apply only to the volumetric water rates if they demonstrate to the Division that their billing system is unable to apply a surcharge rate only to the volumetric use of water.

4. If the applicable Regional Water Plan does not have specific criteria for tiered conservation rates then permittees that are public water systems are exempted from the requirement to develop a drought surcharge program if their conservation rates are designed and implemented consistent with the Division's "Conservation-Oriented Rate Structures" guidance dated August 2007 or the Metropolitan North Georgia Water Planning District's "Conservation Pricing Guidance" dated January 2014.

(e) Numeric Water Usage Reduction Requirements.

1. The Division may establish numeric reduction requirements for permittees ~~who~~ that are public water systems and whose monthly average water use is greater than one million gallons per day, not including

industrial customers' usage amounts.~~subject to permitted withdrawals of other permittees.~~ The numeric reduction requirements may vary based on time of year (i.e., warmer months and cooler months). The Division shall consider economic and climatic conditions during the baseline period when establishing the numeric reduction requirements. The Division shall also consider the public water system's peaking factor, if provided to the Division by the public water system, when establishing the numeric reduction requirements.

2. Permittees ~~who~~ that are public water systems and whose residential customers comprise less than 10 percent of water use shall be exempt from Numeric Water Usage Reduction Requirements.

(5) Drought Response Strategies Menu.

(a) Public education campaign that goes significantly beyond the minimum notice and public service messages associated with Drought Response Level 1;

(b) Glasses of water provided to restaurant customers only upon request;

(c) Distribute retrofit kits and water saving devices to customers. These kits and devices may include, but not be limited to, shower heads, leak dye tabs, toilet tank displacement devices, and hose shut off nozzles;

(d) Technical assistance outreach program to target high users to identify and/or recommend opportunities to reduce water usage;

(e) Reduce system pressure, unless such reduction would create unsafe water supply conditions;

(f) Pool cover requirements;

(g) Implement a drought surcharge program, or tiered conservation rates, that satisfy the criteria of this rule;

(h) Suspension of street cleaning program(s);

(i) Implement, or accelerate, leak detection and repair program(s); or

(j) Impose monetary penalties or terminate water services to customers to reduce outdoor water waste due to excessive application, outdoor leaks, improper irrigation, or other similar reasons.

(6) Professional Exemptions. The following commercial outdoor water uses are exempt from the Outdoor Water Use restrictions of this rule:

(a) Pressure washing;

(b) Permanent car wash facility, provided that it is connected to a sanitary sewer system of a political subdivision or local government authority or recycles used wash water;

(c) Construction sites;

(d) Watering-in of pesticides and herbicides on turf; and

(e) Other activities essential to daily business.

391-3-30-.08 Variance Requests.

(1) Any application for a variance pursuant O.C.G.A. §12-5-7(a)(1) to impose restrictions on outdoor

water use that are more stringent than those described in this Rule shall provide the following information demonstrating that the outdoor water use restrictions required by this Section will not avoid or relieve a local water shortage and the degree to which additional restrictions will avoid or relieve such water shortage:

(a) A statement of which Drought Response Level (Level 1, Level 2, Level 3, or Level 3 plus) the public water system seeks to apply, the duration of those restrictions, and a description of why such restrictions are necessary. For the purposes of this Rule, "Level 3 plus" means all Level 3 water usage restrictions plus additional restrictions proposed by the public water system in order to avoid or relieve a local water shortage.

(b) For permittees that are public water systems whose principal source of water is surface water, a water supply and demand analysis which includes a quantitative analysis of the effect that additional restrictions will have upon ~~the~~such permittee's source of water in terms of increased storage or streamflow available to ~~the~~ such permittee for each month during which they will be implemented. The water supply and demand analysis shall, at a minimum, consist of a 24-month projection of the response of reservoir storage, or water withdrawals as a percent of streamflow, whichever is applicable, to demands represented by monthly water use for each month of the preceding calendar year, assuming calendar year 2007 – 2008 hydrologic conditions, and shall be conducted in accordance with the "Water Supply and Demand Analysis Worksheet."

(c) Quantity estimate of reduced water use on a monthly basis expected from implementing such restrictions for each month during which they will be implemented compared to a quantity estimate of reduced water use on a monthly basis expected from implementing the restrictions required by this Section;

(d) Quantity estimate of the effect such restrictions will have upon ~~the~~ such permittee's source of water in terms of increased storage or streamflow available to ~~the~~ such permittee for each month during which they will be implemented.

(2) As provided for in O.C.G.A. §12-5-7(a)(2), a political subdivision of this state or local government authority shall not be prohibited from imposing more stringent restrictions on outdoor water use than those required by this Section in case of an emergency which immediately threatens the public health, safety, or welfare for a period not to exceed seven days unless a variance is granted by the Director.

(3) Any application for a variance pursuant O.C.G.A. §12-5-7(b) requesting restrictions on outdoor water use that are less stringent than those described in this Rule shall provide the following information demonstrating that the outdoor water use restrictions required by this Rule are not needed to avoid or relieve a local water shortage:

(a) A statement of which Drought Response Level (non-drought, Level 1, or Level 2) the public water system seeks to apply, the duration of the less stringent restrictions, and a description of why the restrictions described in the Rule are not necessary.

(b) For permittees that are public water systems whose principal source of water is surface water, a water supply and demand analysis which includes a quantitative analysis of the effect that the proposed less stringent restrictions will have upon ~~the~~ such permittee's source of water in terms of storage or streamflow available to the permittee for each month during which they will be implemented. The water supply and demand analysis shall, at a minimum, consist of a 24-month projection of the response of reservoir storage, or water withdrawals as a percent of streamflow, whichever is applicable, to demands represented by monthly water use for each month of the preceding calendar year, assuming calendar year 2007 – 2008 hydrologic conditions, and shall be conducted in accordance with the "Water Supply and Demand Analysis Worksheet."

(c) Permittees that are public water systems whose water supply is obtained in whole or in part from storage in or releases from any project owned and operated by the United States Army Corps of Engineers may request a variance requesting restrictions on outdoor water use that are less stringent than those described in this Rule. However, for such permittees who get more than 25 percent of their water supply from such projects, because ~~these~~ such permittees have little control over the management of their water supply source, there shall be a rebuttable presumption that such variance requests should be denied by the Director.

(4) Upon consideration of the information required in Section 391-3-30-.08(1) or (3), as provided for in O.C.G.A. §12-5-7(c), the Director shall render a decision on an application for a variance within five business days after receipt thereof and grant a variance to the applicant of the restrictions required by this Rule if the applicant has provided sufficient evidence to support a reasonable conclusion that a variance is warranted.

(5) In order to provide for efficient implementation of the variance program and to facilitate effective communication to the media and the public regarding drought requirements, it is necessary and appropriate that variance requests be consistent with the framework of the Rule. Therefore, variance requests are limited to the Drought Response Levels (non-drought, Level 1, Level 2, Level 3, or Level 3 plus), and their corresponding Drought Response Strategies, as articulated in the rule.

Proposed Modifications to the Water Quality Control Rules for Surface Water Withdrawals, 391-3-6-.07, pertaining to surface water withdrawal applications submitted after the effective date of the rule for new, modified, or renewal permits

(4) Permit Application: Non-Farm Uses.
(a) All applications shall be on forms furnished by the Division.
(b) The applications shall include:
...
9. A drought contingency plan consistent with Rule 391-3-30 submitted for approval by the Director as part of a new, modified, or renewal permit and prepared in accordance with the following guidelines. The plan should include alternative system and resource management strategies to be implemented under drought conditions that may severely reduce the availability of the resource. ~~The plan shall be consistent with Rule 391-3-30. If there are conflicts between this plan and Rule 391-3-30, Rule 391-3-30 shall prevail.~~ The applicant or permittee must provide the following items in the plan (or a statement as to why the item is not an appropriate part of the plan):

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Proposed Modifications to Groundwater Use Rules for Permit Applications, 391-3-2-.04, pertaining to groundwater withdrawal applications submitted after the effective date of the rule for new, modified, or renewal permits

(11) In the preparation of a permit application for a new permit or modification of an existing permit which includes an increase in the permitted water use (except for a farm use permit application) the applicant must submit to the Director for approval a water conservation plan prepared in accordance with the following guidelines. The plan must address the following items (or contain a statement why the item is not an appropriate part of the plan).
...
(d) A drought contingency plan consistent with Rule 391-3-30 submitted for approval by the Director as part of a new, modified, or renewal permit and prepared in accordance with the following guidelines. The plan should include alternative system and resource management strategies to be implemented under drought conditions that may severely reduce the availability of the resource. ~~The plan shall be consistent with Rule 391-3-30. If there are conflicts between this plan and Rule 391-3-30, Rule 391-3-30 shall prevail.~~ The applicant must provide the following

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items in the plan (or a statement as to why the item is not an appropriate part of the plan):

GEORGIA MUNICIPAL ASSOCIATION

Cash, Tim

From: Catherine Fleming <cfleming@gmanet.com>
Sent: Thursday, November 13, 2014 3:58 PM
To: Cash, Tim
Cc: funeralguy@gmail.com; Thomas Q. Gehl
Subject: Drought Management Rule - Stakeholder Meeting #3
Attachments: ENR Policy Committee - Drought Comments.pdf

Tim,

Please find attached comments from GMA's Environment and Natural Resources Policy Committee Chairman, Jason Holt, on the Drought Management Rule Stakeholder Draft from October 2nd.

Best,

Catherine

GEORGIA MUNICIPAL ASSOCIATION
Advocacy • Service • Innovation

Catherine Fleming
Governmental Relations Associate
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Environment and Natural Resources Policy Committee

November 13, 2014

Mr. James A. Capp
Chief, Watershed Protection Branch, EPD
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, Georgia 30334

RE: Drought Management Rule – Stakeholder Meeting 3

Dear Mr. Capp:

Thank you for the opportunity to comment on the third draft of the Drought Management Rule. As the chairman of the Georgia Municipal Association's Environment and Natural Resources Policy Committee, I appreciate the time and attention that has gone into drafting this rule and offer the following suggestions.

Drought Surcharges:
While I appreciate EPD's goal of managing Georgia's water resources during times of drought, to attempt to do so through a mandated drought surcharge program infringes on local sovereignty. Each water system in the state is unique and should have maximum flexibility to set rates as needed during times of drought. It should be up to the local system to decide if surcharge pricing is the needed tool to encourage water conservation or if another mechanism might be more productive. I respectfully request that this portion of the rule be removed.

Drought Response Strategies Menu:
I also have concerns about some of the options in the Drought Responses Strategies menu. While we support its inclusion, a number of the strategies are cost prohibitive (See Strategy (c) – distributing retrofit kits to all customers would be both expensive and time / staff intensive), and of questionable feasibility (See Strategy (b) - how can a public water system be expected to police the service practices within private restaurants? Also see Strategy (j) – how does a system judge "excessive application" of its product outside of the water restrictions already included in the rule?). I encourage EPD to revise this section of the rule to ensure that public water systems can actually implement drought response strategies as necessary.

Thank you for the opportunity to comment on the rule and for your consideration of these suggestions.

Sincerely,

Jason Holt
Chairman, Environment and Natural Resources Policy Committee
Councilmember, City of Fitzgerald

GEORGIA POWER

Cash, Tim

From:	Williams, Alicia F. <AFWILLIA@southernco.com>
Sent:	Friday, November 14, 2014 2:56 PM
To:	Cash, Tim
Subject:	Georgia Power Comments to Drought Management & Water Efficiency Rules
Attachments:	Drought Mgmt&Water Eff Rule Comments #3 11_13__2014.pdf

Tim,
Please see that attached comments for the proposed Drought Management and Water Efficiency Rules, Stakeholder Meeting #3. A hardcopy of this document will be forwarded to your office as well.

Thanks,

Alicia F. Williams
GPC Environmental Affairs | Office 404.506.3075 | Cell 404.735.2794

Environmental Affairs
Bin 10221
241 Ralph McGill Blvd, NE
Atlanta, Georgia 30308-3374

GEORGIA POWER
A SOUTHERN COMPANY

November 14, 2014
CERTIFIED MAIL

Mr. James A. Capp
Chief, Watershed Protection Branch, EPD
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, GA 30334

RE: Drought Management and Water Efficiency Rules Stakeholder Meeting

Dear Mr. Capp:

Georgia Power Company (GPC) respectfully submits its comments in response to the Environmental Protection Division's (EPD) third stakeholder meeting and the proposed implementation of a new Drought Management Rule ("draft rule" or "DMR") and its proposed implementation of the Water Efficiency Rule ("WER").

As an initial matter, we support several of the changes the draft rule has incorporated in response to comments received in response to the prior July 2014 draft. Specifically, we agree with EPD's decision to remove additional recordkeeping and reporting requirements, make clear that the drought surcharge program is not required to include industrial customers, and clarify that numeric water reduction requirements are not applicable to industrial and commercial users. We further agree with the new draft rule's provision that numeric water reduction requirements should not apply to public water systems whose residential customers comprise less than ten percent of water use.

In response to this most recent draft, we reiterate the concerns we previously expressed – that, particularly for industrial users, the purpose of this rulemaking has not been adequately justified. We additionally provide specific recommendations below.

Permittee and Public Water System. The main focus of the DMR is clearly on establishing a regulatory framework for "permittees that are public water systems" to apply in times of drought. However, certain provisions apply more broadly to all "permittees" such as industrial and commercial users. We believe that the draft rule could be clearer if, instead of using the phrase "permittees who are public water systems," it just used the term "public water systems" and avoided generic references to "permittees."

We also note that the definition of the term "public water system" in the DMR differs from the definition of the same term in the Rules for Safe Drinking Water. *See* Georgia Rules 391-3-5-.02(96) (defining "public water systems" to mean those that have at least 15 service connections or regularly serve 25 individuals). The term also differs from the same term under the Georgia

Water Stewardship Act of 2010. *See* O.C.G.A. §12-5-4.1(a)(2) (defining "public water systems," to mean those which regularly serve at least 3,300 individuals). We believe that a minimum number of service connections and/or individuals served should also be incorporated as part of the definition of "public water system" in the draft rule. Thus, we recommend that for consistency, the definition in the DMR be redrafted to match the term under the Rules for Safe Drinking Water or the Georgia Water Stewardship Act.[1]

Additionally, EPD should also limit the applicability of those provisions pertinent to public water systems to only those that offer water for sale or resale. As the draft rule is now written, public water systems that use water only for internal purposes (e.g., to support an industrial facility) are subject to provisions of the DMR clearly meant for traditional public water systems. For example, the Drought Reponses Strategies Menu, DMR at 391-3-30-.07(5), is applicable to all public water systems even though most of the strategies are unsuitable to those systems that do not sell or resell water.

Conference Call. We agree with the draft rule's provision on the Director holding a conference call prior to making a drought response level declaration and quarterly when Drought Response Strategies are in place. We also support the provision's allowance for comments to be submitted following the initial conference call, but believe that comments should also be allowed after each quarterly call.

Variance Requests. We support EPD's decision to allow variances for permittees whose water supply is obtained from projects owned and operated by the United States Army Corps of Engineers. However, we do not believe that the rule should establish a rebuttable presumption that variances should be denied for permittees who get more than 25 percent of the water supply from such projects. The DMR justifies the presumption "because these permittees have little control over the management of their water supply source." To the contrary, this rationale supports a presumption *in favor* of a variance. On highly regulated water bodies, water withdrawals have a far less significant effect on in-stream flow (or total storage capacity, in the case of a lake or reservoir) than unregulated waters, suggesting that a variance would be appropriate.

Water Quality Control Rules for Surface Water and Groundwater Withdrawals. We believe that it is inappropriate for the draft rule to add the following provision: "If there are conflicts between this [drought contingency] plan and Rule 391-3-30, Rule 391-3-30 shall prevail." By deleting this sentence, the rule would ensure that any conflicts between a drought contingency plan and the rule are resolved *prior* to the plan's approval. As the draft rule now reads, such conflicts could arise even after a plan has been "approved" resulting in uncertainty as to the finality of the approval and discouraging early resolution of any potential conflicts.

[1] We further note that the definition of "public water system" and "soaker hose" are incorrectly numbered in the draft rule. They should be numbered (7) and (8), respectively, rather than (e) and (f).

Water Efficiency Rule. The WER was drafted pursuant to the Georgia Water Stewardship Act of 2010 ("GWSA"), S.B. 370, codified O.C.G.A § 12-5-4 et seq. As the GWSA makes clear, the standards adopted by the Board of Natural Resources for monitoring and improving the efficiencies of public water systems may apply only to those public water systems that regularly serve at least 3,300 individuals. *See* O.C.G.A. §12-5-4.1(2) (defining "public water systems," to mean those which regularly serve at least 3,300 individuals). We recommend that the WER mirror the text of its enabling statute, making clear that it applies to only that subset of public water systems.

We appreciate your consideration of our comments. If you have any questions, please contact Alicia Williams of my staff at (404) 506.3075 or afwillia@southernco.com.

Sincerely,

Burns Wetherington, P.E.
Environmental Affairs Supervisor

AFW

GEORGIA WATER COALITION

Cash, Tim

From: Chris Manganiello <chris@garivers.org>
Sent: Friday, November 14, 2014 12:49 PM
To: Cash, Tim
Cc: chris@garivers.org
Subject: Drought Management Rule Stakeholder Meeting
Attachments: 2014_11_14_GWC_Drought Management Rule - Stakeholder Meeting #3.pdf

Dear Mr. Cash:

The attached comments are submitted on behalf of the Georgia Water Coalition in response to the Environmental Protection Division's (EPD) request for input following the October 22, 2014 Drought Management & Water Efficiency Rules Stakeholder Meeting. **This comment letter specifically addresses the proposed draft *Drought Management* rule.**

We thank EPD for the opportunity to provide comment ahead of a formal rule making process. If you have any further questions, please contact me.

Have a nice weekend!

Sincerely,

Chris

Chris Manganiello, Ph.D.
Policy Director

Georgia River Network
126 South Milledge Avenue, Suite E3
Athens, GA 30605
Office: 706-549-4508
Fax: 706-549-5491

GEORGIA WATER COALITION

November 14, 2014

James A. Capp
Chief, Watershed Protection Branch
Environmental Protection Division
Suite 1152 East Tower
2 Martin Luther King Jr. Drive
Atlanta, GA 30334

Submitted via email to: tim.cash@dnr.state.ga.us

SUBJECT: Drought Management & Water Efficiency Rules Stakeholder Meeting

Dear Mr. Capp and Mr. Cash:

These comments are submitted on behalf of the Georgia Water Coalition in response to the Environmental Protection Division's (EPD) request for input following the October 22, 2014 Drought Management & Water Efficiency Rules Stakeholder Meeting. **This comment letter specifically addresses the proposed draft *Drought Management* rule.**

The Georgia Water Coalition (GWC) is a group of more than 220 organizations representing well over a quarter of a million Georgians including farmers, homeowner and lake associations, business owners, sportsmen's clubs, conservation organizations, professional associations and religious groups. The GWC's mission is 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. A list of coalition members is attached to this letter.

We have advocated for a finalized state drought management plan for many years, and we support EPD's efforts to update the 2003 Drought Management Plan and the Rules for Outdoor Water Use at Georgia Rules and Regulations Ch. 391-3-30 et seq. We appreciate EPD staff attention to our previously submitted comments.

Drought Triggers and Indicators

We are pleased to see EPD expand the list of climatic indicators and triggers and drought indicators. Furthermore, we support the notification and other communications mechanisms noted in section 391-3-30-.04.

Drought Declaration and Drought Response Committee

We are pleased to see the intent of EPD to engage in a high level of communication about drought and non-drought conditions, as well as the intent to discern between groundwater and surface water drought. We recommend, in addition to providing notice to all permittees of the declaration of drought conditions, the Director should also provide notice of "such declaration" to the public.

The GWC suggests the rule indicate general groups of stakeholders to be included in the Drought Response Committee, including, for example, water permittees, scientists, engineers, agencies, and members of the public. Most important, it is paramount that the committee not only be made up of the regulated community (permit holders) but also should include members of the public. This may possibly include environmental groups and/or groups with the capacity to speak to healthy streamflows or protection of in-stream uses such as those for fisheries and/or wildlife.

In general, the GWC remains concerned about the high level of discretion the EPD Director will exercise in declaring drought.

Record Keeping

We empathize with water providers who want to provide EPD with timely information and accurate data, but who do not want to be overburdened with duplicative or redundant reporting. However, we ask EPD not to compromise on the data they seek. The July 3, 2014 "Stakeholder Draft" version specifically requested: "each permittee whose monthly average water use is one million gallons per day or greater shall record water use…for each calendar month" during non-drought conditions, and more frequently during drought. Our hope is EPD and water providers can agree on a process to efficiently capture and report all the relevant and necessary daily withdrawal and consumptive data EPD requires in a timely fashion. We ask EPD to introduce this new reporting process during the stakeholder process.

As a reminder, during the first stakeholder meeting (May 13, 2014), at least two water utility representatives expressed the following during the stakeholder meeting: "the more data we get the better decisions we can make." The GWC agrees with this sentiment. The GWC agrees "Uniform water use recording and reporting during drought and non-drought is critical in monitoring the condition of water supplies and assessing performance." We support, as water utility representatives in attendance suggested, EPD's collection of this data, and more of it, irrespective of drought or non-drought conditions to make better policy decisions. We recommend EPD collect withdrawal and consumptive data from all permit holders to ascertain a complete picture of water use and return.

Drought Response Strategies

The Drought Response Strategies have been significantly amended. We think the "Drought Response Strategies Menu," the optional nature of the drought surcharge and deletion of reference to water audits are appropriate improvements to the draft rule. We remain concerned the exemptions—specifically professional and commercial exemptions, and apparent omission of non-public swimming pools—may reduce overall effectiveness and intent of the drought management rule.

Our high level concern remains the focus on municipal water suppliers, while industrial, energy and agricultural operations do not appear to have to take any action. Energy utilities and agricultural users must be subject to the rule's requirements and provisions. Thermoelectric and agricultural water withdrawals combined have historically exceeded seventy-five percent of total withdrawals. While the total volume of thermoelectric returns is significant, the environmental and downstream effects of thermoelectric returns intensify during drought events.[1] Additionally, a 'drought rule' or plan that does not address the sheer magnitude and also complexity of agricultural uses will fail to protect the complete suite of property rights and uses that Georgians enjoy.

Variances

We suggest EPD allow variances for systems who obtain water from United States Corps of Engineers operations, but require a higher burden to demonstrate a need for lesser restrictions on water use and a lower burden to demonstrate a need for tighter restrictions on water use, because these systems have little control over management of their water supply source.

Outside the Box

Efforts to refine the calculation and reporting of gallons per capita per day (GPCD) as a meaningful metric are moving forward across the country. In 2014, the California State Water Resources Control Board initiated a new requirement of residential GPCD reporting by water systems statewide.[2] According to a Nov. 4 press release, the Board thinks the new residential GPCD reporting requirement will help it to "to gain a better sense of comparison [of drought response effectiveness among water systems in different areas] than simply looking at percentage reductions."[3] It is intriguing to consider datasets that can provide more information than percentage reductions alone. The California Board acknowledges it is not appropriate to use residential GPCD data to make comparisons across water providers unless all relevant factors are considered. Nonetheless, the new GPCD reporting requirement in California will certainly improve data availability for past and present water use statewide and provide a basis for tracking progress of water providers across the state. The State of New Mexico has also developed and adopted its own GPCD calculation methodology published by the New Mexico Office of the State Engineer.[4] We recommend an evaluation of these policies for possible implementation in Georgia.

Conclusion: We thank EPD for the opportunity to provide comment ahead of a formal rule making process. If you have any further questions, please contact Chris Manganiello, Policy Director, Georgia River Network (chris@garivers.org).

Sincerely,

The Georgia Water Coalition

---

[1] U.S. Geological Survey, *Water Use in Georgia by County for 2005; and Water-Use Trends, 1980-2005*, Scientific Investigations Report 2009-5002, p. 6, http://pubs.usgs.gov/sir/2009/5002/pdf/2005_water_use_book_508_V4.pdf.

[2] http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/conservation_reporting_info.shtml

[3] http://www.swrcb.ca.gov/press_room/press_releases/2014/pr110414_rgcpd.pdf

[4] http://www.ose.state.nm.us/wucp_gcpd.html

Georgia Water Coalition Partners

1.706.549.4508 www.gawater.org

GEORGIA WATER COALITION

ABAC Forestry and Wildlife Club
AKO Environmental Consultants, LLC
Albany Georgia Audubon Society
Altamaha Riverkeeper
American Cane Society
American Fisheries Society – Georgia Chapter
American Rivers
American Whitewater
Anthony W. Park & Associates, LLC
Apalachicola Riverkeeper
Appalachian Education and Recreation Services - Len Foote Hike Inn
April Ingle Consulting
Association of Water Treatment Professionals
Athens Grow Green Coalition
Athens Land Trust
Atlanta Audubon Society
Atlanta Water Gardens, Inc.
Atlanta Whitewater Club
Azalea Park Neighborhood
Bee Natural, Inc.
Berkeley Lake Homeowners Association
Bike Athens
Blue Heron Nature Preserve
Broad River Outpost
Broad River Watershed Association
BSA Troop 1134
Burnt Fork Watershed Alliance
Camden County Land Trust
CCR Environmental
Center for a Sustainable Coast
Central Savannah River Land Trust
Chattahoochee Hill Country Conservancy
Chattahoochee Nature Center
Chattahoochee Riverkeeper
Chattahoochee River Warden
Chattooga Conservancy
Cherokee Transitions Green
Citizens for Clean Air and Water
Citizens for Environmental Justice
Clean Coast
Clear Rivers Chorus
Coastal Environmental Organization of Georgia
Coastal Estuary Protection Association
Coastal Georgia Travel
Cochran Mill Nature Center
Compassion in World Farming
Conserve America
Coosa River Basin Initiative
Coosawattee Watershed Alliance
Creative Earth
Cumming Garden Club
DeKalb County Soil & Water Conservation District
Druid Hills Garden Club
Earthkeepers & Company
Earth Ministry, NW Unitarian Universalist Congregation
East Atlanta Community Association
Ens & Outs, Unitarian Universalist Congregation of Atlanta
Environment Georgia
Environmental Community Action, Inc.
Environmental Defense Fund- SE Region
Ewing Irrigation - Covington
Fall-line Alliance for a Clean Environment
Fall Line South Field Institute
Flint Riverkeeper
Forest Guild
Fox Environmental
Friends of Barber Creek
Friends of Georgia, Inc
Friends of McIntosh Reserve
Friends of the Apalachee
Friends of the Chattahoochee
Friends of the Savannah River Basin
Friends of South Newport River, Inc.
Garden Club of Georgia, Inc.
Garden*Hood
Georgia Bass Chapter Federation
Georgia Canoeing Association, Inc.
Georgia Coalition for the People's Agenda
Georgia Coalition of Black Women
Georgia Conservancy
Georgia Forest Watch
Georgia Interfaith Power and Light
Georgia Kayak Fishing
Georgia Lakes Society
Georgia Land Trust
Georgia Onsite Wastewater Association
Georgia Poultry Justice Alliance
Georgia River Fishing
Georgia River Network
Georgia River Survey
Georgia Rural Urban Summit
Georgia Wildlife Federation
Georgia Women's Action for New Direction
Glynn Environmental Coalition
Graci's Garden Center
Greening Forward
GreenLaw
Harrison Design Associates
Highchem America
Hiwassee River Watershed Coalition
Hydro Logical Solutions, LLC
Imke Lass Photography
Initiative to Protect Jekyll Island
Interface, Inc.
Izaak Walton League of America- Greater Atlanta Chapter
J. Galt & Associates
Jackson Lake Homeowners Association
Junior Bass Busters
Keller Williams Realty, Lanier Partners
Krull and Company

Georgia Water Coalition Partners

1.706.549.4508 www.gawater.org

Lake Allatoona Preservation Authority
Lake Blackshear Watershed Association
Lake Hartwell Association
Lake Homeowners Alliance
Lake Oconee Property Owners' Association
Lake Oconee Water Watch
Lake Yonah Association
LAND Architect Studio
League of Women Voters of Georgia
Litter Control, Inc
Little Mountain Water Association
Little Tennessee Watershed Association
Live Thrive Atlanta
Lula Lake Land Trust
Lumpkin Coalition
McIntosh High School Adopt-A-Stream
Melaver McIntosh
Middle Chattahoochee River Stewards
Minds Eye Scenic Arts/Knottalotta Entertainment
Mountain Park Watershed Preservation Society
National Wildlife Federation
Neighborhood Planning Unit – W Atlanta
New Echota Rivers Alliance
NOCRAP (Newly Organized Citizens Requesting Aquifer Protection)
Norris Lake Community Benefits Corporation
North American Native Fishes Association
North Georgia Trout Online
Nuclear Watch South
Oceana
Oconee River Land Trust
Off Grid Expeditions & River Guardians
Ogeechee Audubon Society
Ogeechee Riverkeeper
Okefenokee Adventures
One Entertainment Productions
One Hundred Miles
One More Generation
Paddle4Tomorrow
Patagonia Atlanta
Peter McIntosh Photography
Phillips Seafood
Presbytery of Greater Atlanta
Rabolli Environmental, Inc.
Rain Harvest Company, Inc.
Richmond Hill Garden Club
Ryan Taylor Architects
Sapelo Sea Farms
Satilla Riverwatch Alliance & 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.
Scenic Georgia, Inc.
Sierra Club- Georgia Chapter
Silentdisaster.org
Small Carpenters at Large
Snake Nation Press, Inc.
Solomon's Minds
Soque River Watershed Association
South Atlantans for Neighborhood Development
South Fork Conservancy
SouthEast Adventure Outfitters
Southeast Green
Southeastern Horticultural Society
Southeastern Natural Sciences Academy
Southern Alliance for Clean Energy
Southern Conservation Trust
Southern Environmental Law Center
Southern Wings Bird Club
Southface Energy Institute
South River Watershed Alliance
SouthWings: Conservation through Aviation
Spring Creek Watershed Partnership
St. Marys EarthKeepers, Inc.
Storm Water Systems
Surfrider Foundation - Atlanta/Georgia Chapter
Sustainable Atlanta
Tallulah River Watershed Protection Committee
The Concerned Citizens of Shell Bluff
The Dolphin Project
The Erosion Company (TEC)
The Nature Conservancy
The Original Rainwater Pillow
The Outside World
The Rain Barrel Depot
The Rain Saver
The Victor Firm, LLC
The Wilderness Society
Trout Unlimited - Georgia Council
Turner Environmental Law Clinic
Unicoi Outfitters
United Nations Association – Atlanta
Upper Etowah River Alliance
Upper Oconee Watershed Network
Upper Tallapoosa Watershed Group
U.S. Green Building Council, GA Chapter
U.S. Green Building Council – Atlanta Branch
U.S. Green Building Council – Savannah Branch
Watershed Alliance of Sandy Springs
Wayne Morgan Artistry
West Atlanta Watershed Alliance
West Point Lake Advisory Council
West Point Lake Coalition
White Oak Hills Neighborhood Association
World Wildlife Fund
WOWash
WWALS Watershed Coalition
Yellow Bluff Plantation
Yellow River Water Trail

November 13, 2014 – 221 Georgia Water Coalition Partners

GWINNETT COUNTY

Cash, Tim

From:	Susan.Lee@gwinnettcounty.com
Sent:	Friday, November 14, 2014 12:41 PM
To:	Cash, Tim
Cc:	Charlotte.Nash@gwinnettcounty.com; Glenn.Stephens@gwinnettcounty.com; Ron.Seibenhener@gwinnettcounty.com; Forrest.Fields@gwinnettcounty.com; Kevin.Farrell@gwinnettcounty.com; Debbie.Savage@gwinnettcounty.com; Rebecca.Flickinger@gwinnettcounty.com; TEdwards@ACCG.org
Subject:	Drought Management and Water Efficiency Rules Stakeholder Meeting

Good afternoon, Tim –

Per the instructions provided at our last stakeholder meeting, I'm forwarding comments on the proposed rules from the Gwinnett County Government.

Gwinnett County's Comments on EPD's Draft Rules for Drought Management & Water Efficiency

Regarding the Draft Drought Management Rule:

- There does not appear to be anything significant gained by EPD including mention of "rebuttable presumption" of a denial for variance request if withdrawal is made from a COE lake.
- The proposed language of "Numeric Water Use Reduction Requirements" should be revised back to "Numeric Water Use Reduction Targets" as stated in earlier versions of the draft rule language.

Regarding the Draft Water Efficiency Rule:

- Validation of annual water loss audits by a "Certified Water Loss Auditor" (likely a third party) is not needed for Gwinnett County as Department of Water Resources' staff currently submits a very well-scrutinized, accurate and professional audit, and the additional cost would be another unfunded mandate.
- There are currently many submittals required by various EPD permits that don't call for third party "certification". Therefore, the requirement for this additional audit would be inconsistent and precedent-setting.
- The proposed requirement of showing "demonstrable progress" in improving water use efficiency is not well defined.
- The stated possibility of actually reducing a current permitted withdrawal quantity for "failure to make demonstrable progress" is an overreach.

- The proposed language leaves the door open for a permittee to be negatively cited for going from 3% to 4% in water loss, while another gets praise for going from 20% to 17% loss.
- Consideration should be given to applying a better defined "demonstrable progress" provision only to those permittees above a certain percentage water loss threshold.

Thank you for the opportunity to provide input. Please let me know if you have questions or need additional information.

Susan Lee

Legislative Liaison
Gwinnett County Board of Commissioners
770.822.7427

MACON WATER AUTHORITY

Cash, Tim

From: Mark Wyzalek <mwyzalek@maconwater.org>
Sent: Friday, October 24, 2014 9:59 AM
To: Zeng, Wei
Cc: Larson, Jeff; Cash, Tim; Cowie, Gail; Pam Burnett (pburnett@gawp.org); Jack Dozier (jdozier@gawp.org); Tony Rojas
Subject: USGS 02213500 Tobesofkee Creek - not appropriate to use the flow record prior to 1966 for determing drought
Attachments: MW Rev Report_of_Current_Climate_Indicators_10.16.14.pdf; Lake Tobeosfkee evaporation MWyzalek Oct 24 2014.xlsx

Incorporating the flow record prior to 1966 for determination of drought conditions after 1966 at USGS 02213500 Tobesofkee Creek is not appropriate.

Lake Tobesofkee was formed when the dam was completed in 1966 (re: http://www.gaswcc.org/wsd-search.php). So the USGS 02213500 flow record from 1937 until 1966 was on an unregulated stream; from 1966 through today the flow record is on a **regulated stream**.

By all means this gage is impacted by **anthropogenic impacts**.

The creation of Lake Tobesofkee, besides altering the flow regime, has caused **evaporation from the surface of the lake**. Annually that evaporation is calculated to be on average a total of 1,993,844,163 gallons. The **average daily cfs loss to evaporation reaches a high in July of 13.35 cfs**. Obviously the evaporation will be greater from the lake in months that are hotter and drier than normal. The higher evaporation rates during the hotter months does have a significant impact on the stream flow USGS gauge measured on this relatively small watershed.

See attached spreadsheet for the calculations of the **average evaporation** from the lake.

I've included my rev of the EPD handout given out at the drought stakeholder meeting on 10/22/14.

Mark Wyzalek
Director, Laboratory/Environmental Compliance
Macon Water Authority
918 MLK Jr. Blvd.
PO Box 108
Macon GA 31202
478 464-5678
mwyzalek@maconwater.org

Wherever it flows, the river teems with every kind of living creature; fish will abound.
Where these waters flow they refresh; everything lives where the river goes.

From: Zeng, Wei [mailto:Wei.Zeng@dnr.state.ga.us]
Sent: Wednesday, October 22, 2014 10:36 AM
To: Mark Wyzalek
Cc: Cash, Tim; Cowie, Gail; Larson, Jeff; Caldwell, Nap
Subject: FW: See attached rev of the slideshow that EPD will be presenting tomorrow at Drought meeting

Mark,

This is Wei Zeng of Georgia EPD's Hydrology Unit. I am writing this message to respond to your comments on choosing flow observed at USGS 02213500 Tobesofkee Creek near Macon, GA as one of our drought indicators. These are very good comments, and we appreciate your input in this important process.

The original justification for choosing these gages was based on three considerations: (1) the existence of a long record to serve as the basis for developing statistical background, (2) a real time gage that continues to provide current information, which can be superimposed onto the statistical background to see how the present compares to the historical thresholds, and (3) the lack of major anthropogenic impacts such as substantial reservoir regulations and large withdrawal or returns.

Consider the following facts when evaluating USGS 02213500 Tobesofkee Creek near Macon, GA. First, the Tobesofkee gage has a daily flow record starting in April 1937, and the basis for any flow time series of longer time steps. The seven decades of record provides a reliable background for any statistical analysis. Second, USGS continues and will continue (with EPD consent) to operate this gage in a real time manner. Information of the current and recent can be easily accessed and analyzed at this gage.

Your points on reservoir regulation at the Tobesofkee Reservoir and the City of Forsyth's water withdrawal are well taken. However, since our evaluation of the observed flow is with a monthly time step, the effect of daily flow regulation at the reservoir does not register. See the attached spreadsheet file for a flow comparison. The comparison has been done with only 12 monthly values from October 2012 to September 2013. (This was because of the fact that USGS could only provide a one year of approved flow record at the Echeconnee gage. The whole record including provisional data are only of three years of length.) The comparison showed very similar patterns between the monthly flows, whether one looks at the raw flow data or normalized data.

On water use by the City of Forsyth, I checked the record. The City's withdrawal has been around 1.5 mgd, and it also discharges about 0.3 mgd upstream of the gage. The net consumptive use by the City is less than 2 cfs. This is indeed a reduction from natural flow. However, the magnitude of this reduction in comparison to the observed flow is not substantial enough to disqualify the gage for our purpose.

It would be nice to be able to correct the record and remove the anthropogenic effects, and this is the approach we use in developing unimpaired flow data sets across the state in the State Water Planning and Regional Water Planning work. That development takes place every few years, and we strive to extend the data set with new records. However, we do not have staffing and resources to do this on a real time basis.

Thanks again for your comments. If you have any questions, please call me at 404-463-2883.

Wei

Wei – please see Mark Wyzalek's comments on the attached version of the draft September Climate Indicators report that we posted to our website on October 2. Mark is with the Macon Water Authority. He is questioning the validity of using the Tobesofekee Creek gage because its downstream from Lake Tobesofkee and because the City of Forsyth has a withdrawal upstream. This may come up at the meeting tomorrow so we should be prepared to thank him for his comments and either discuss it with him or tell him we'll get back to him on it.

From: Mark Wyzalek [mailto:mwyzalek@maconwater.org]
Sent: Tuesday, October 21, 2014 2:53 PM
To: Cash, Tim; Cowie, Gail
Cc: Larson, Jeff
Subject: See attached rev of the slideshow that EPD will be presenting tomorrow at Drought meeting

Tim and Gail: See attached rev of the slideshow that EPD will be presenting tomorrow at Drought meeting.
I thought I would send this to you today instead of bringing it up at the meeting
On page 7 it is stated "Existence of long-term records – gages have extensive and relatively complete records in the recent decades... Lack of anthropogenic impacts – gages are
located in streams with relatively low consumptive water use implications and no major flow regulations"

See page 26 - USGS #02213500 TOBESOFKEE CREEK NEAR MACON, GA and my comments and additional info on following 4 pages.
I used Echeconee Creek gage, which is nearby, to show an unregulated stream with much less anthropogenic impacts and consumptive flow.

Consideration should be given to revising accordingly.

Mark Wyzalek
Director, Laboratory/Environmental Compliance
Macon Water Authority
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PO Box 108
Macon GA 31202
478 464-5678
mwyzalek@maconwater.org

Wherever it flows, the river teems with every kind of living creature; fish will abound.
Where these waters flow they refresh; everything lives where the river goes.

inches AVERAGE evporation			Figure 2.1.8-1 Average Annual Free Water Surface Evaporation (in inches)				http://www.georgiaplanning.com/watertoolkit/Documents/WaterProtectionIssues/Ch2.pdf				
42											
Evaporation Monthly Distribution %			Table 2.1.8-3 Evaporation Monthly Distribution			http://www.georgiaplanning.com/watertoolkit/Documents/WaterProtectionIssues/Ch2.pdf					
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3.2	4.4	7.4	10.3	12.3	12.9	13.4	11.8	9.3	7	4.7	3.2
AVERAGE Evaporation as inches											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1.3	1.8	3.1	4.3	5.2	5.4	5.6	5.0	3.9	2.9	2.0	1.3
Lake Tobesokee surface acres			http://www.georgiaencyclopedia.org/quick-facts								
1750											
Lake Tobesofkee AVERAGE acre feet evaporation per month											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
196	270	453	631	753	790	821	723	570	429	288	196
1 acre foot as gallons =		325,851.4									
Lake Tobesofkee AVERAGE gallons evaporation per month											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
63,866,880	87,816,960	147,692,160	205,571,520	245,488,320	257,463,360	267,442,560	235,509,120	185,613,120	139,708,800	93,804,480	63,866,880
Lake Tobesofkee gallons AVERAGE evaporation per year											
1,993,844,163											
Lake Tobesofkee AVERAGE DAILY cfs evaporation											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
3.19	4.85	7.62	10.26	12.25	13.28	13.35	11.76	9.57	6.97	4.84	3.19

Report of Current Climatic Indicators

September 30, 2014

Prepared for 10/22/14 Georgia EPD
Stakeholder Meeting

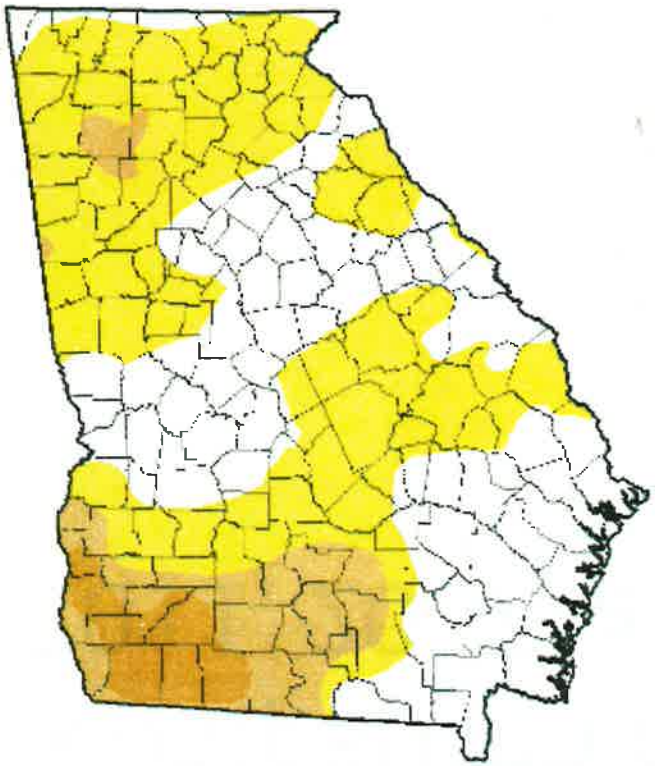
U.S. Drought Monitor

September 30, 2014

Prepared for 10/22/14 Georgia EPD
Stakeholder Meeting

U.S. Drought Monitor

Georgia



Download:

September 30, 2014

(Released Thursday October 2, 2014)

Valid 8 a.m. EDT

Statistics type: (•) Traditional (D0-D4, D1-D4, etc.) ( ) Categorical (D0, D1, etc.)

Drought Condition (Percent Area):

Week	Date	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	2014-09-30	41.99	58.01	15.39	4.76	0.00	0.00
Last Week	2014-09-23	49.04	50.96	15.43	6.61	0.00	0.00
3 Months Ago	2014-07-01	97.34	2.66	0.00	0.00	0.00	0.00
Start of Calendar Year	2013-12-31	92.36	7.64	0.00	0.00	0.00	0.00
Start of Water Year	2013-10-01	100.00	0.00	0.00	0.00	0.00	0.00
One Year Ago	2013-10-01	100.00	0.00	0.00	0.00	0.00	0.00

Population Affected by Drought: **792,974**

View More Statistics

Intensity:

- D0 - Abnormally Dry
- D1 - Moderate Drought
- D2 - Severe Drought
- D3 - Extreme Drought
- D4 - Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author(s):

Richard Heim, NOAA/NCDC

Comparison of Gage Flow in 2014, 2011, 2007, and Historical Statistics

Georgia EPD

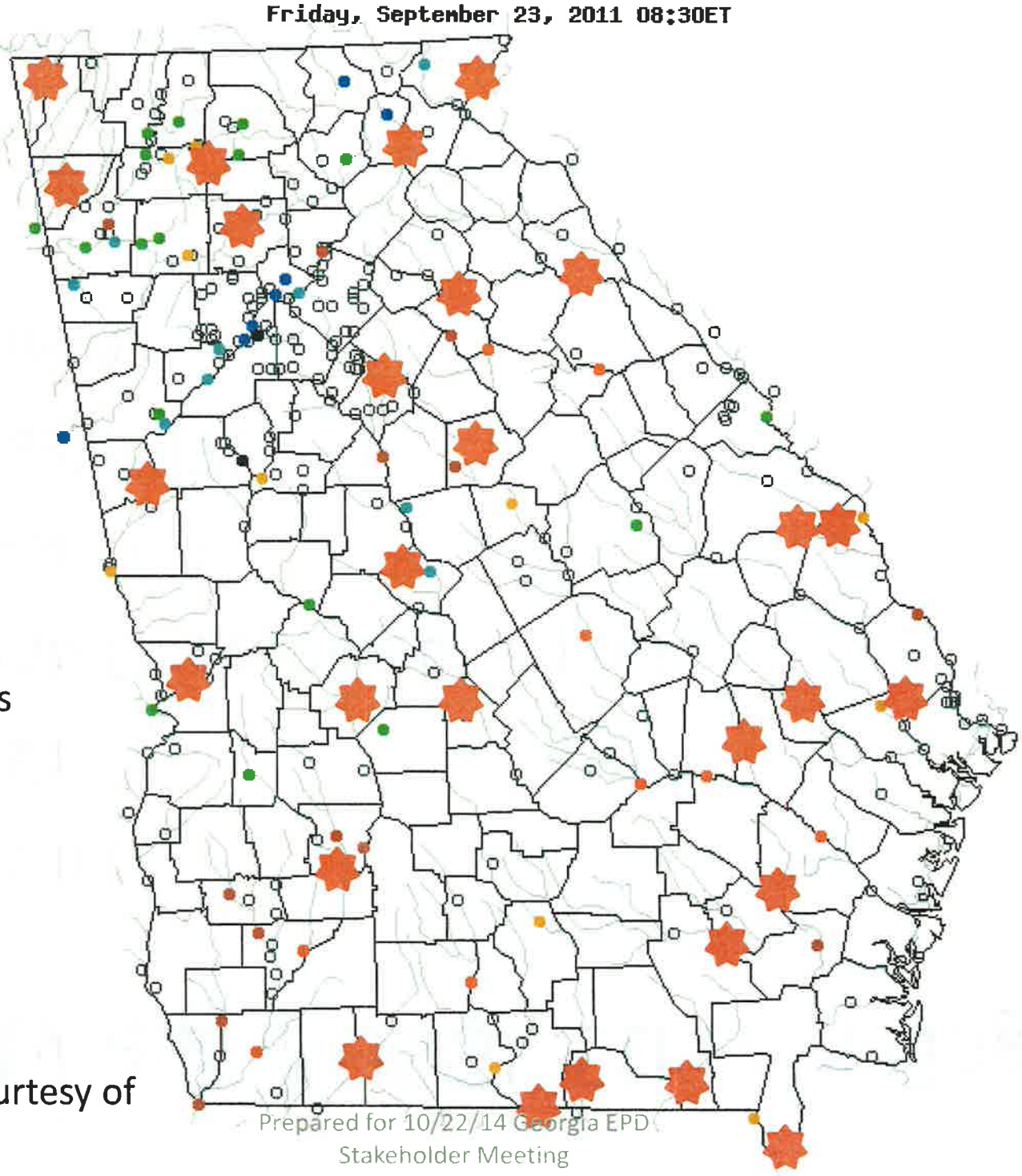
Hydrology Unit

September 2014

Prepared for 10/22/14 Georgia EPD
Stakeholder Meeting

Twenty-eight USGS Stream Gages

- ACT Basin (3)
- ACF Basin (5)
- Savannah-Ogeechee Basin (6)
- OOA Basin (6)
- OSSS Basins (7)
- TN Basin (1)



USGS Gages Chosen for Analysis

Background map courtesy of USGS

Principles in Choosing Gages

- Existence of long-term records – gages have extensive and relatively complete records in the recent decades
- Lack of anthropogenic impacts – gages are located in streams with relatively low consumptive water use implications and no major flow regulations

see comments beginning on page 26

- Note: Hydrologic conditions of major rivers with regulations can be assessed by reviewing status of major storage reservoirs

Interpretation of Figures

- Recorded monthly average stream flows are plotted for:
  - 2014 (current and most recent conditions)
  - 2011, and
  - 2007, perceived in many geographic regions in Georgia as the "worst" drought
- 2014 monthly average stream flow is also plotted against statistical background, including:
  - The "driest" 50, 20, 10, and 5 percent of all recorded stream flow quantities at the same gage, and
  - The minimum monthly average flow ever recorded

Example Interpretation of Figures

- Example #1: **Etowah River at Canton** (Slide 8)
  - Average stream flow in May 2011 was 751 cfs
  - Average stream flow in May 2007 was 520 cfs

  - When all data is compiled, May 2011 now ranks as one of the 20% driest Mays with recorded flow at this gage
  - May 2007 now ranks as one of the 5% driest Mays with recorded flow at this gage.

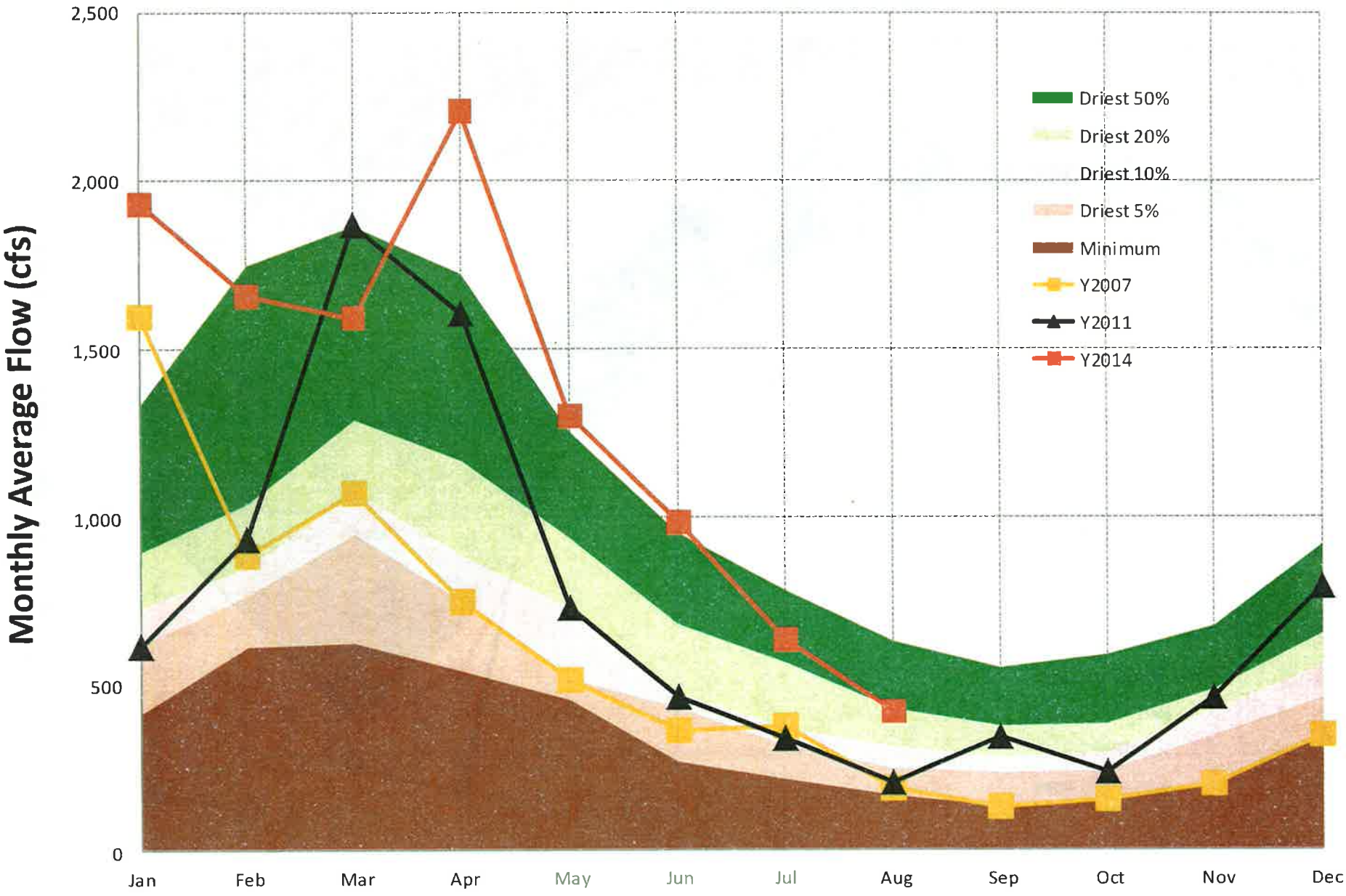
Example Interpretation of Figures (continued)

- Example #2: **Flint River at Albany** (Slide 15)
  - Average stream flow in June 2011 was 759 cfs
  - Average stream flow in June 2007 was 1045 cfs
  - When all data is compiled, June 2011 now ranks as the lowest average stream flow in the recorded history at this location (lower than the record of 814 cfs for the month of June set before 2011)

Back to Example Interpretation

Back to Map

USGS #02392000 ETOWAH RIVER AT CANTON, GA



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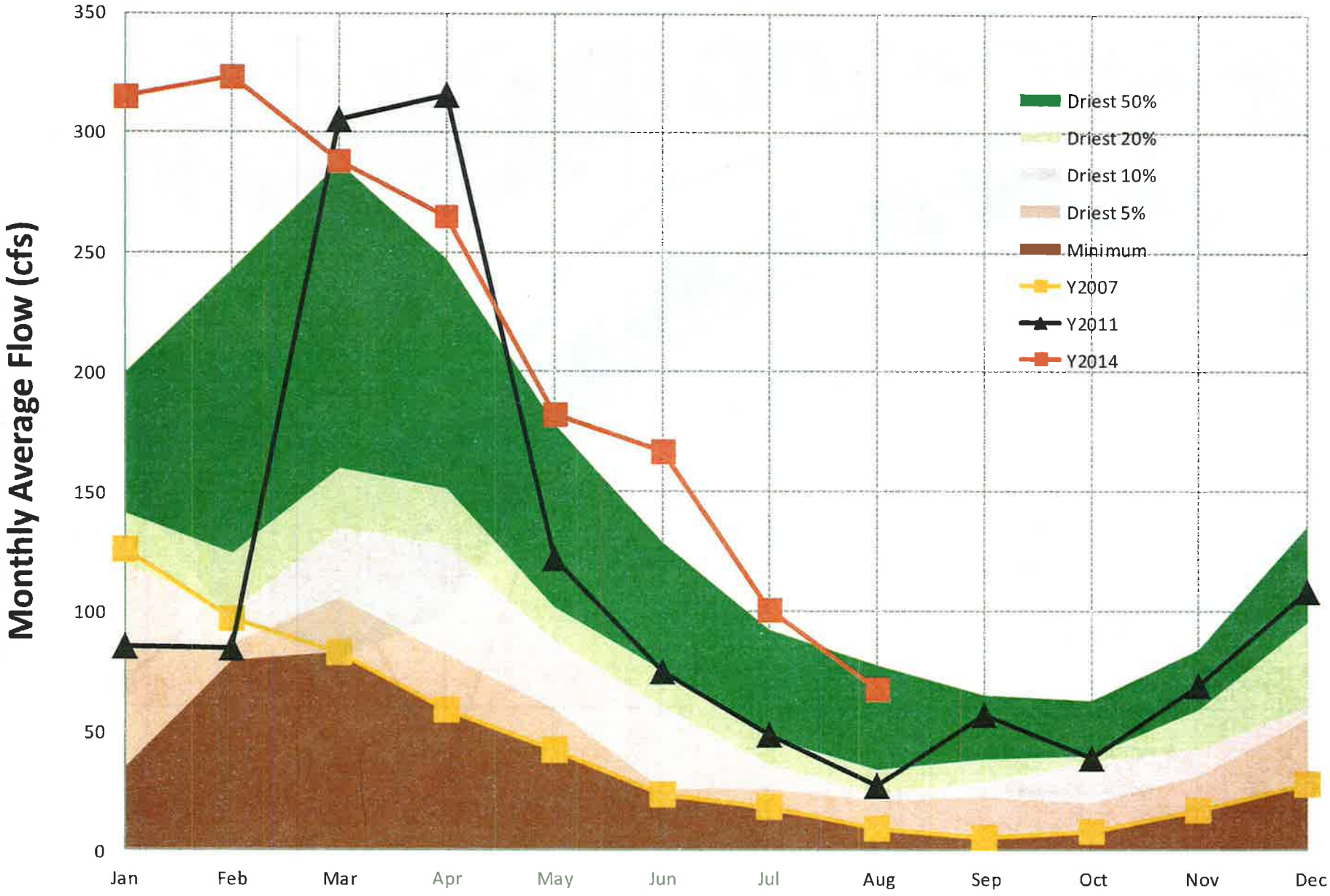
Back to Map

USGS #02382200 TALKING ROCK CREEK NEAR HINTON, GA



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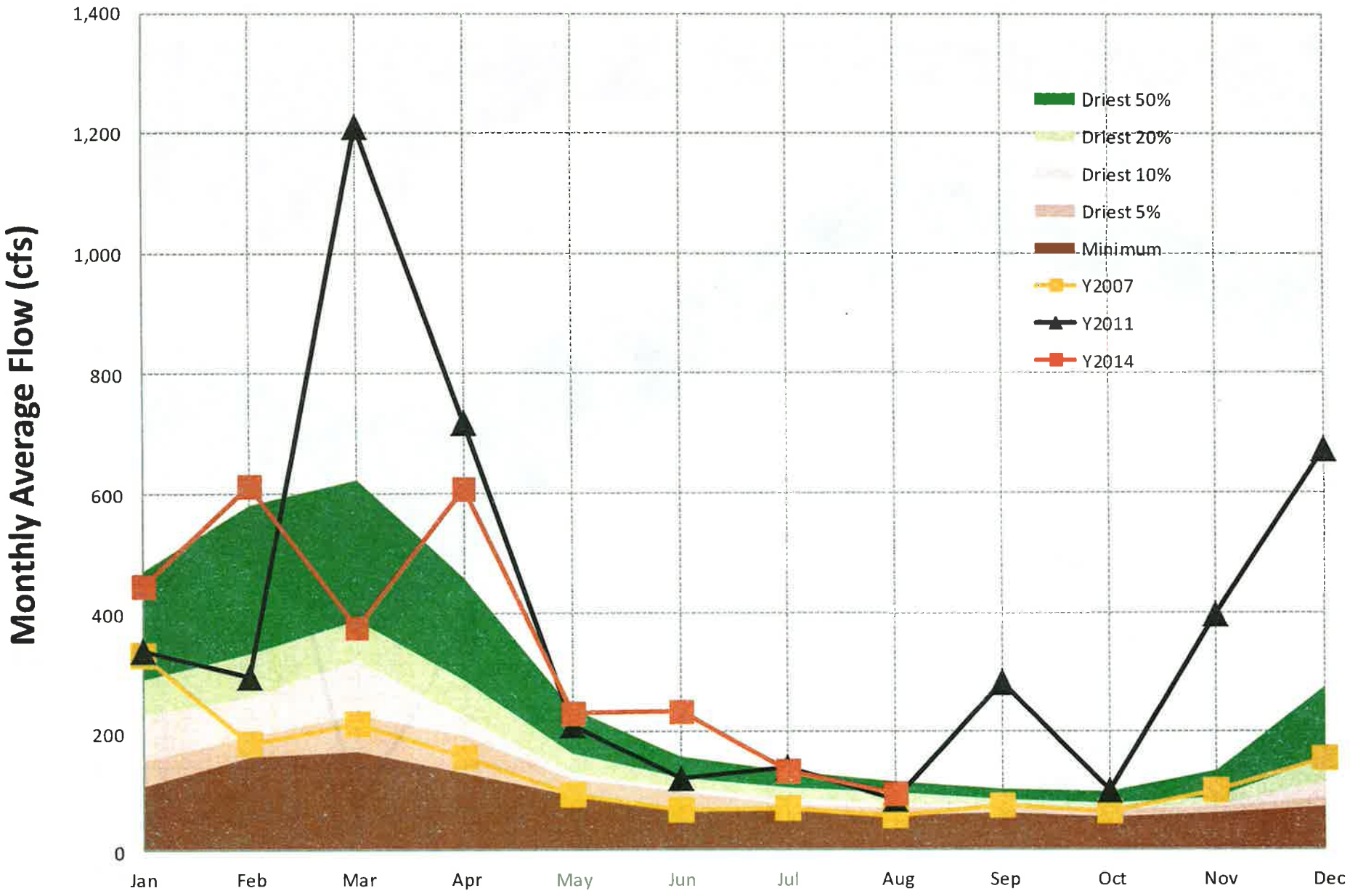
Back to Map

USGS #02398000 CHATTOOGA RIVER AT SUMMERVILLE, GA



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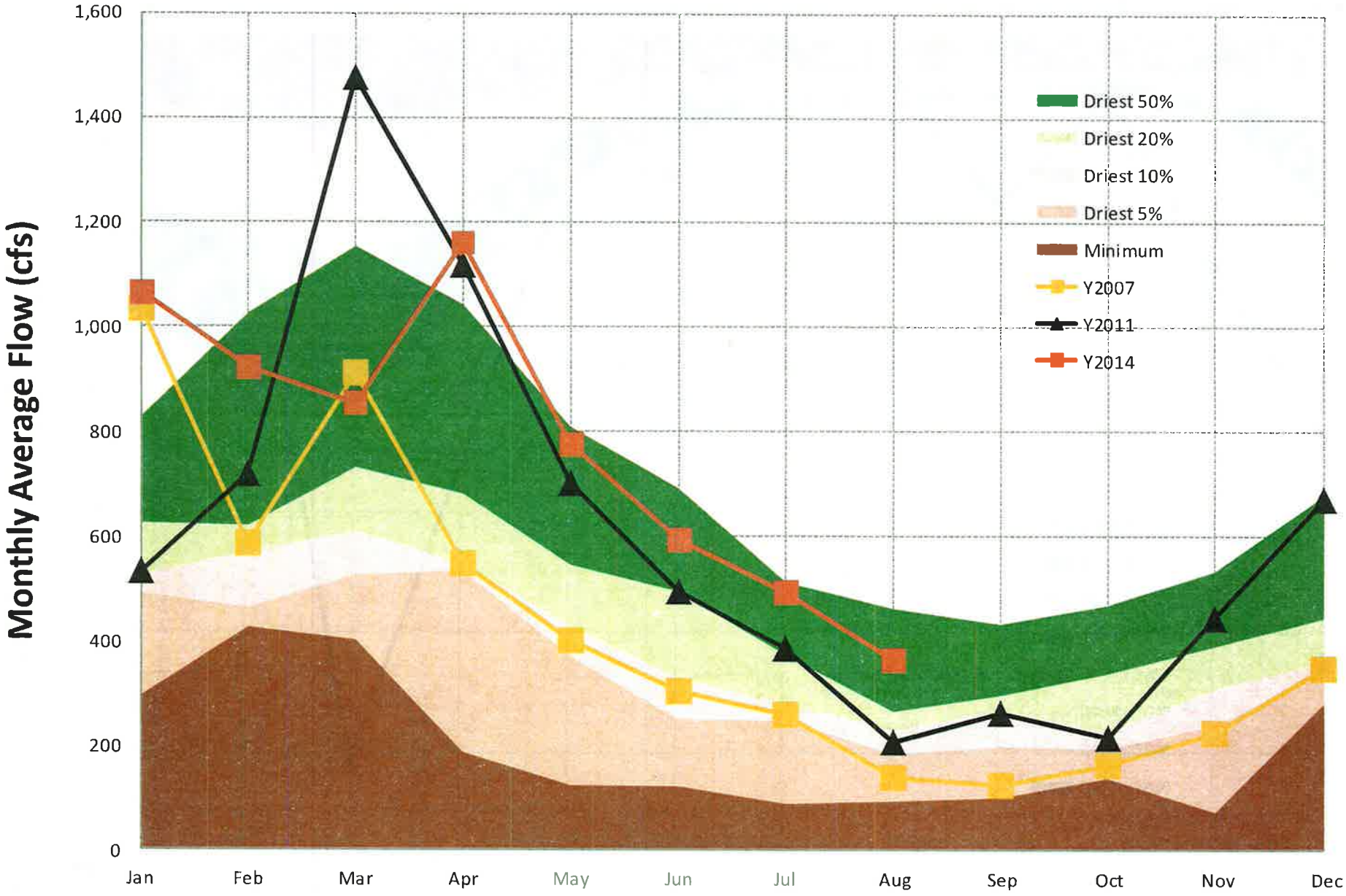
Back to Map

USGS #02331600 Chattahoochee River at Cornelia, GA



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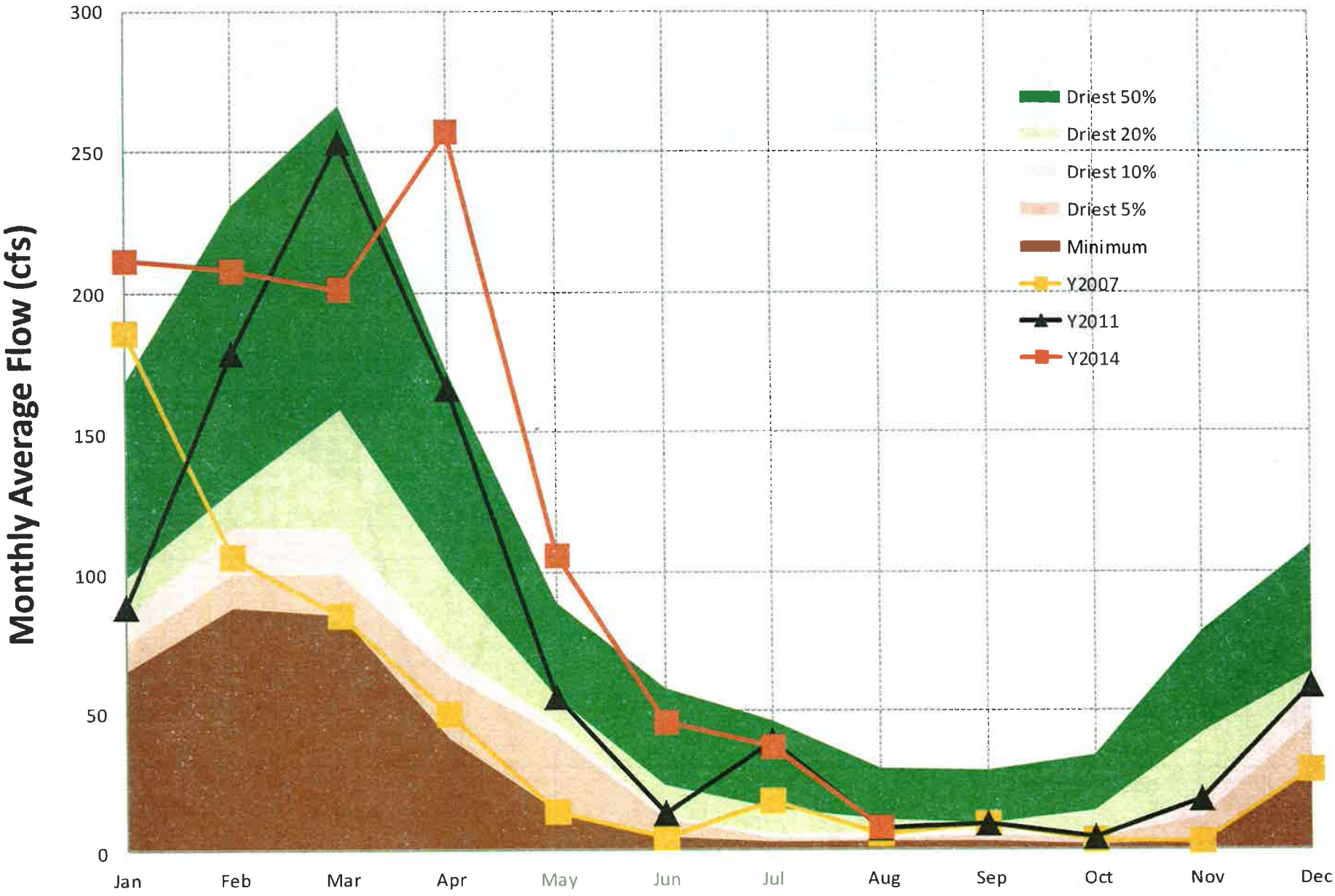
Back to Map

USGS #02338660 NEW RIVER AT GA 100, NEAR CORINTH



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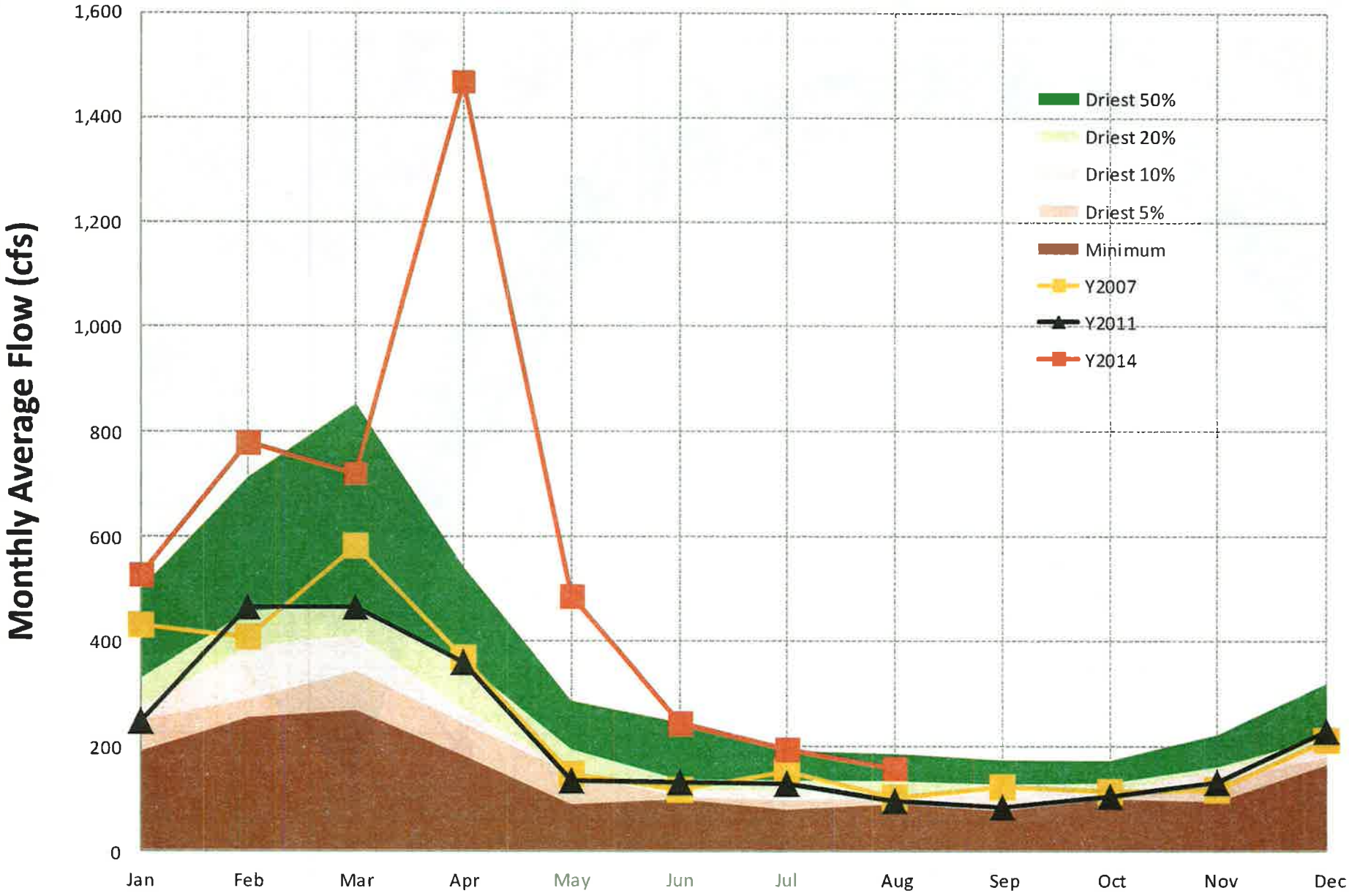
Back to Map

USGS #02341800 UPATOI CREEK NEAR COLUMBUS, GA



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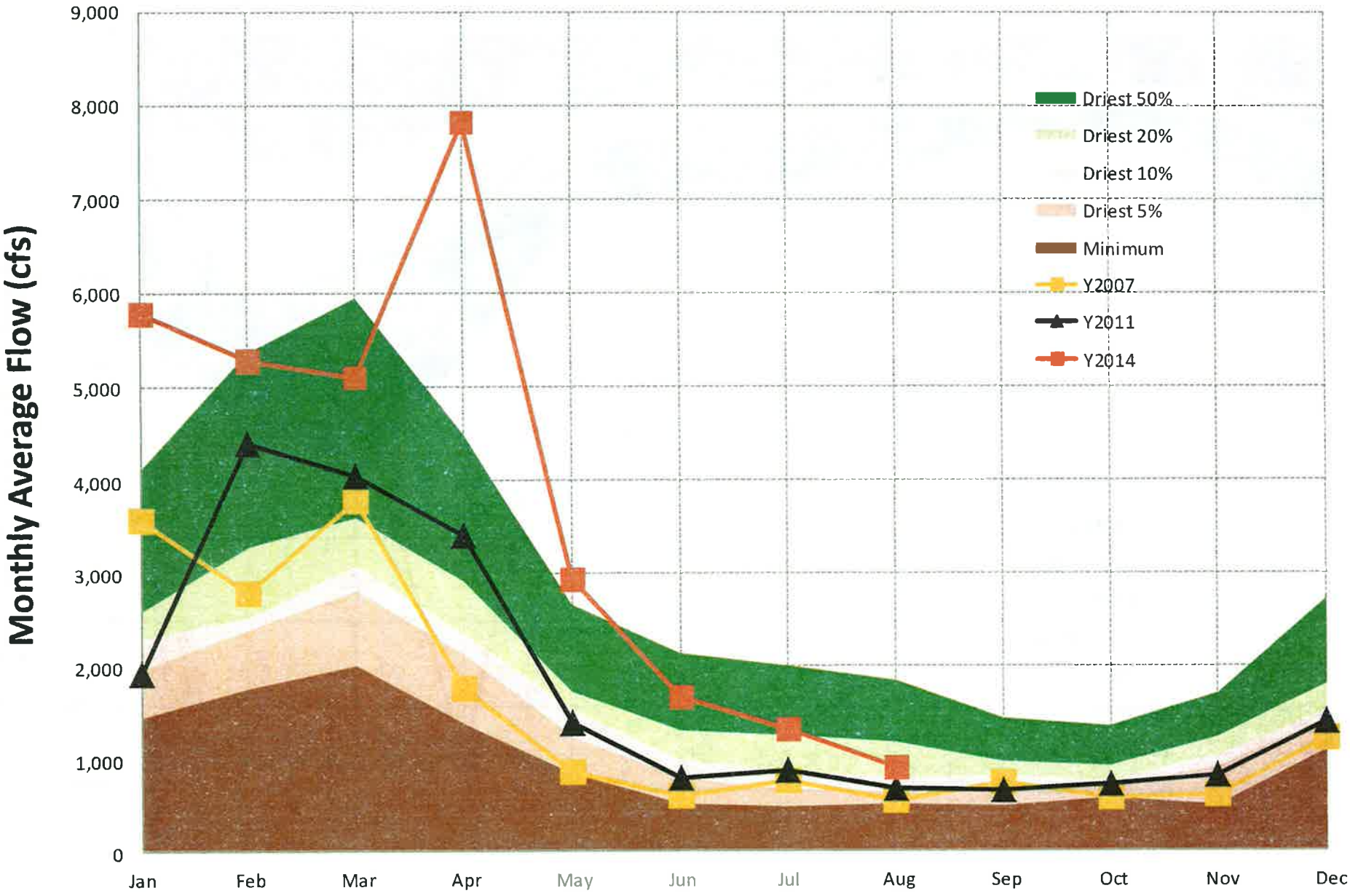
Back to Map

USGS #02349605 FLINT RIVER AT GA 26, NEAR MONTEZUMA, GA



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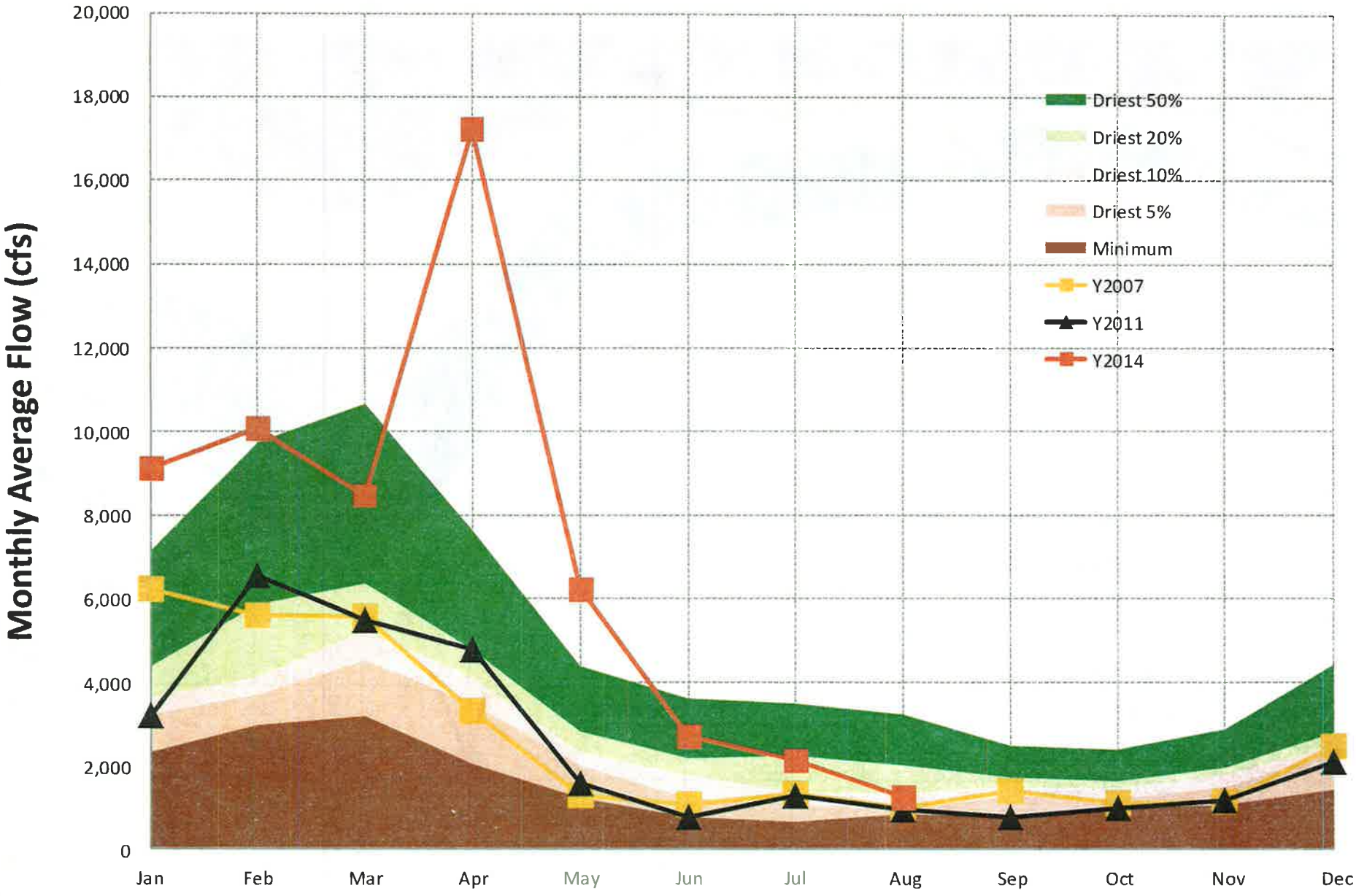
Back to Example Interpretation

Back to Map

USGS #02352500 FLINT RIVER AT ALBANY, GA



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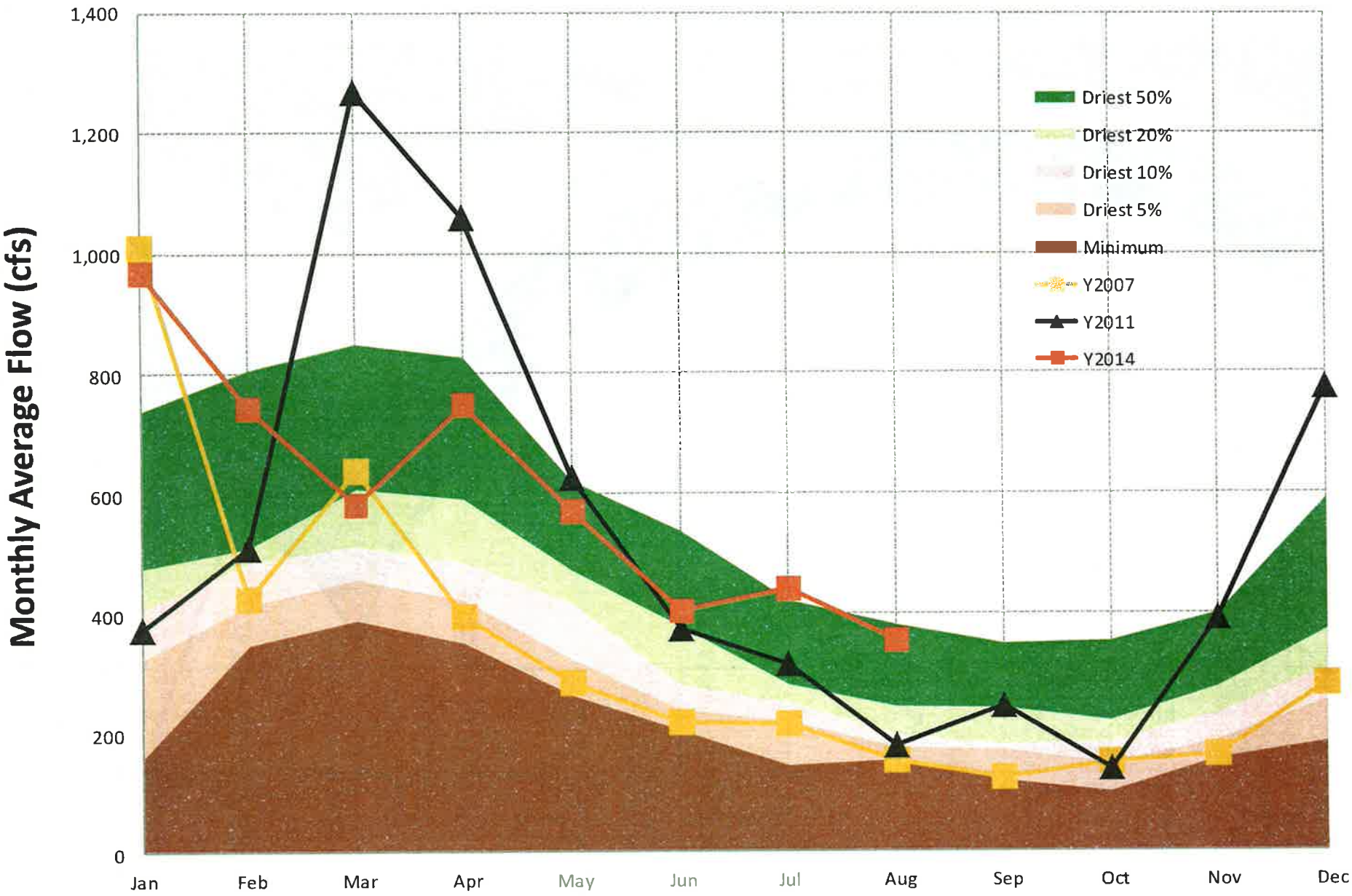
Back to Map

USGS #02177000, SO Basin - CHATTOOGA RIVER NEAR CLAYTON, GA



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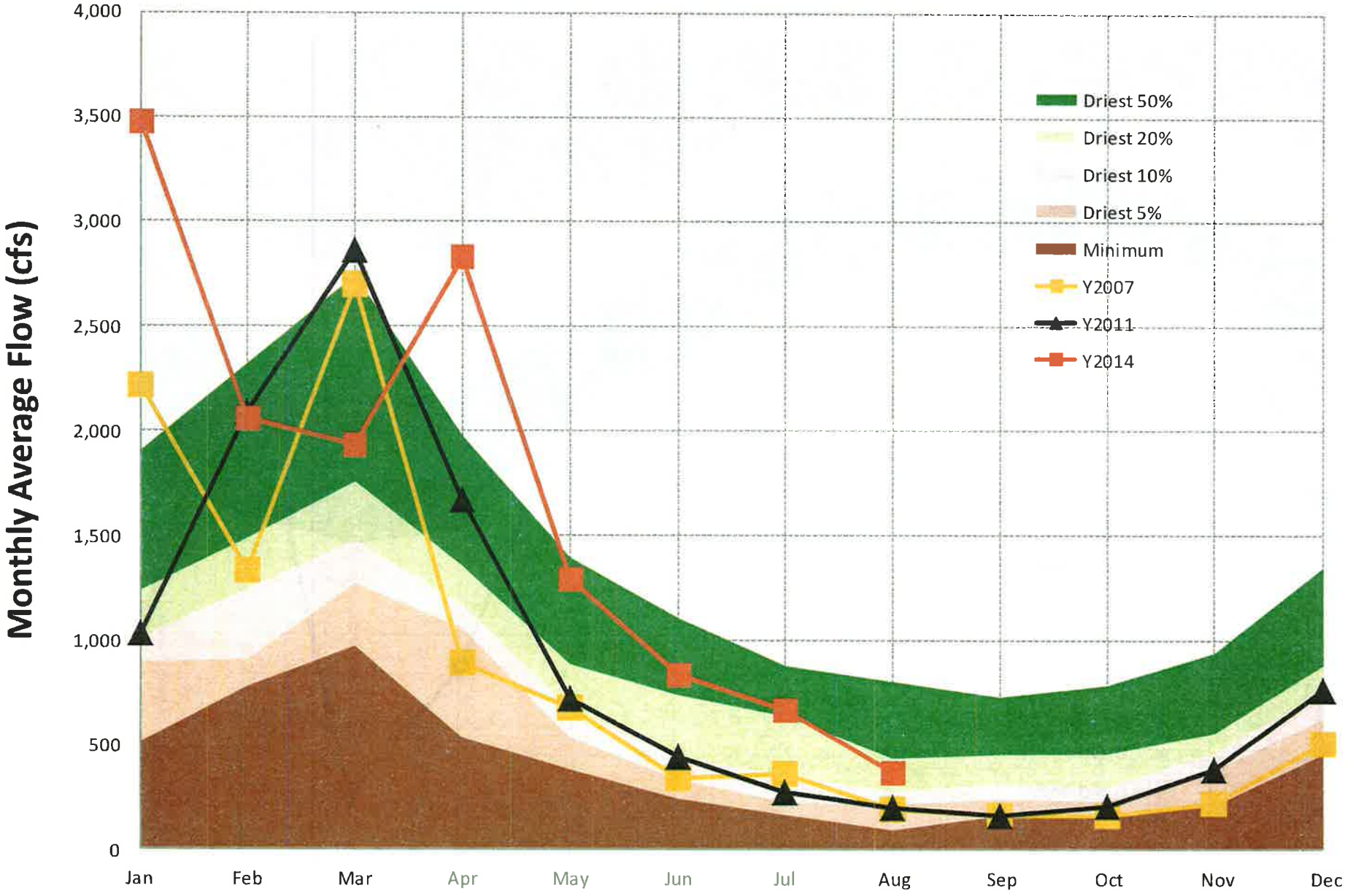
Back to Map

USGS #02192000 BROAD RIVER NEAR BELL, GA



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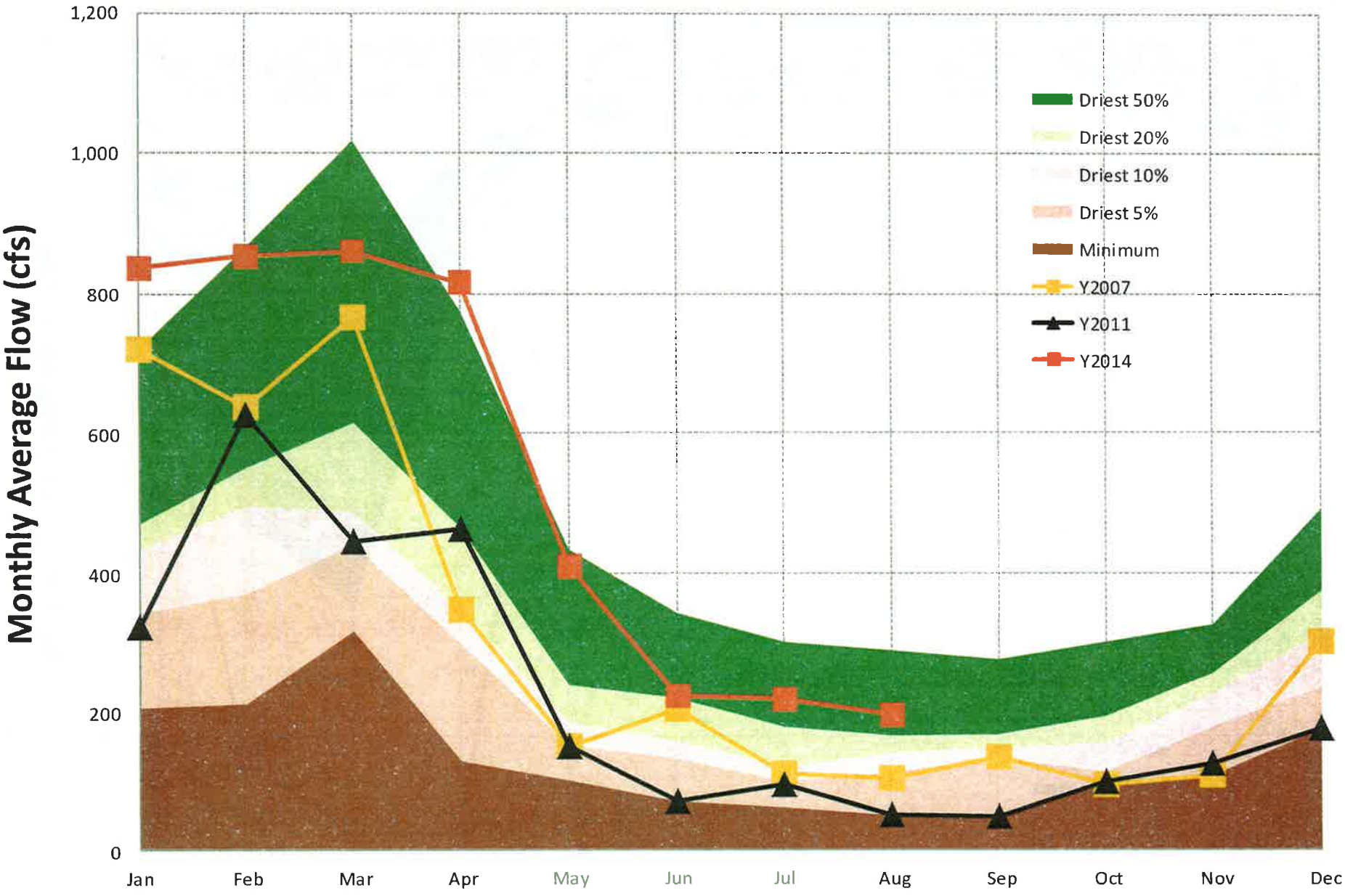
Back to Map

USGS #02198000 BRIER CREEK AT MILLHAVEN, GA



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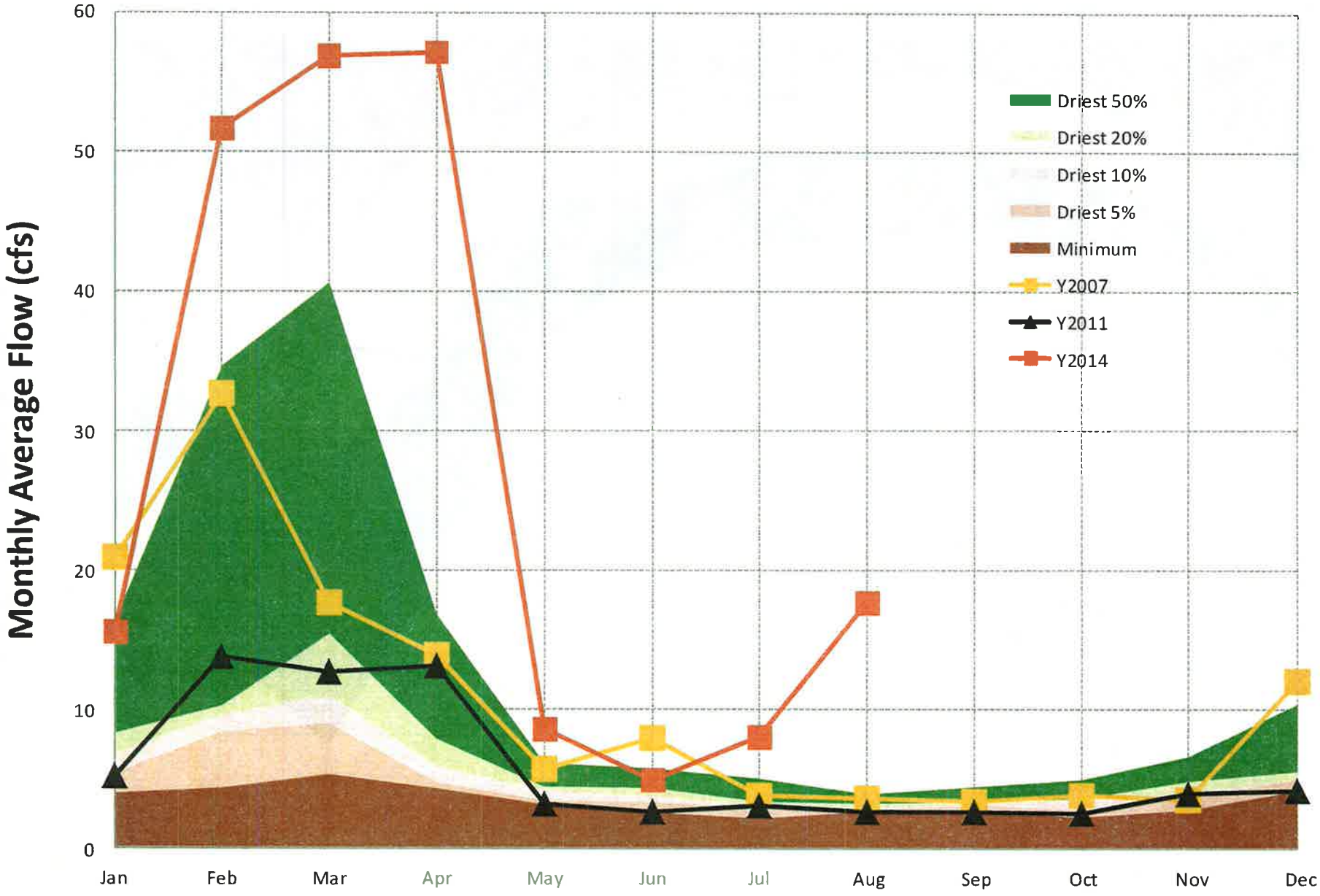
Back to Map

USGS #02198100 BEAVERDAM CREEK NEAR SARDIS, GA



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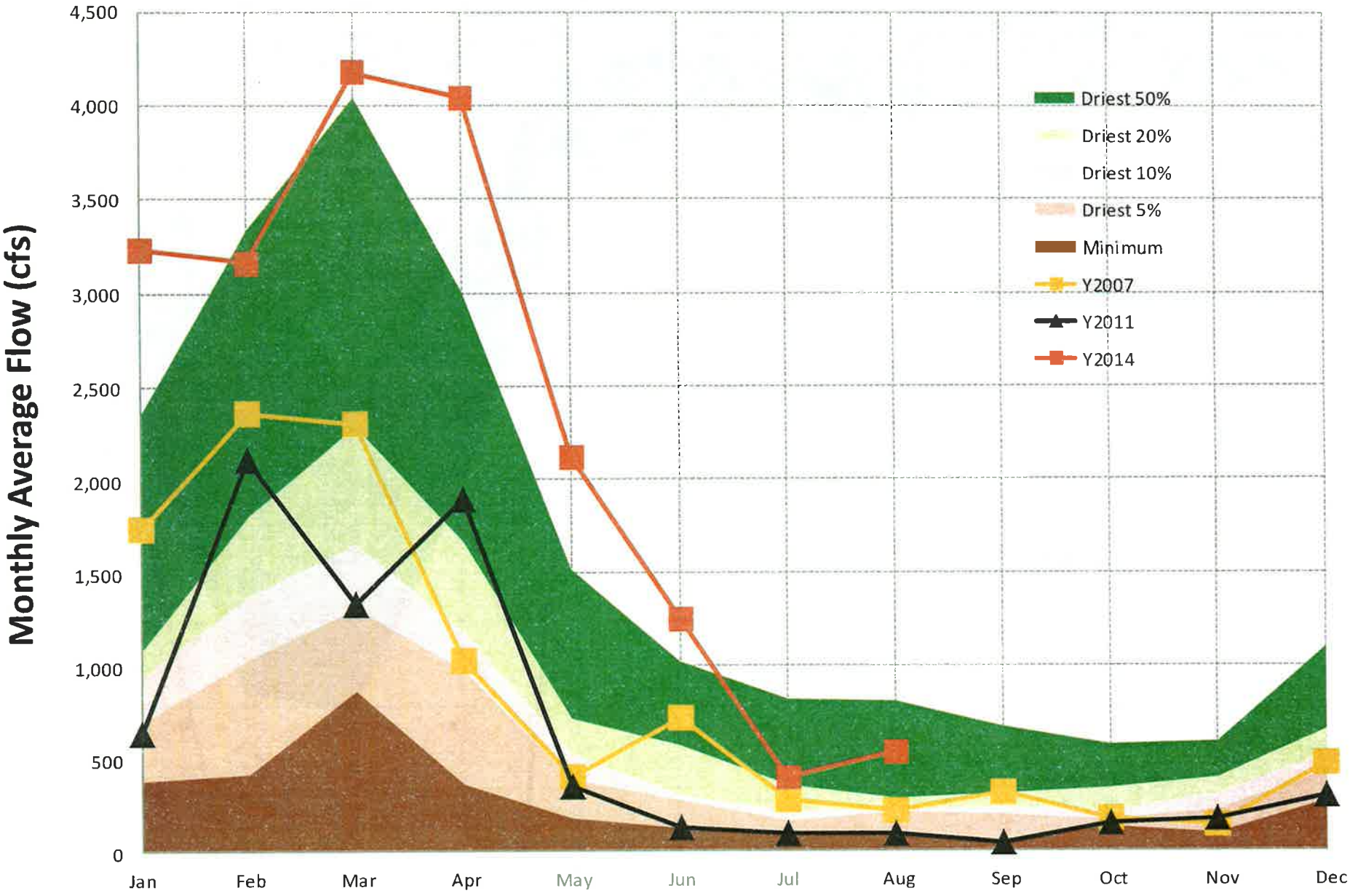
Back to Map

USGS #02202500, SO Basin - OGEECHEE RIVER NEAR EDEN, GA



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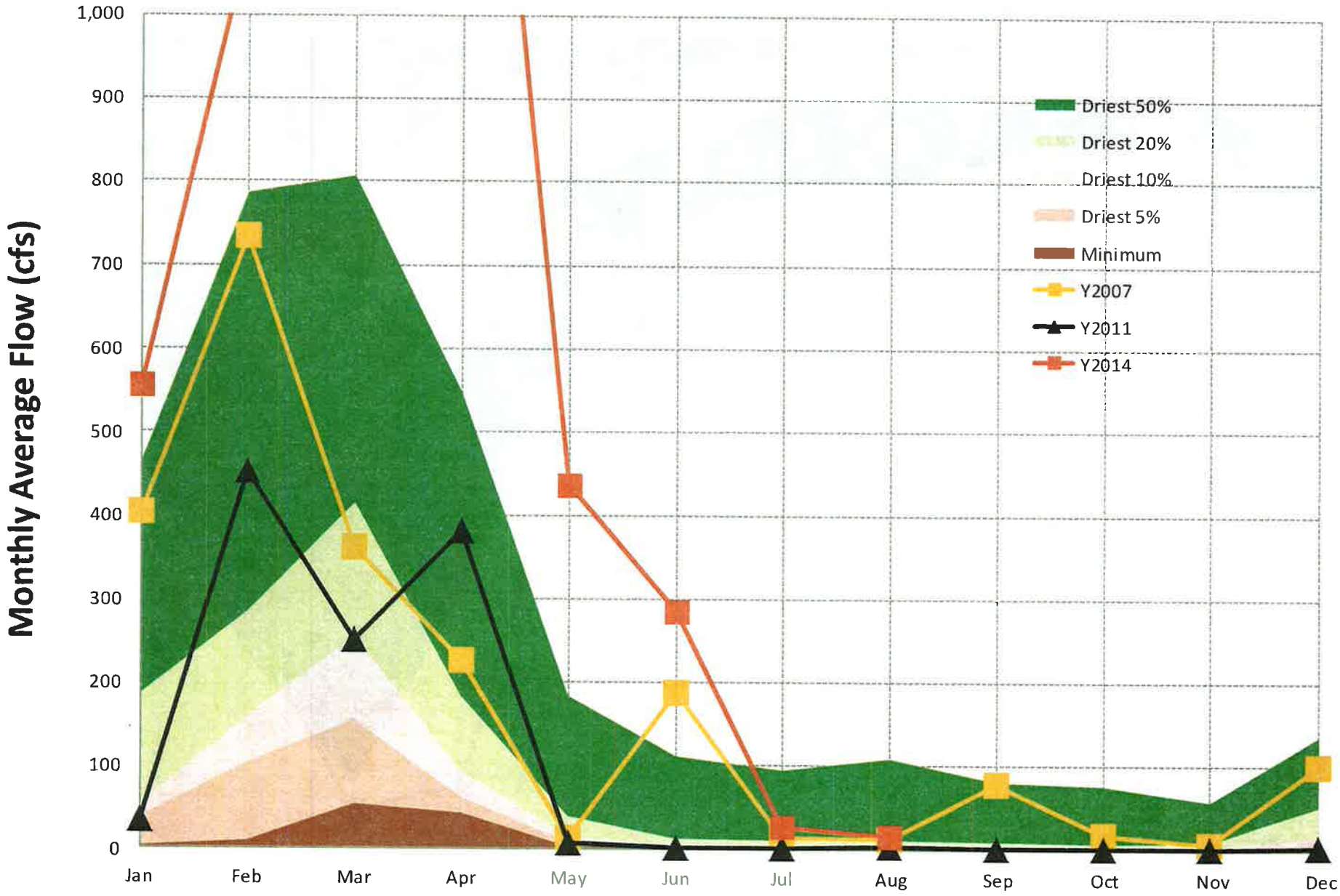
Back to Map

USGS #02203000 CANOOCHEE RIVER NEAR CLAXTON, GA



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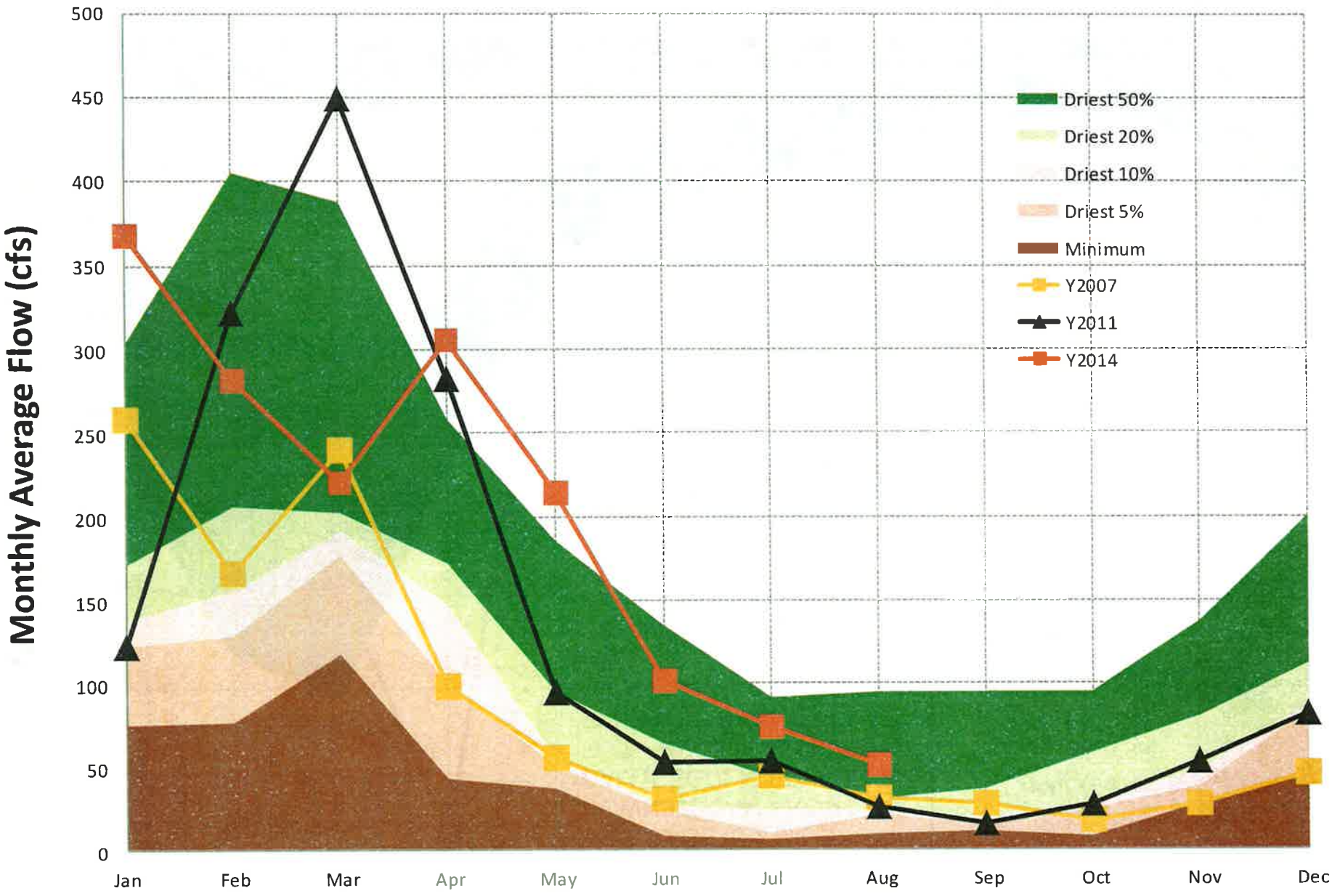
Back to Map

USGS #02208450 ALCOVY RIVER ABOVE COVINGTON, GA



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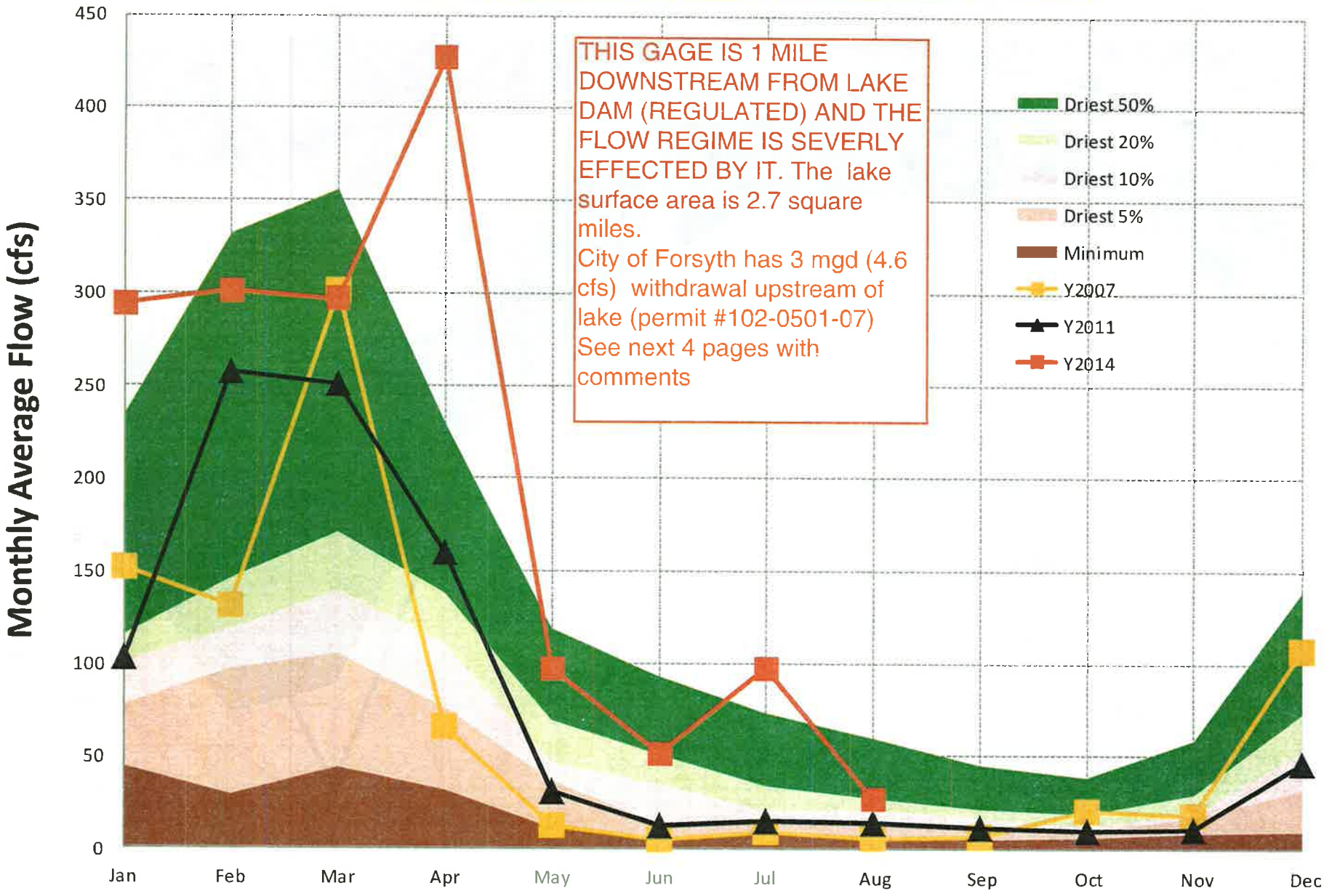
Back to Map

USGS #02213500 TOBESOFKEE CREEK NEAR MACON, GA



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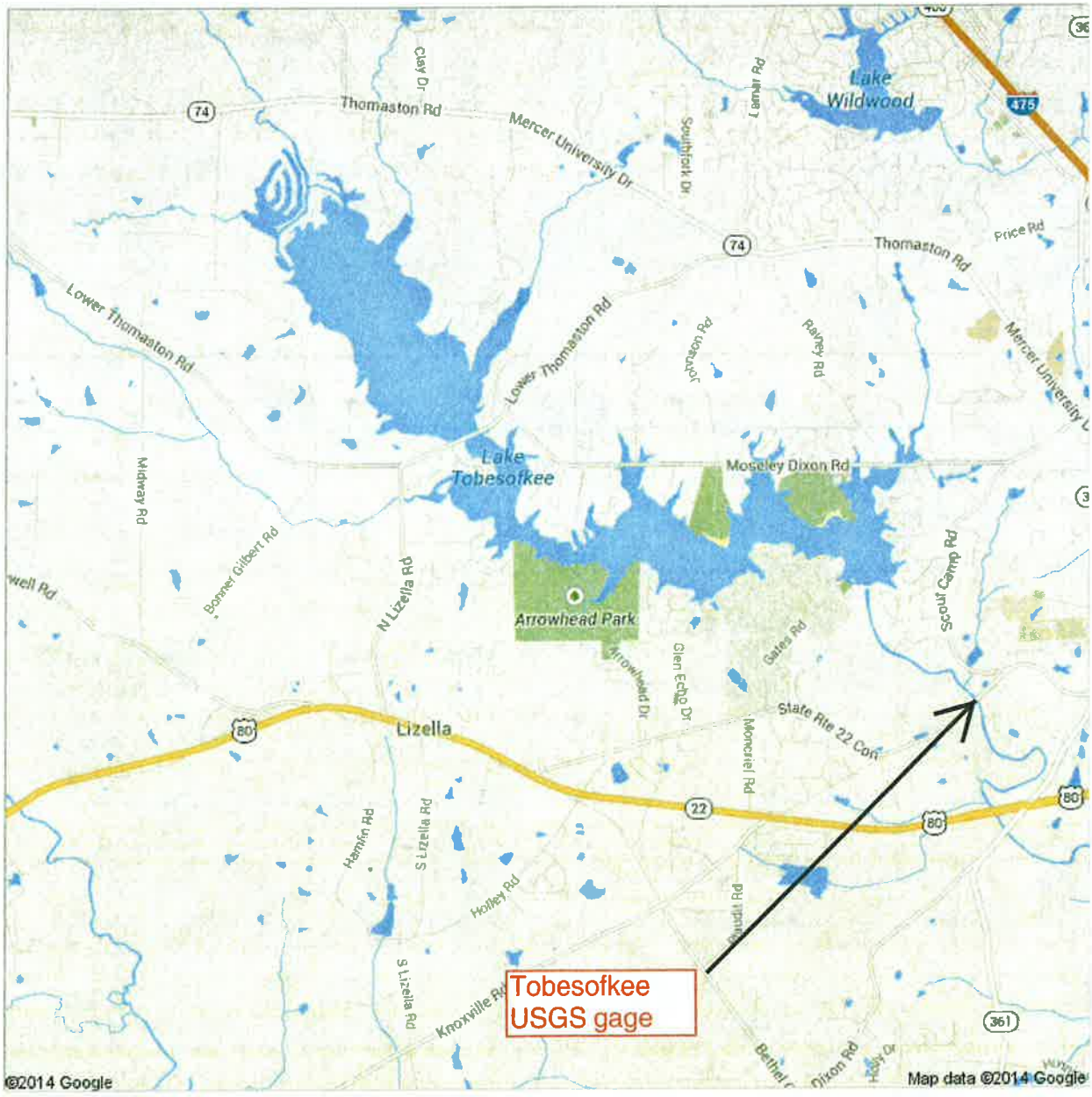
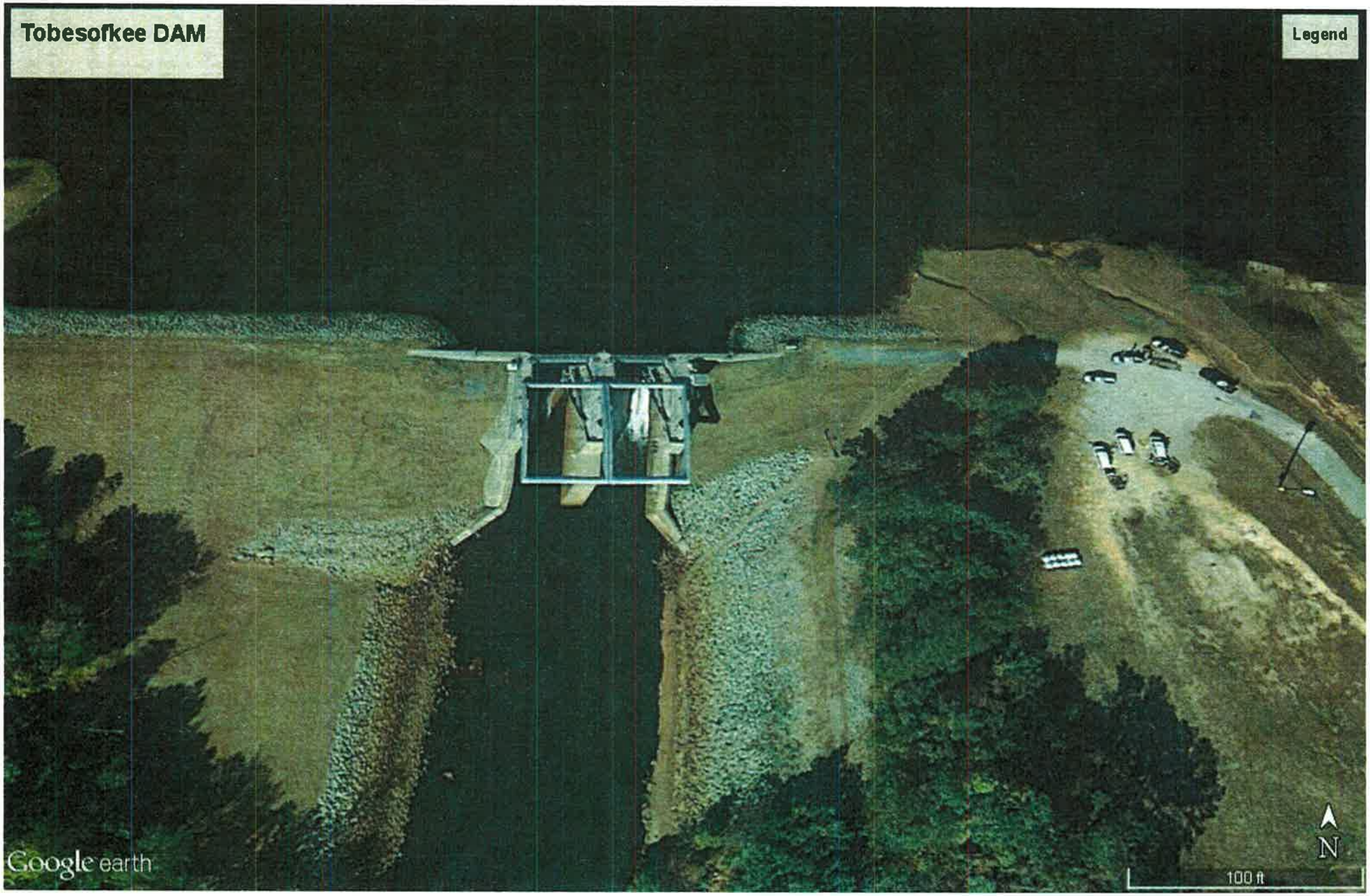
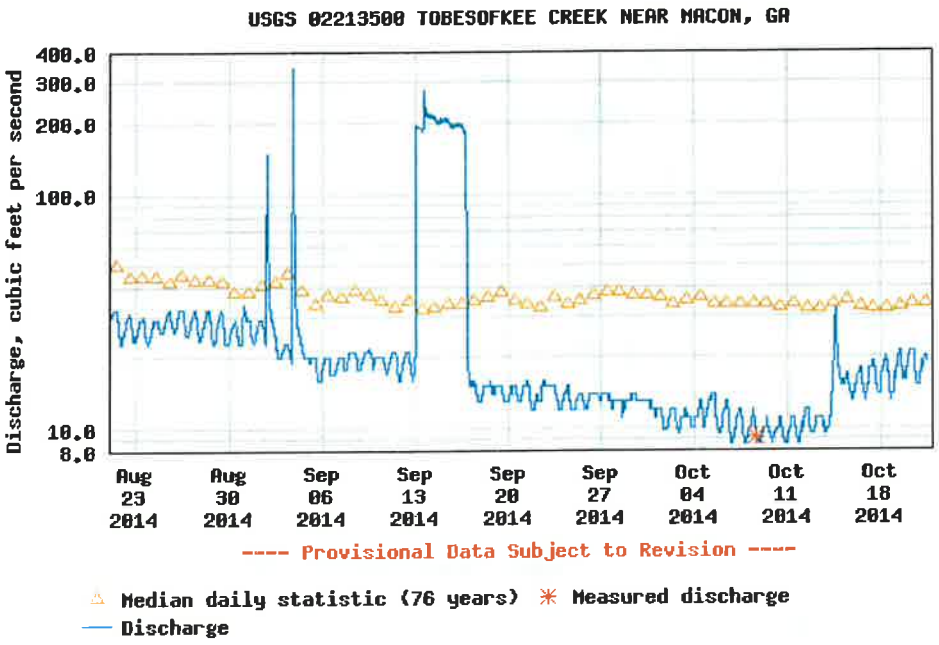
Google

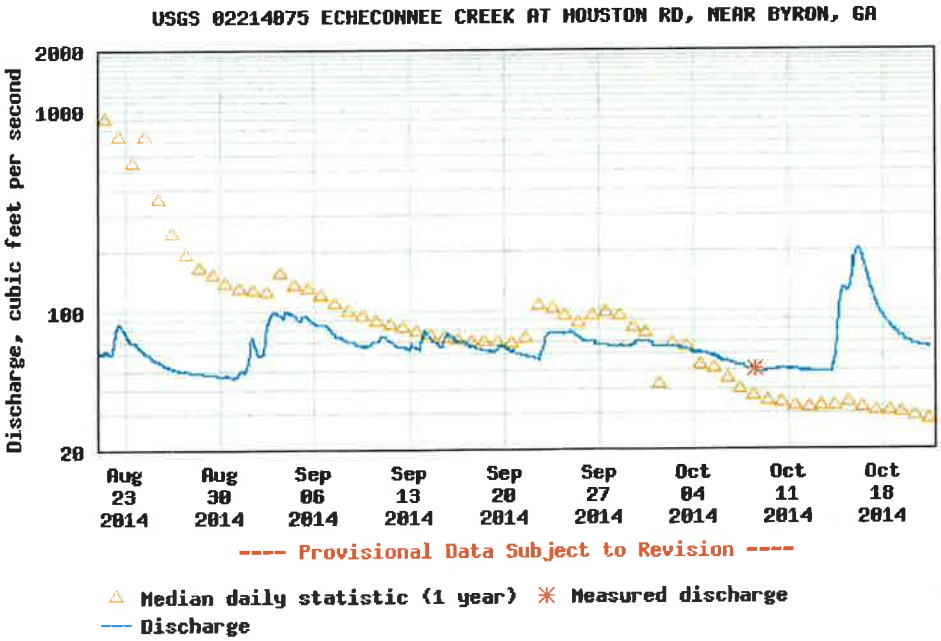

Lake Wildwood
Thomaston Rd
Mercer University Dr
Clay Dr
Lamar Rd
Southfork Dr
74
475
Price Rd
Lower Thomaston Rd
Joyce Rd
Rainey Rd
Lake Tobesofkee
Moseley Dixon Rd
Midway Rd
Bonner Gilbert Rd
N Lizella Rd
Arrowhead Park
Arrowhead Dr
Glen Echo Dr
Gates Rd
Scout Camp Rd
State Rte 22 Conn
Lizella
80
22
Monicsiel Rd
Hamlin Rd
S Lizella Rd
Holley Rd
Knoxville Rd
Tobesofkee
USGS gage
361
Dixon Rd
©2014 Google
Map data ©2014 Google


Tobesofkee DAM
Legend
Google earth
N
100 ft



Hydrograph shows regulated flow from dam

Latitude 32°48'32", Longitude 83°45'30" Bibb County, Georgia,
Hydrologic Unit 03070103 Drainage area: 182 square miles



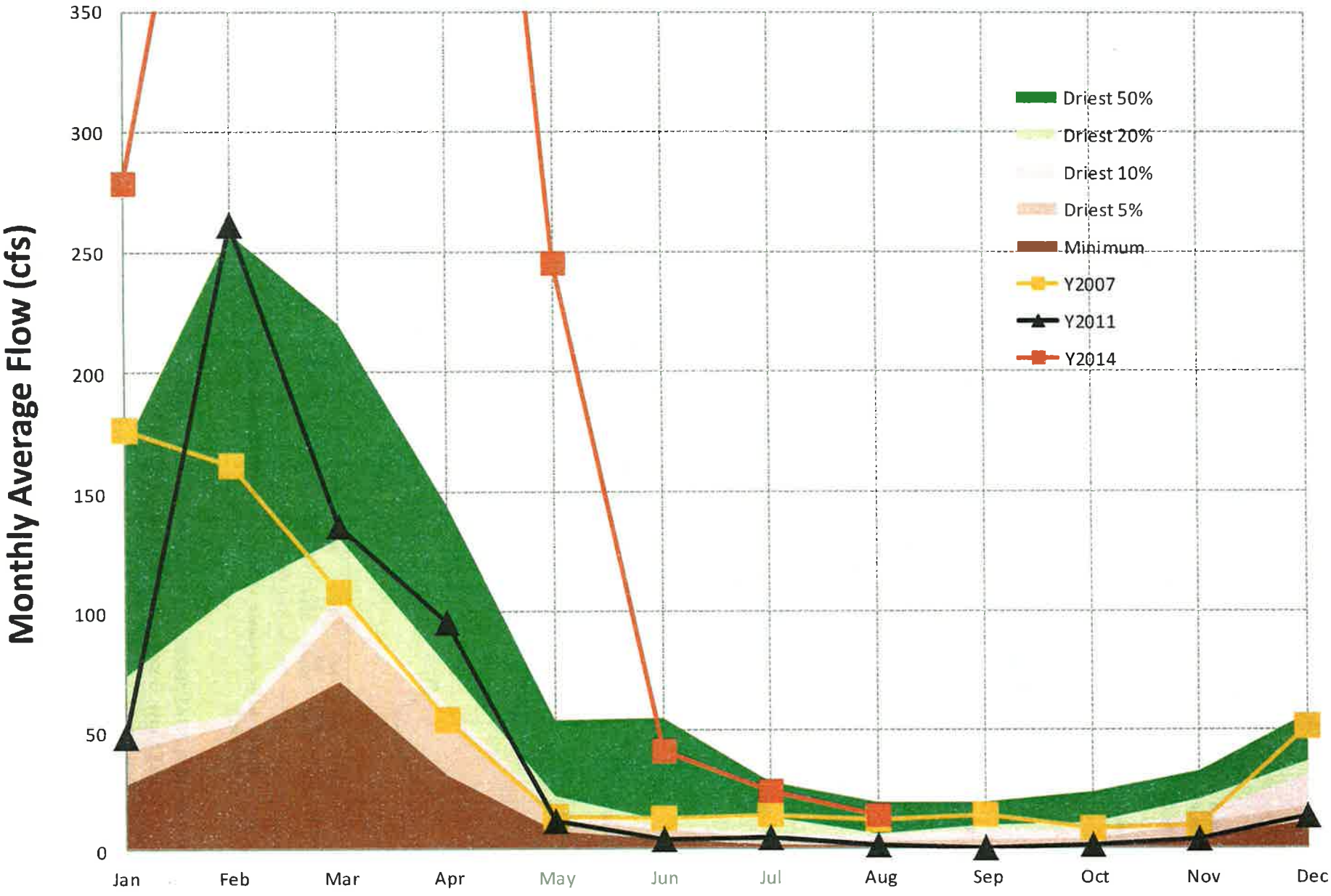
Hydrograph shows normal (unregulated) flow

Latitude 32°41'30.76", Longitude 83°42'03.5" Peach County, Georgia,
Hydrologic Unit 03070103 Drainage area: 228 square miles


Traffic, Bicycling, Terrain, Directions
Macon
Mercer University
Ocmulgee National Monument
Lizella
Knoxville
Middle Georgia Regional Airport
Tobesofkee
USGS 02213500
Echeconee
USGS 02214075

Back to Map

USGS #02215100 TUCSAWHATCHEE CREEK NEAR HAWKINSVILLE, GA



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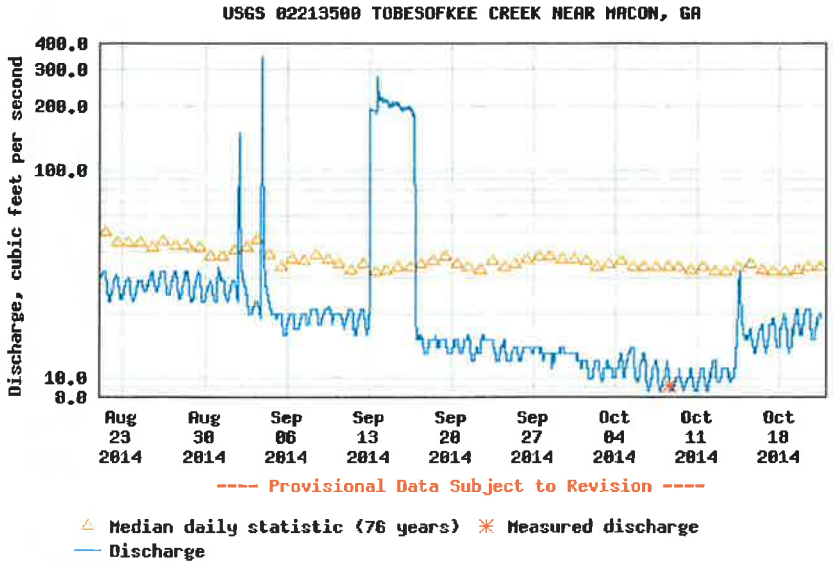
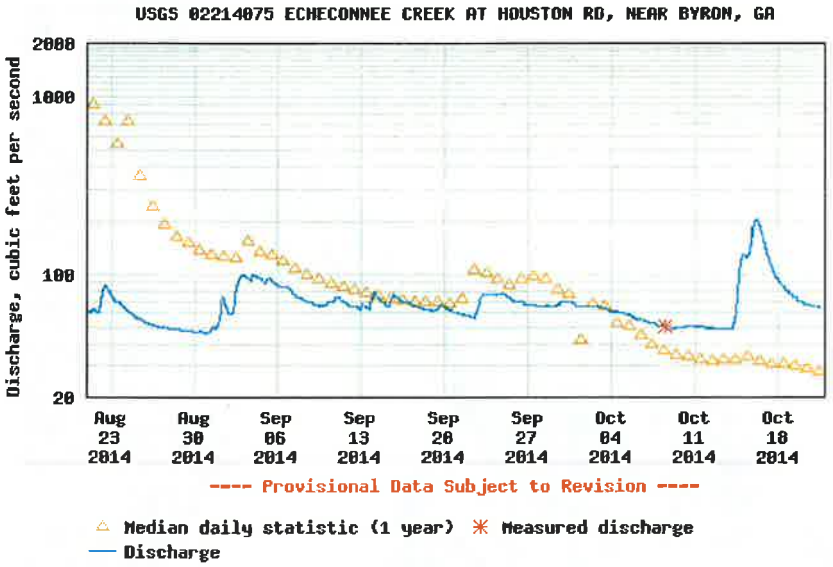


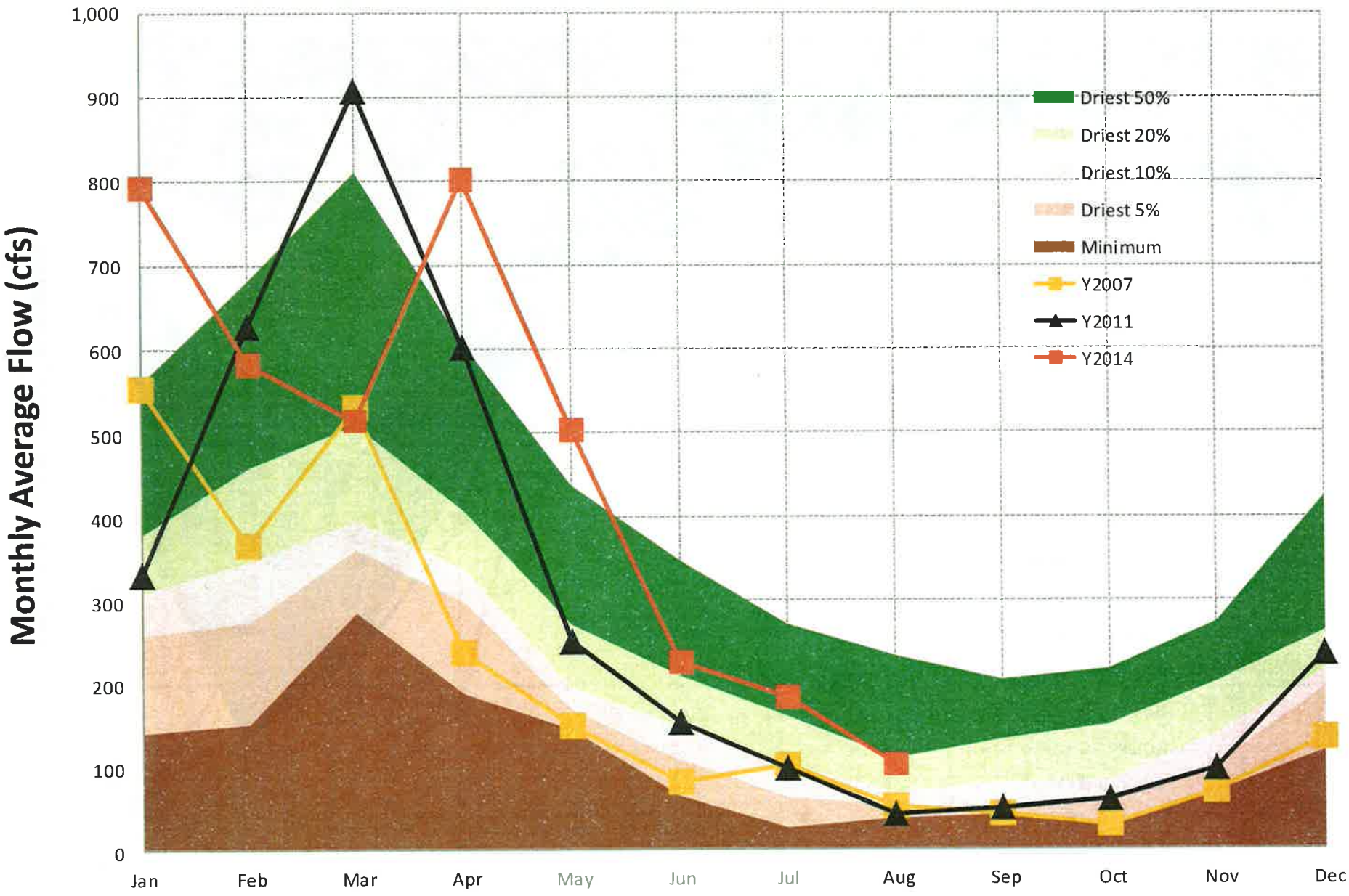
Latitude 32°48'32", Longitude 83°45'30" NAD83
Bibb County, Georgia, Hydrologic Unit 03070103
Drainage area: 182 square miles



Latitude 32°41'30.76", Longitude 83°42'03.5" NAD83
Peach County, Georgia, Hydrologic Unit 03070103
Drainage area: 228 square miles

Back to Map

USGS #02217500 MIDDLE OCONEE RIVER NEAR ATHENS, GA



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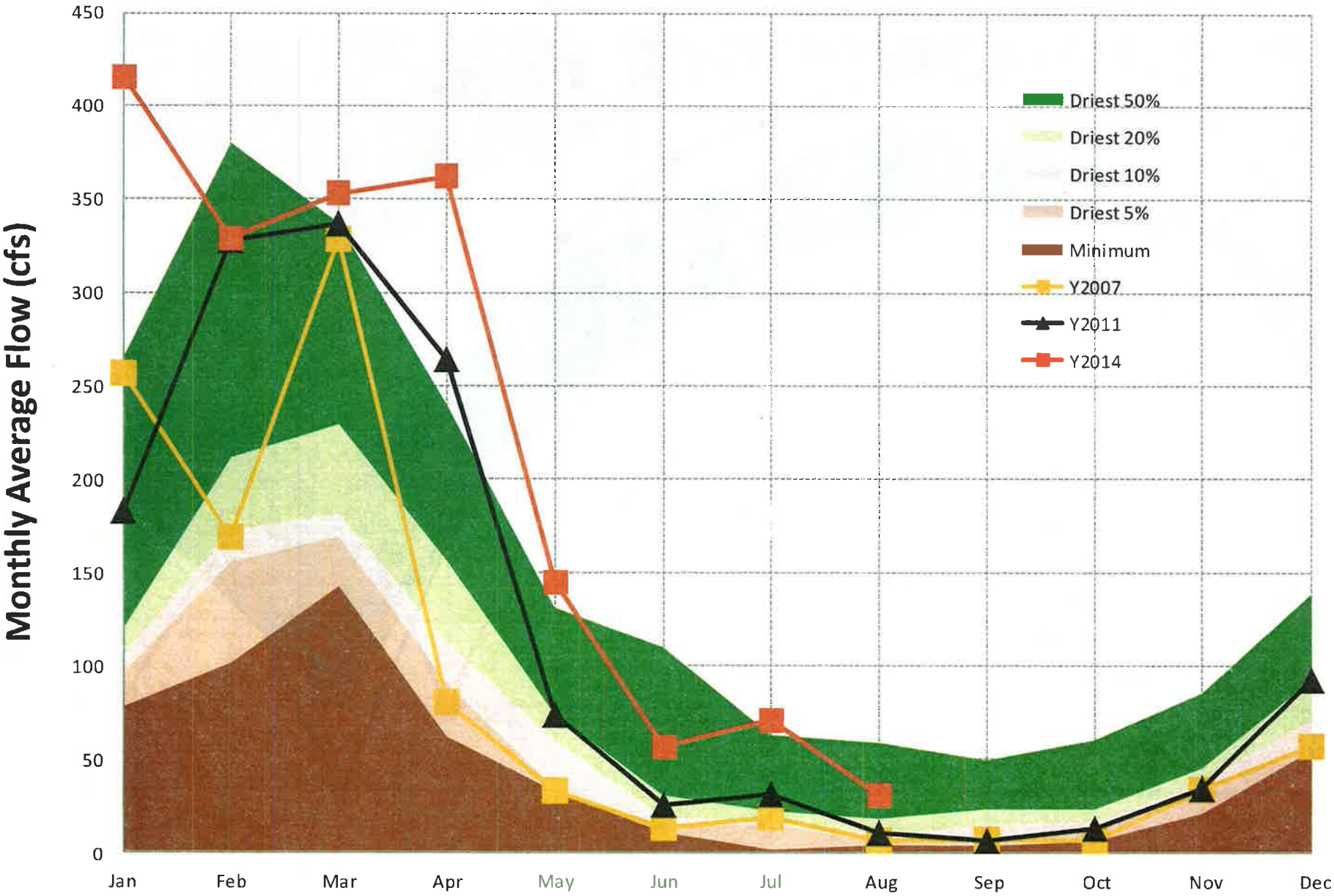
Back to Map

USGS #02220900 LITTLE RIVER NEAR EATONTON, GA



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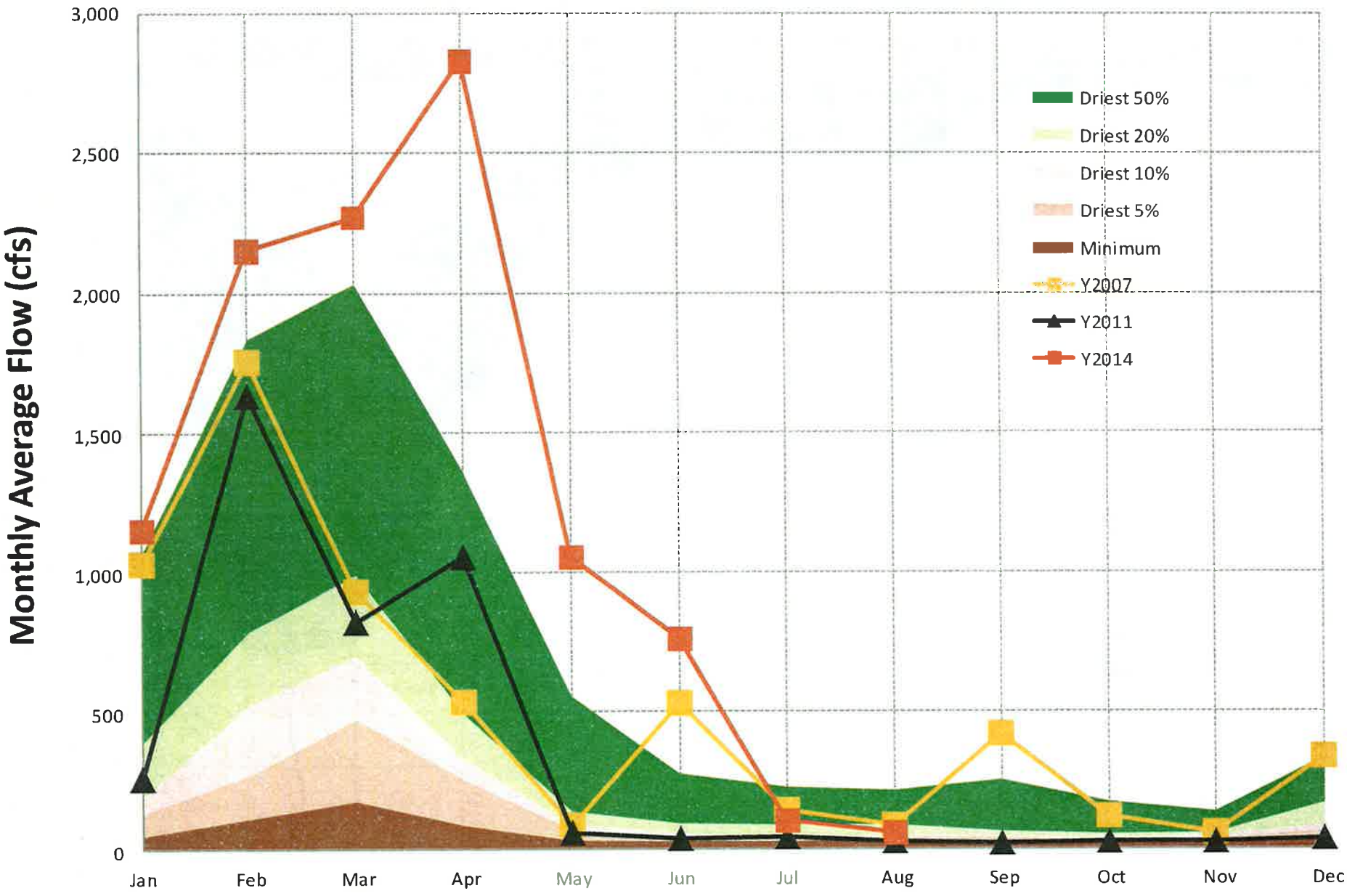
Back to Map

USGS #02225500 OHOOPEE RIVER NEAR REIDSVILLE, GA



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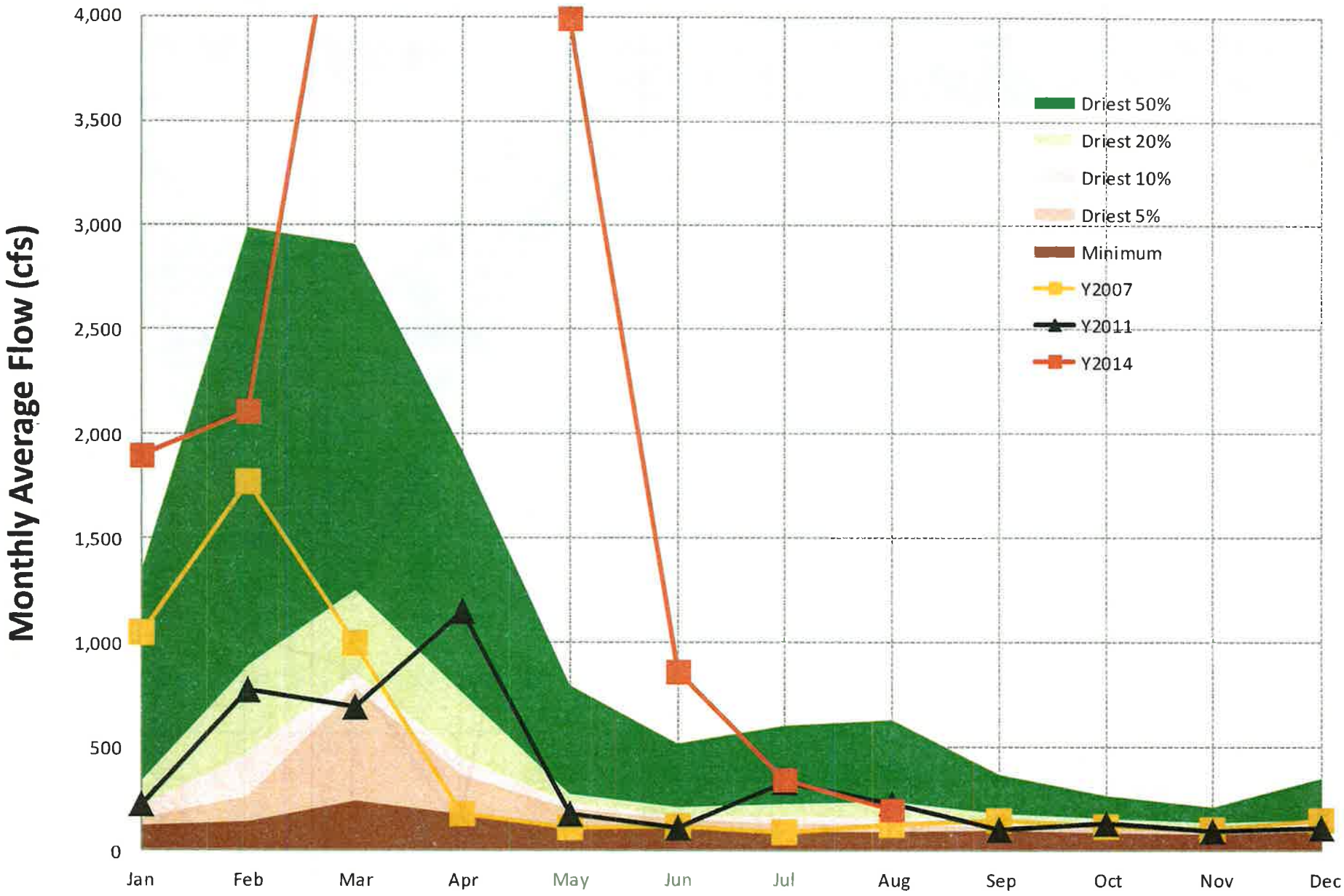
Back to Map

USGS #02319000 WITHLACOOCHEE RIVER NEAR PINETTA, FL



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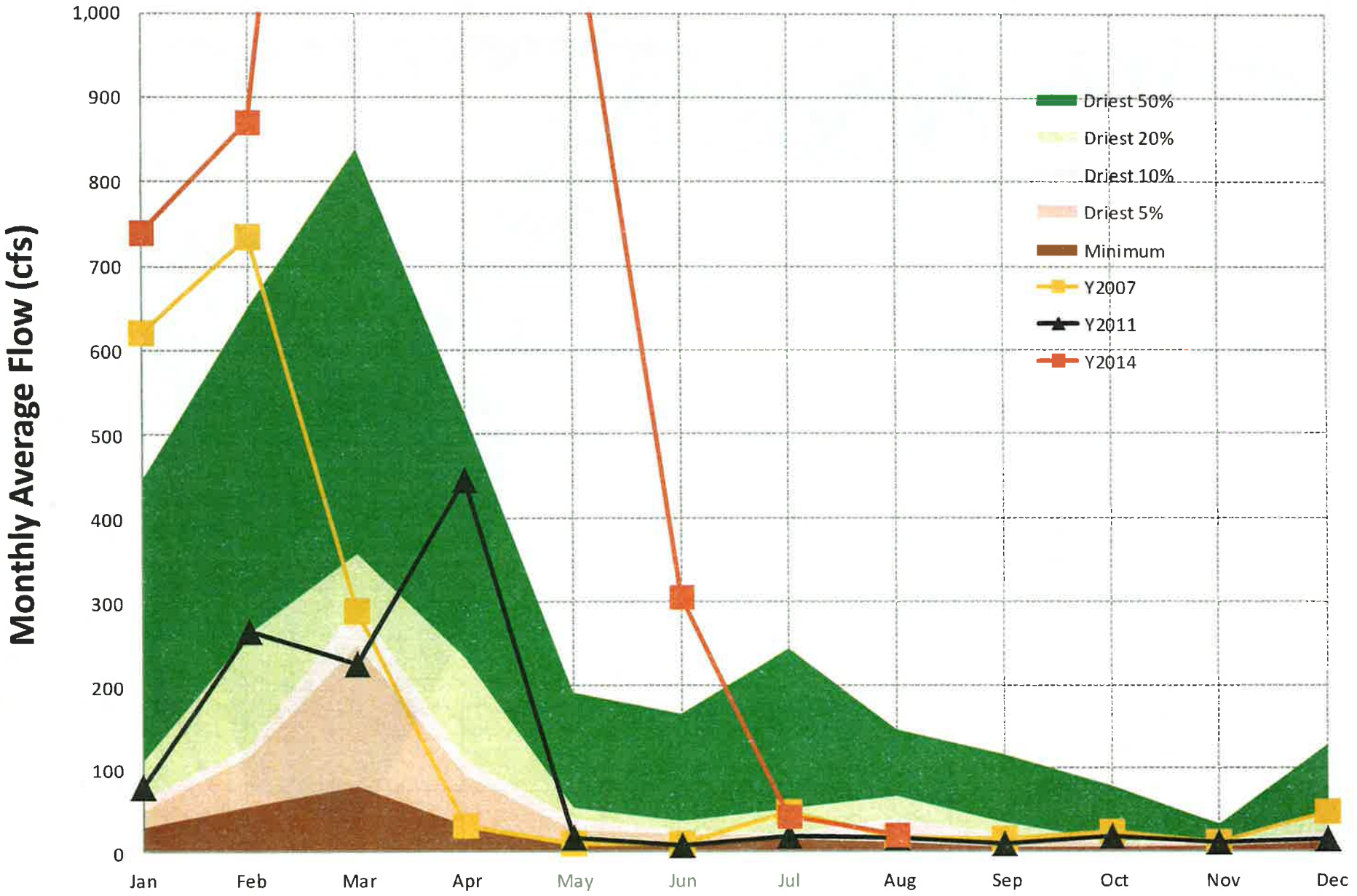
Back to Map

USGS #02327500 OCHLOCKONEE RIVER NEAR THOMASVILLE, GA



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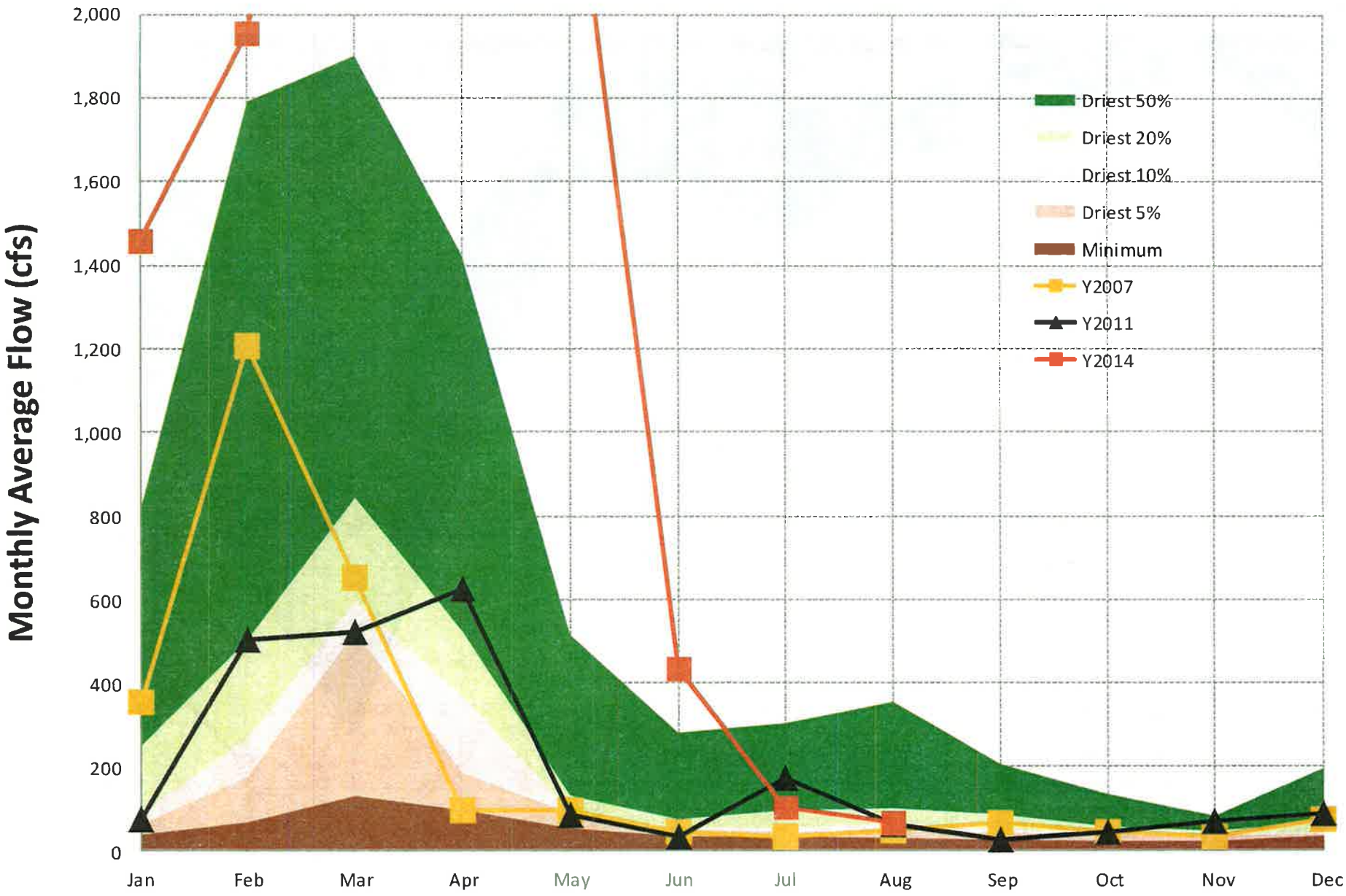
Back to Map

USGS #02317500 ALAPAHA RIVER AT STATENVILLE, GA



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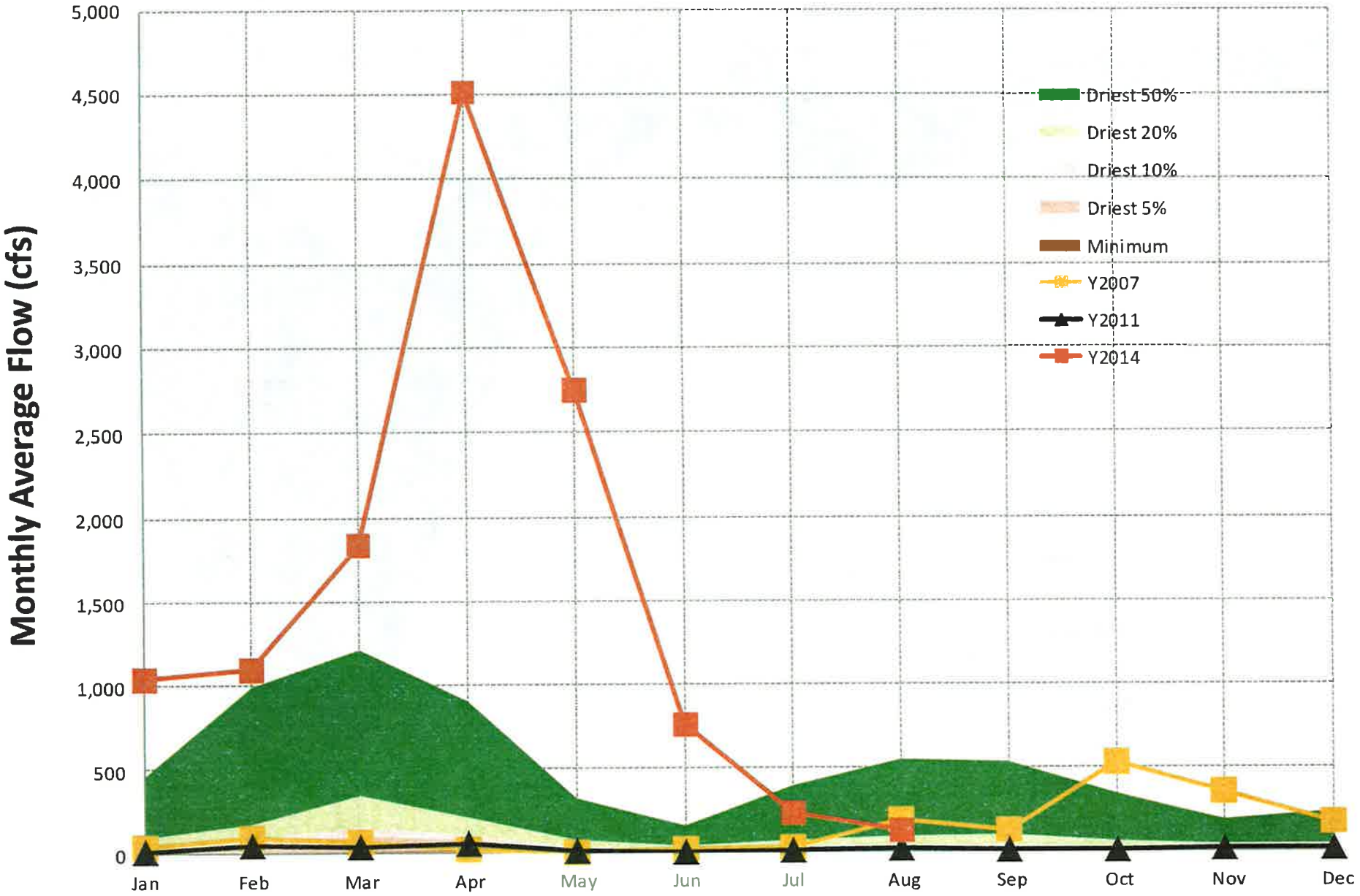
Back to Map

USGS #02314500 SUWANNEE RIVER AT US 441, AT FARGO, GA



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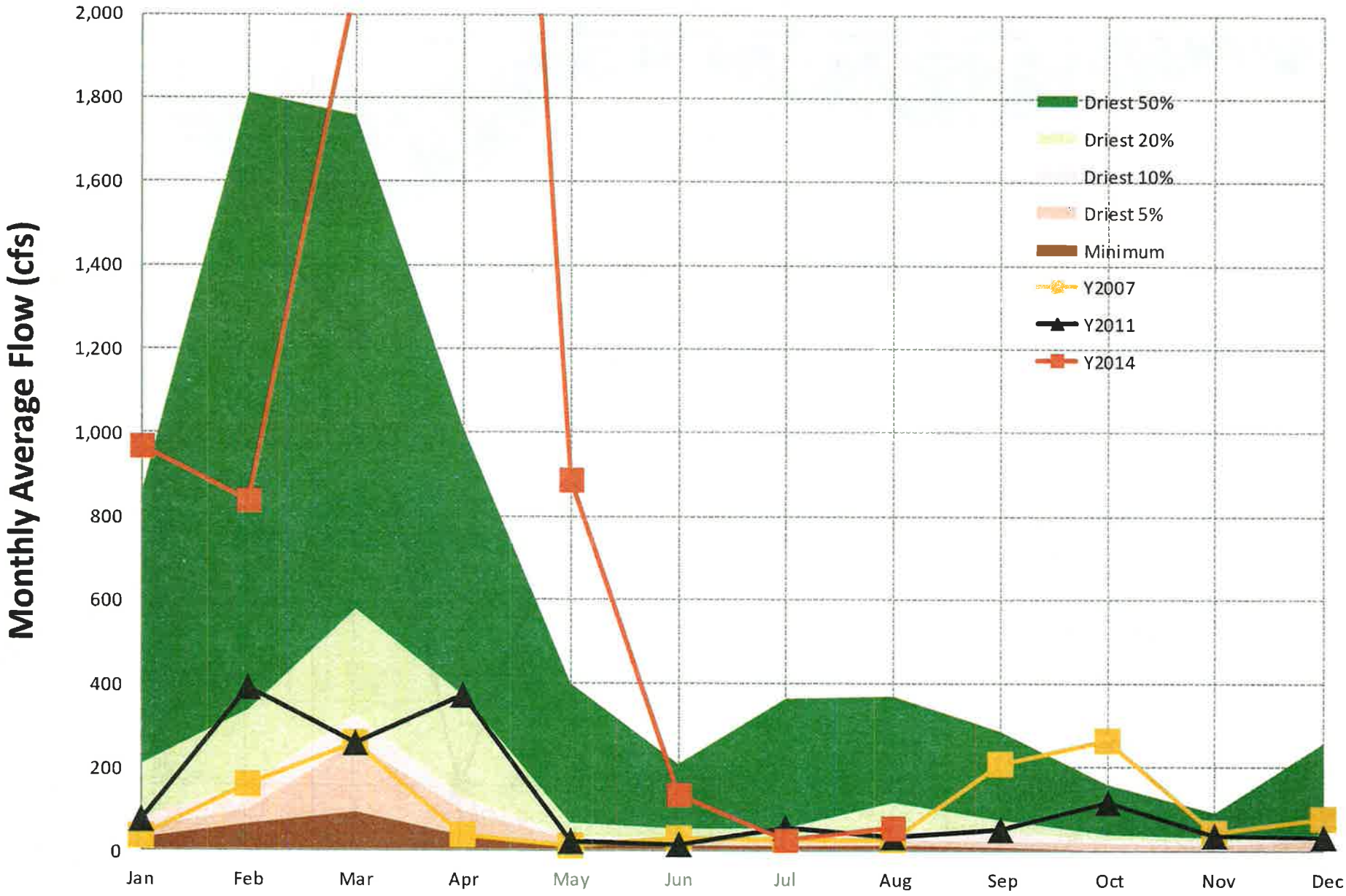
Back to Map

USGS #02226500 SATILLA RIVER NEAR WAYCROSS, GA



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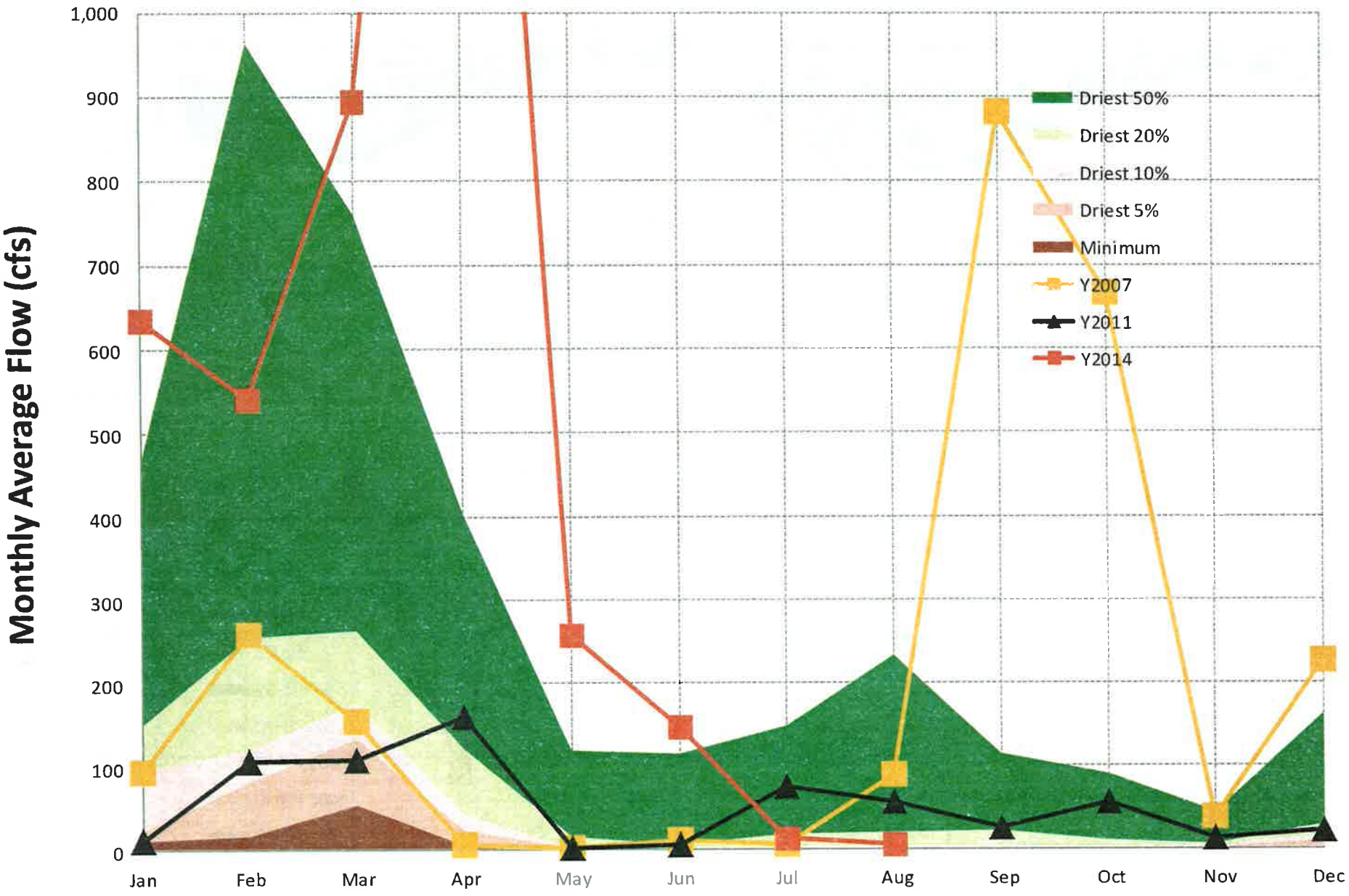
Back to Map

USGS #02227500 LITTLE SATILLA RIVER NEAR OFFERMAN, GA



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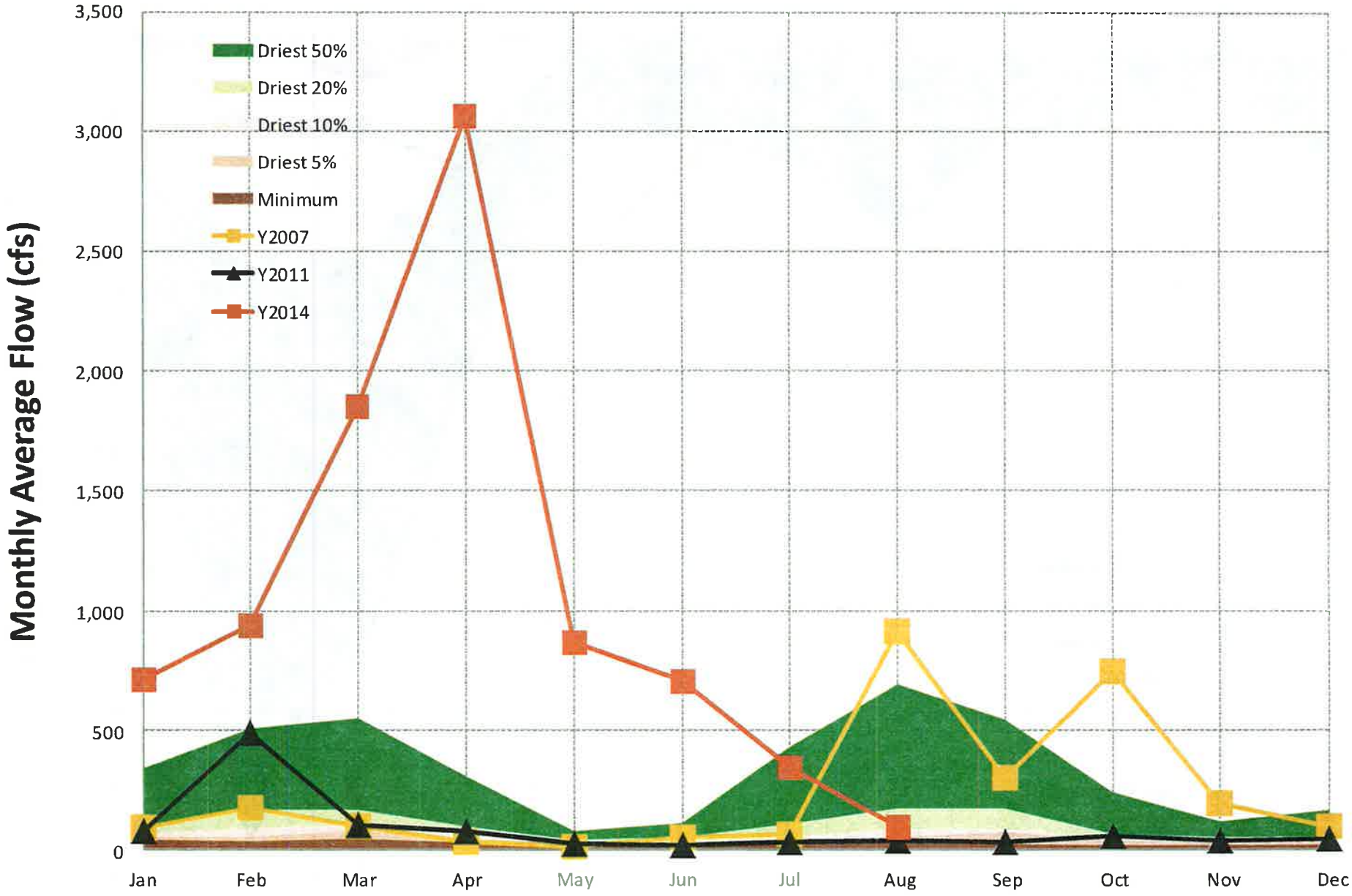
Back to Map

USGS #02231000 ST. MARYS RIVER NEAR MACCLENNY, FL



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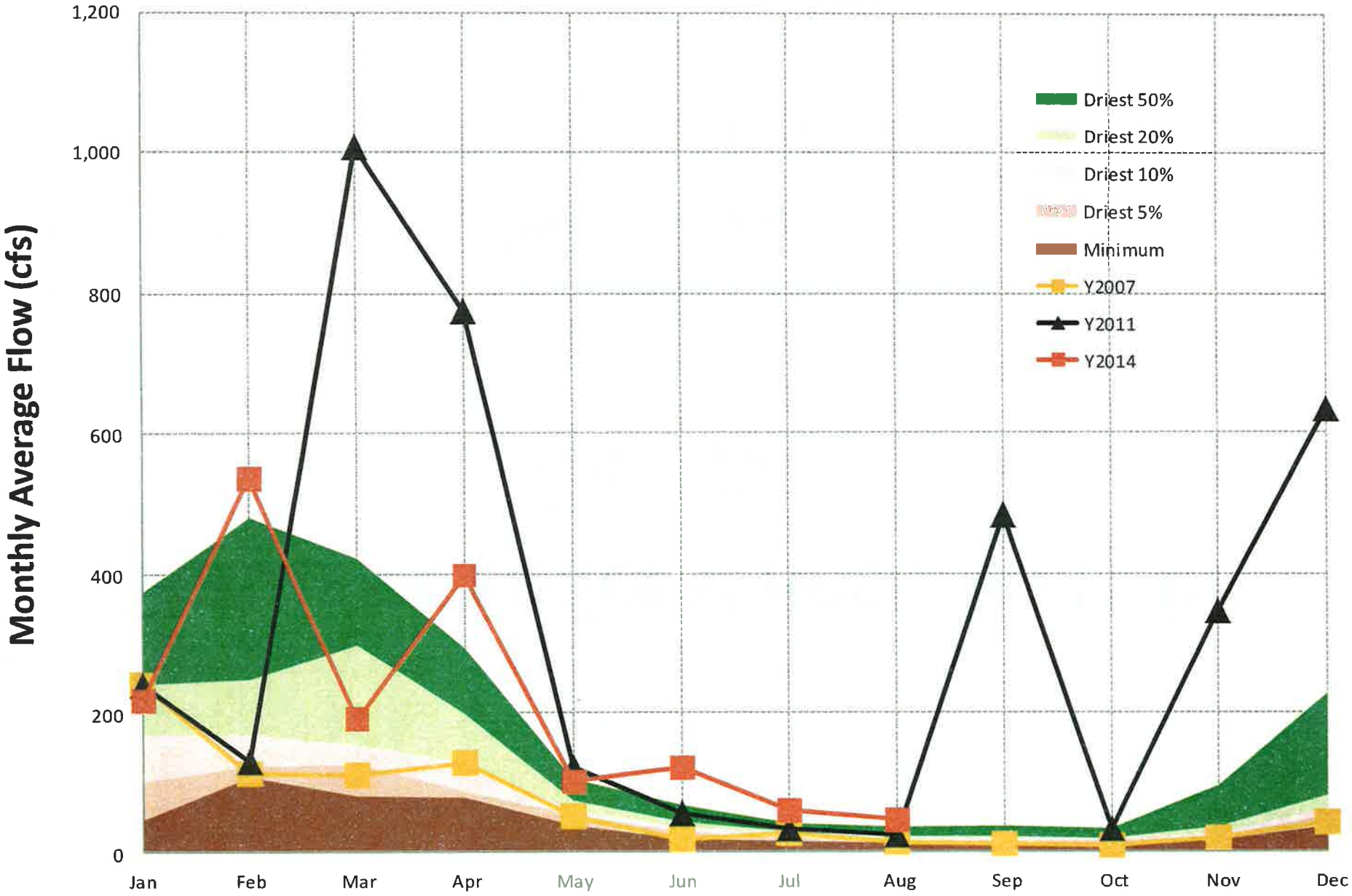
Back to Map

USGS #03568933, TN Basin - LOOKOUT CREEK NEAR NEW ENGLAND, GA



Prepared for 10/22/14 Georgia EPD Stakeholder Meeting

Status of Federal Reservoirs in Georgia

Georgia EPD

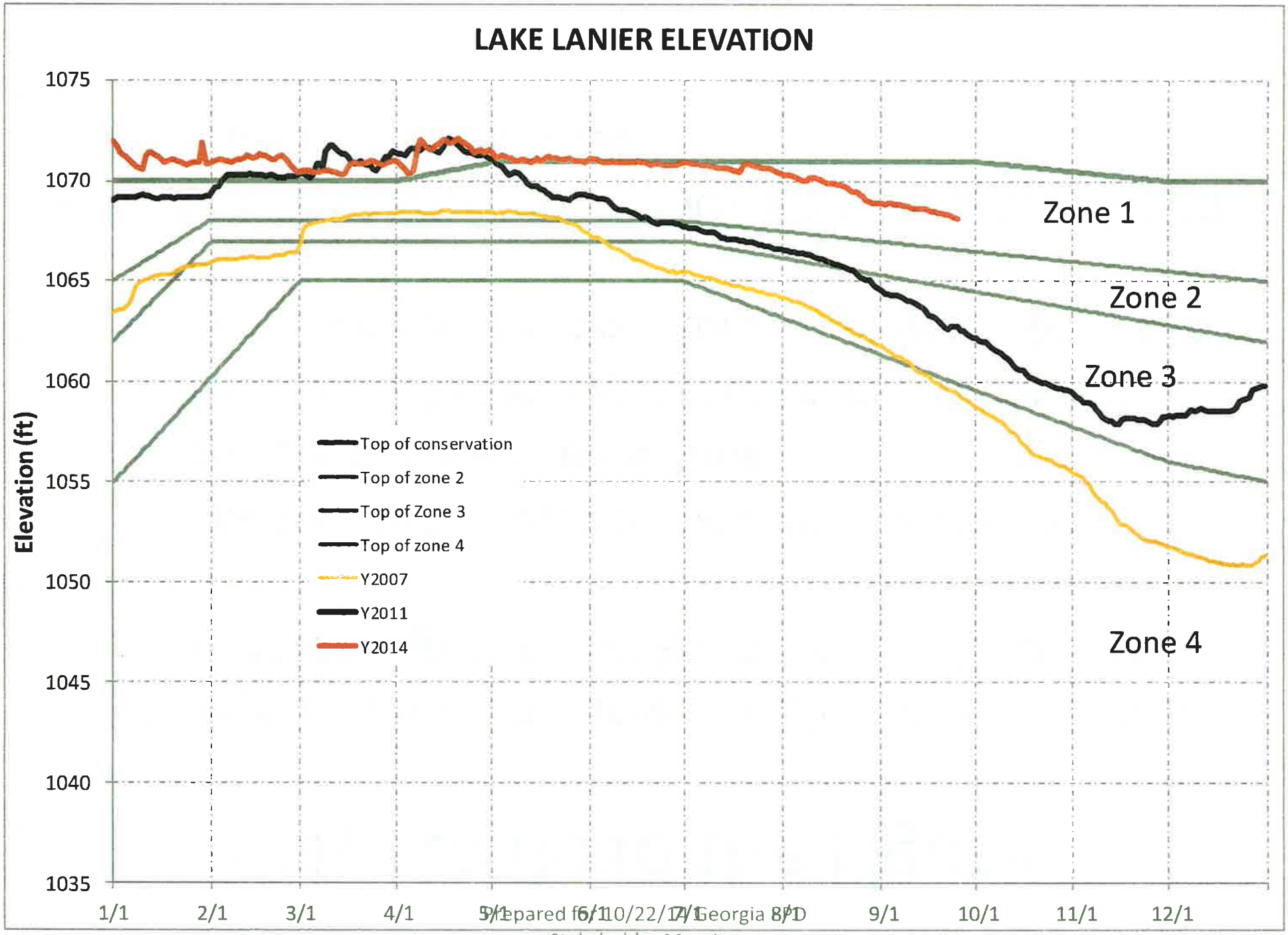
Hydrology Unit

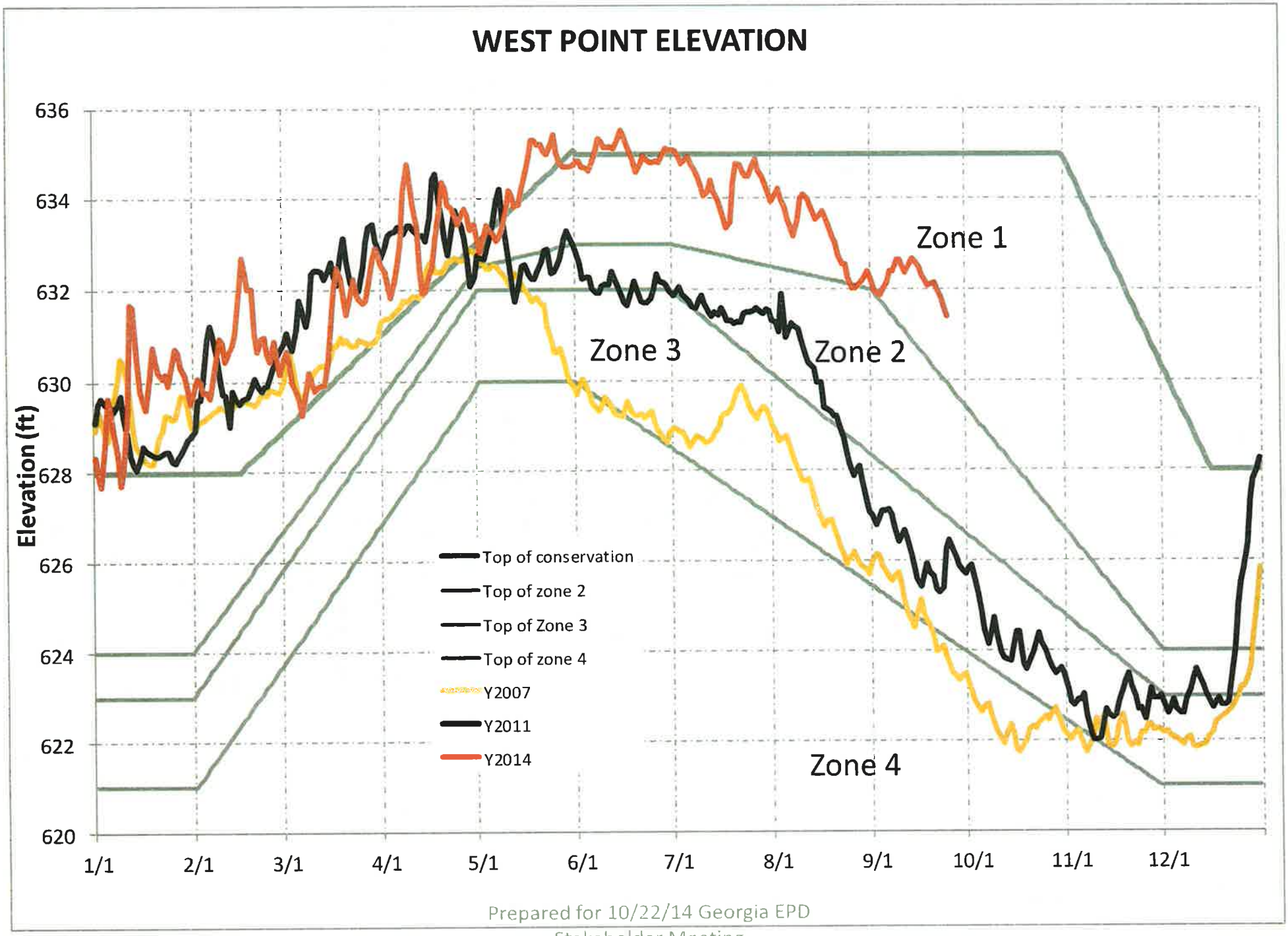
September 2014

Prepared for 10/22/14 Georgia EPD
Stakeholder Meeting

Ways to Read the Figures

- Reservoir elevation curves of 2014 are provided with the background of Action Zone Divides (or Levels)
  - Zone 1 is the top layer of the conservation pool
  - Zone 2 is the layer below Zone 1
  - Zone 4 is the lowest layer in the conservation pool
  - There is no conservation storage below the bottom of Zone 4
- Conditions recorded in 2007 and 2011 have been provided for comparison


LAKE LANIER ELEVATION
Elevation (ft)
1075
1070
1065
1060
1055
1050
1045
1040
1035
1/1
2/1
3/1
4/1
5/1
6/1
7/1
8/1
9/1
10/1
11/1
12/1
Top of conservation
Top of zone 2
Top of Zone 3
Top of zone 4
Y2007
Y2011
Y2014
Zone 1
Zone 2
Zone 3
Zone 4



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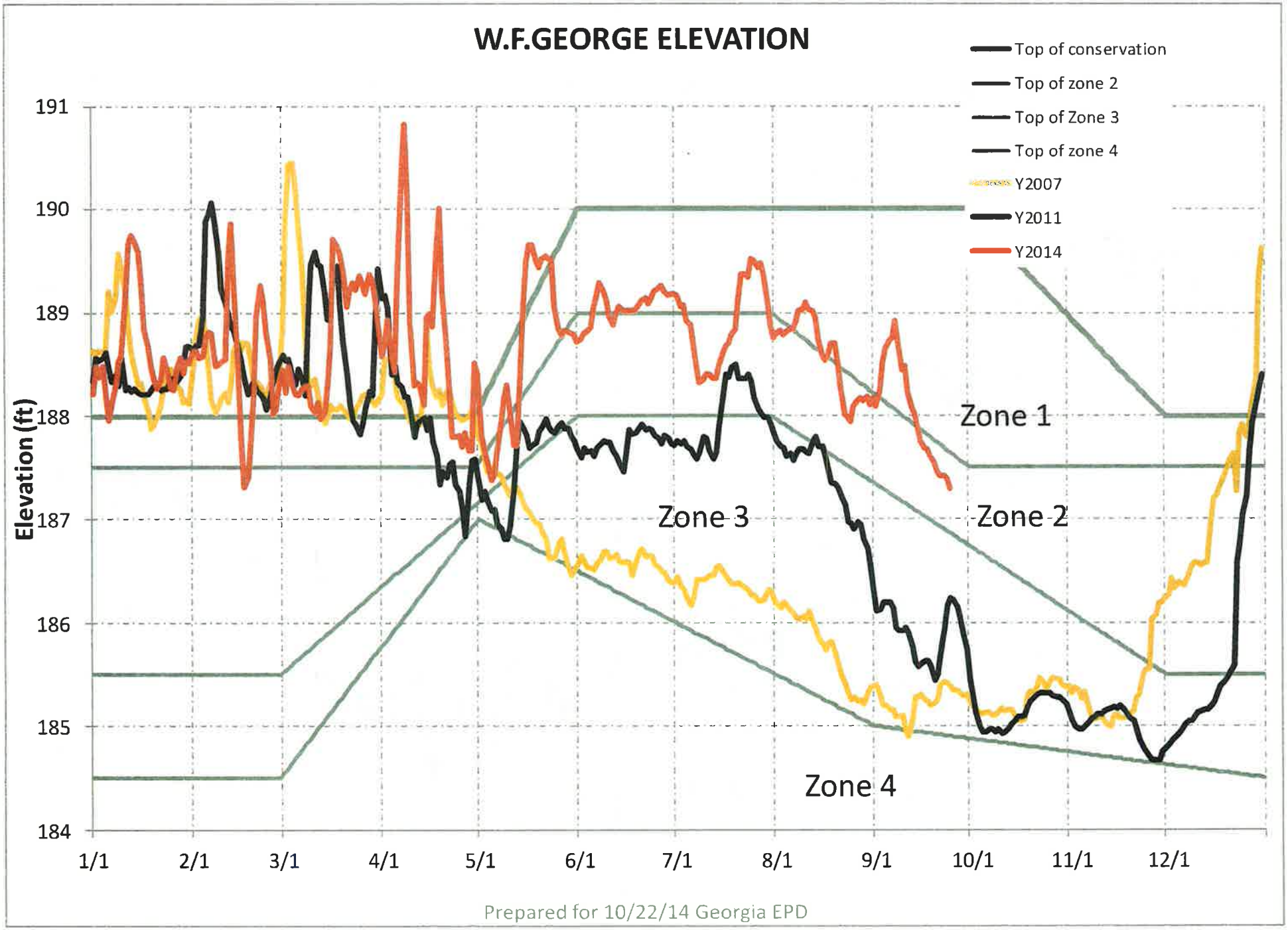

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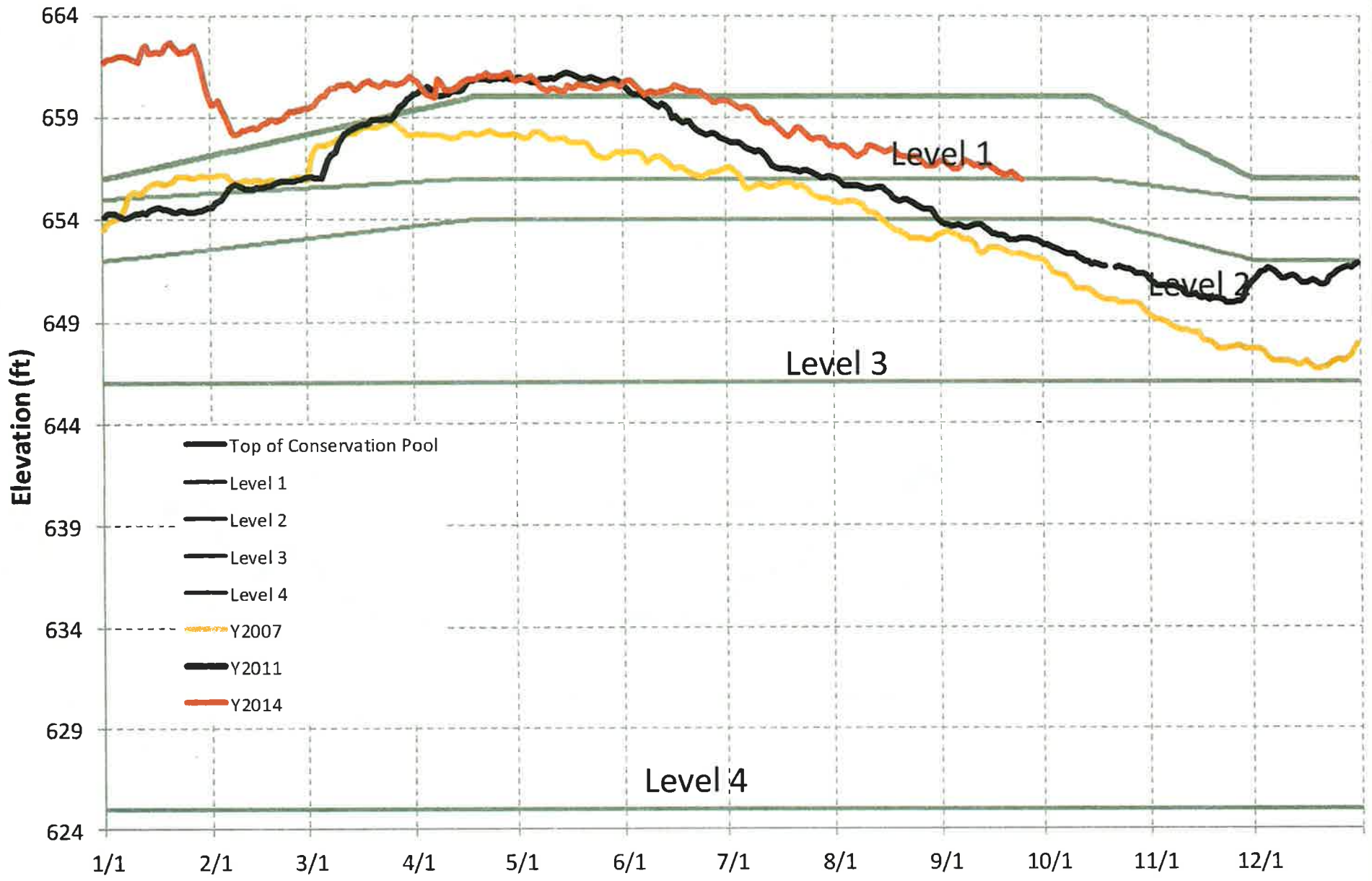
HARTWELL ELEVATION



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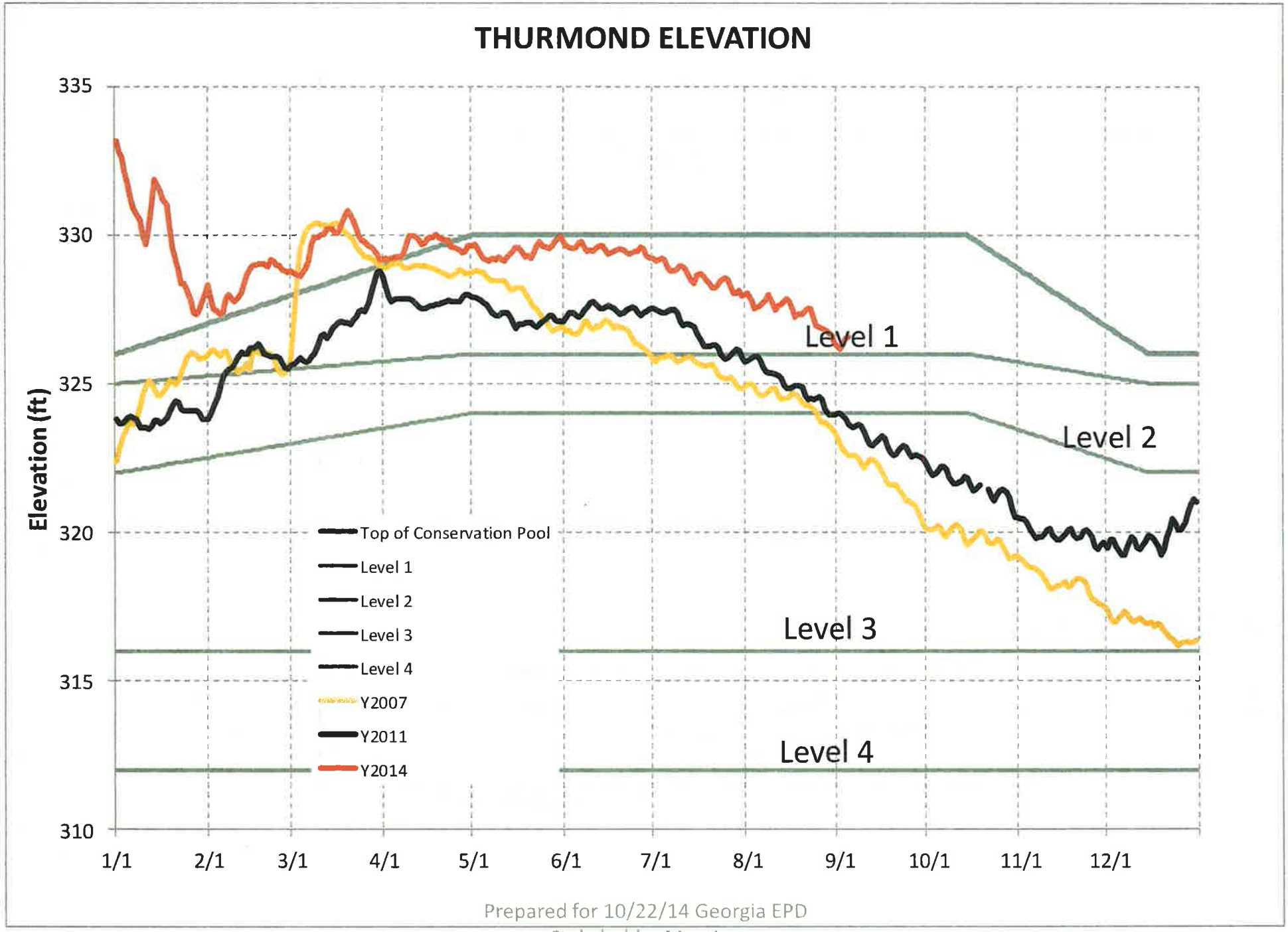

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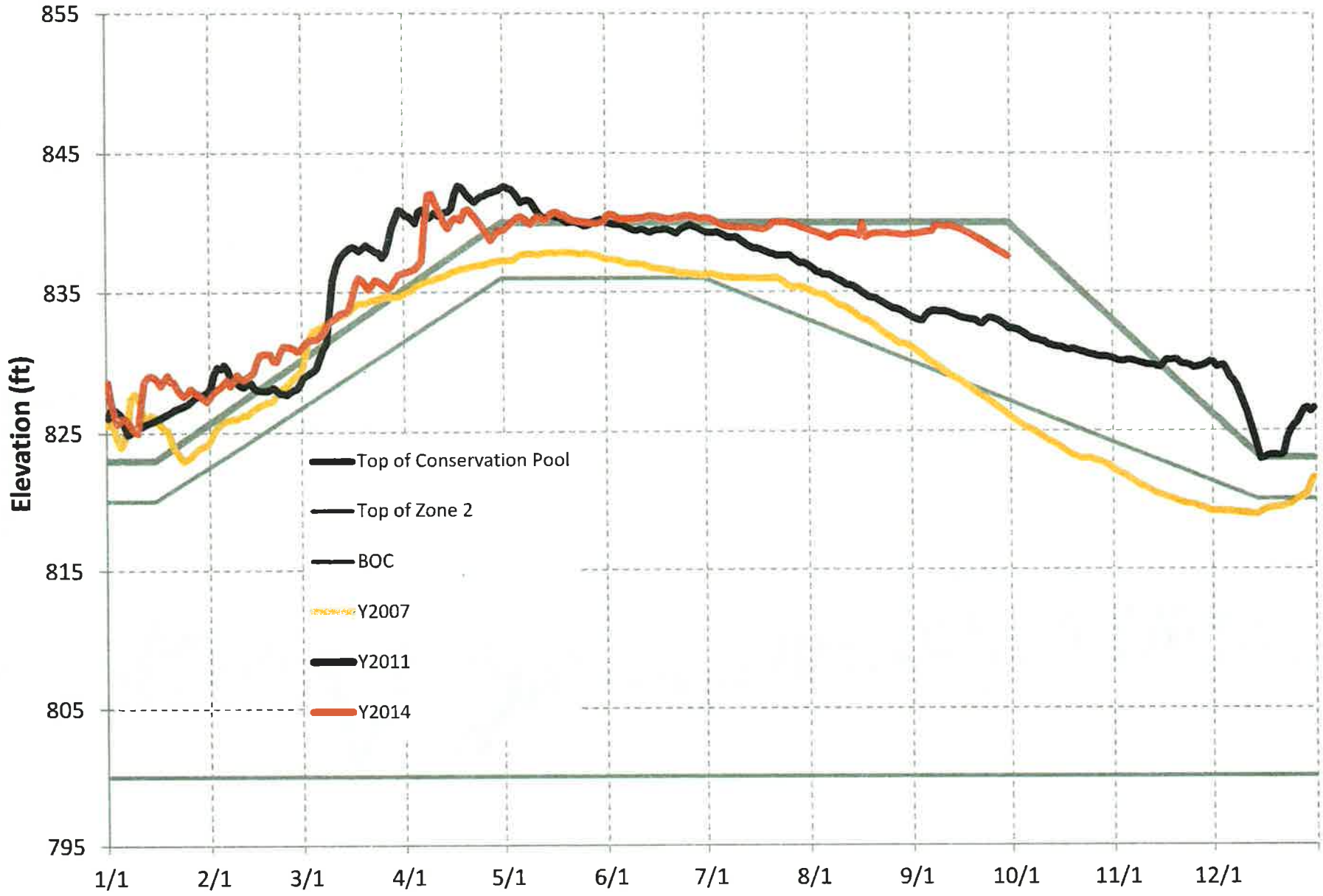
ALLATOONA ELEVATION



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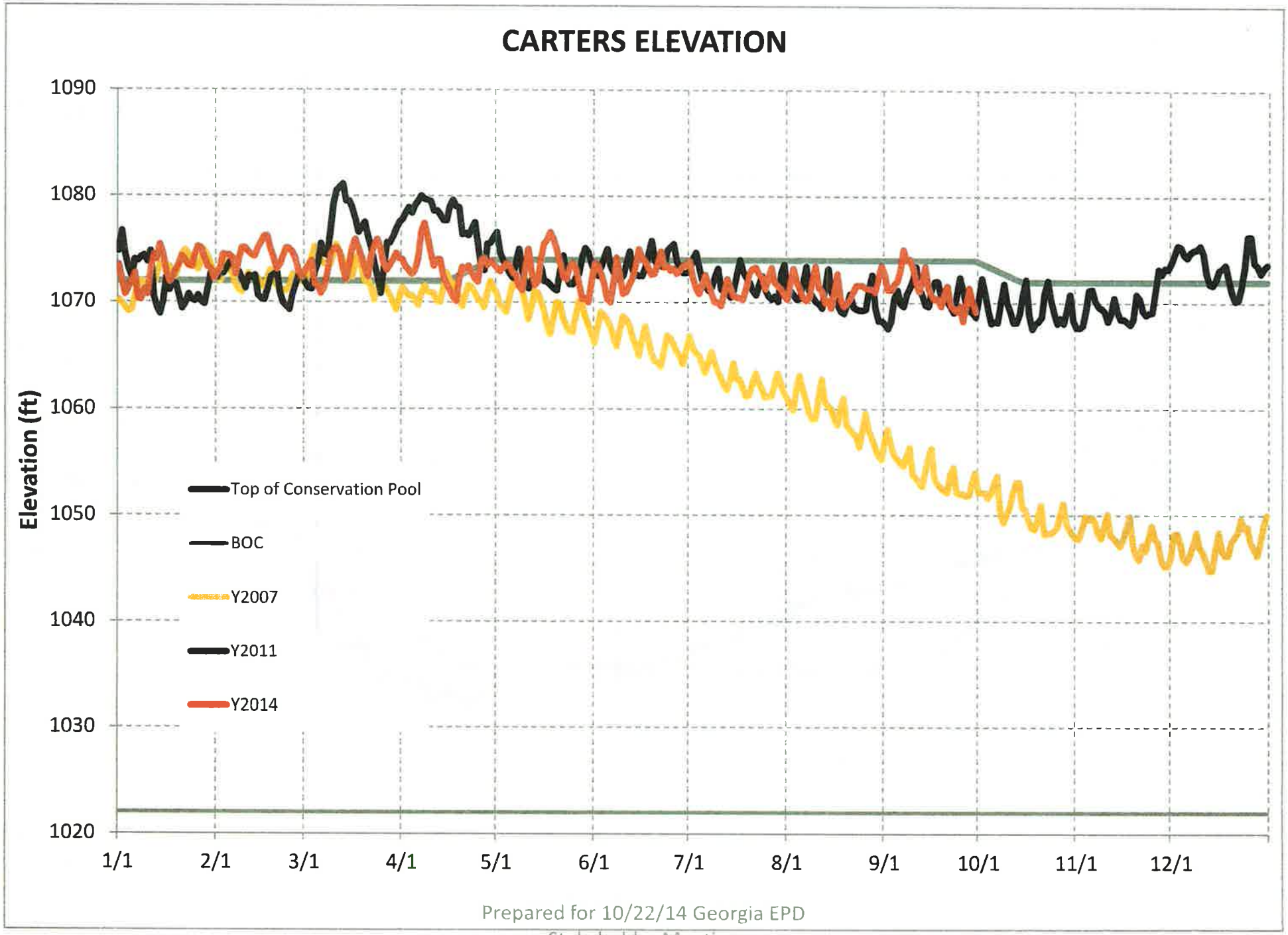


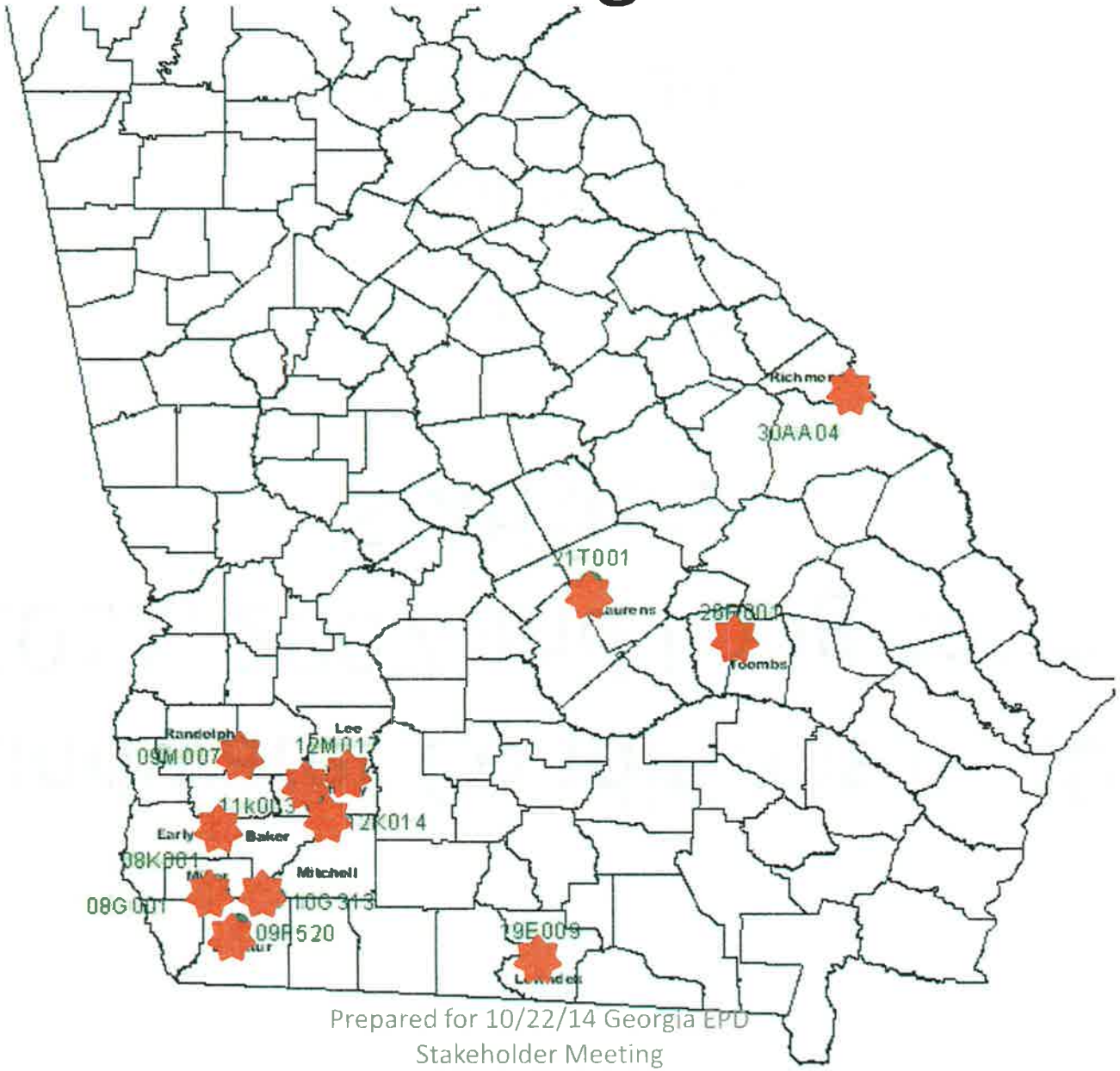
Prepared for 10/22/14 Georgia EPD Stakeholder Meeting

Groundwater Conditions in 2014, 2011, 2007 and Long-term Statistics

Georgia EPD
Hydrology Unit
September 2014

Prepared for 10/22/14 Georgia EPD
Stakeholder Meeting

Locations of USGS Real-time Monitoring Wells



Prepared for 10/22/14 Georgia EPD Stakeholder Meeting

Principles in Choosing USGS Monitoring Wells

- Availability of long-term monitoring record – all of the chosen wells have three decades of data or more
- Availability of real-time monitoring record – all of the chosen wells have real-time monitoring data up to date

Interpretation of Figures

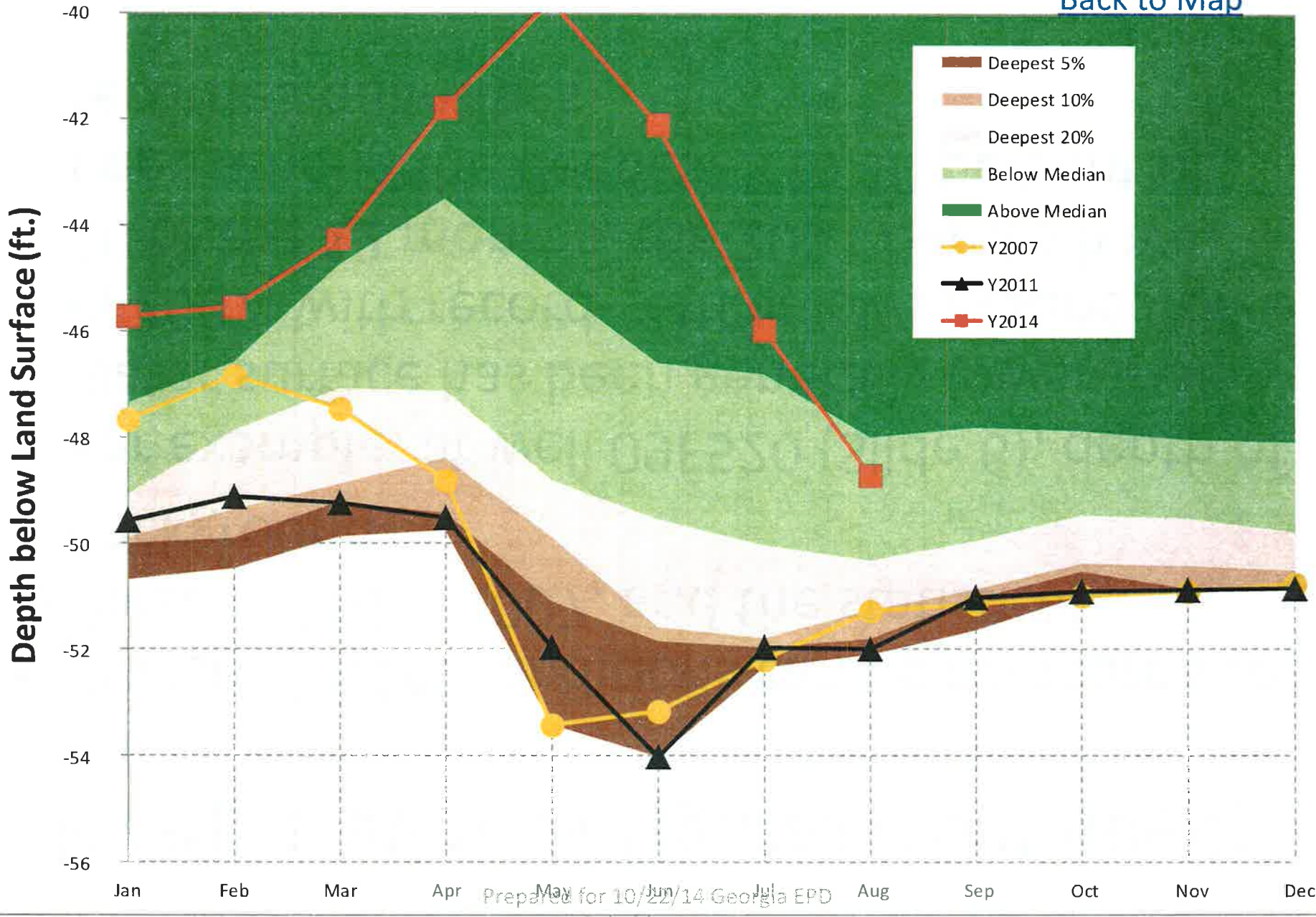
- Monthly average well depth is depicted in red curve for 2014, black curve for 2011, and yellow curve for 2007
- Statistical background of depth is depicted in areas
  - Deepest 5, 10, 20, and 50 percent of all recorded data are depicted in areas with solid colors
  - If a curve (red or yellow) borders the Deepest 5% and the white area, it means that the curve sets a historic record of well depth

Interpretation of Figures (continued)

- Current (2014) conditions can be compared to those of 2011, 2007, and the statistical background
- For example, at well 09F520 (Slide 6), depth of water surface has been generally lower than in 2007, with record-setting lows in June; for 10 of the 12 months, the 2011 depths have been among the deepest 5 to 10 percent of recorded quantities

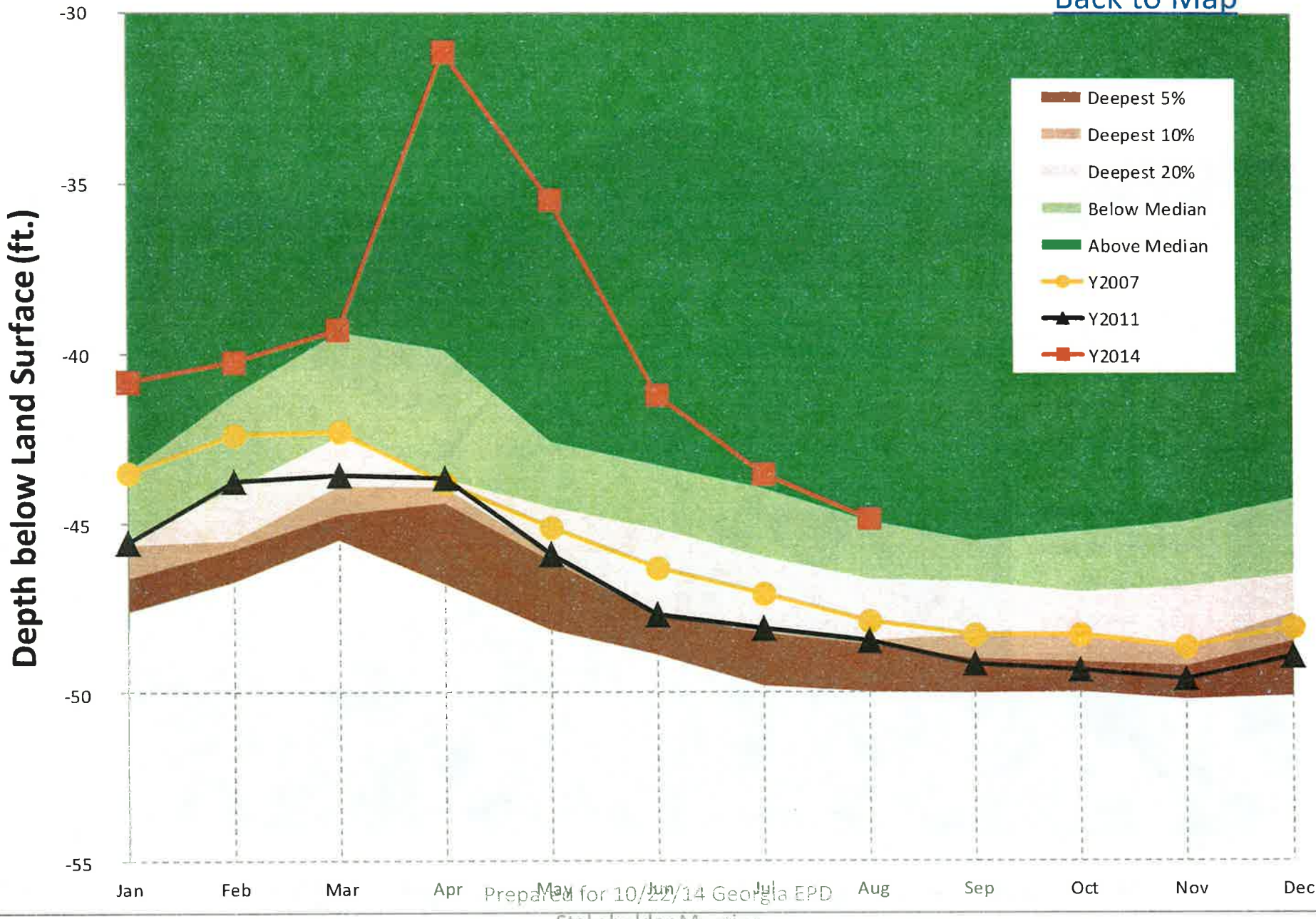
Groundwell #09F520 Monthly Averagae Depth Below Land Surface

Back to Map



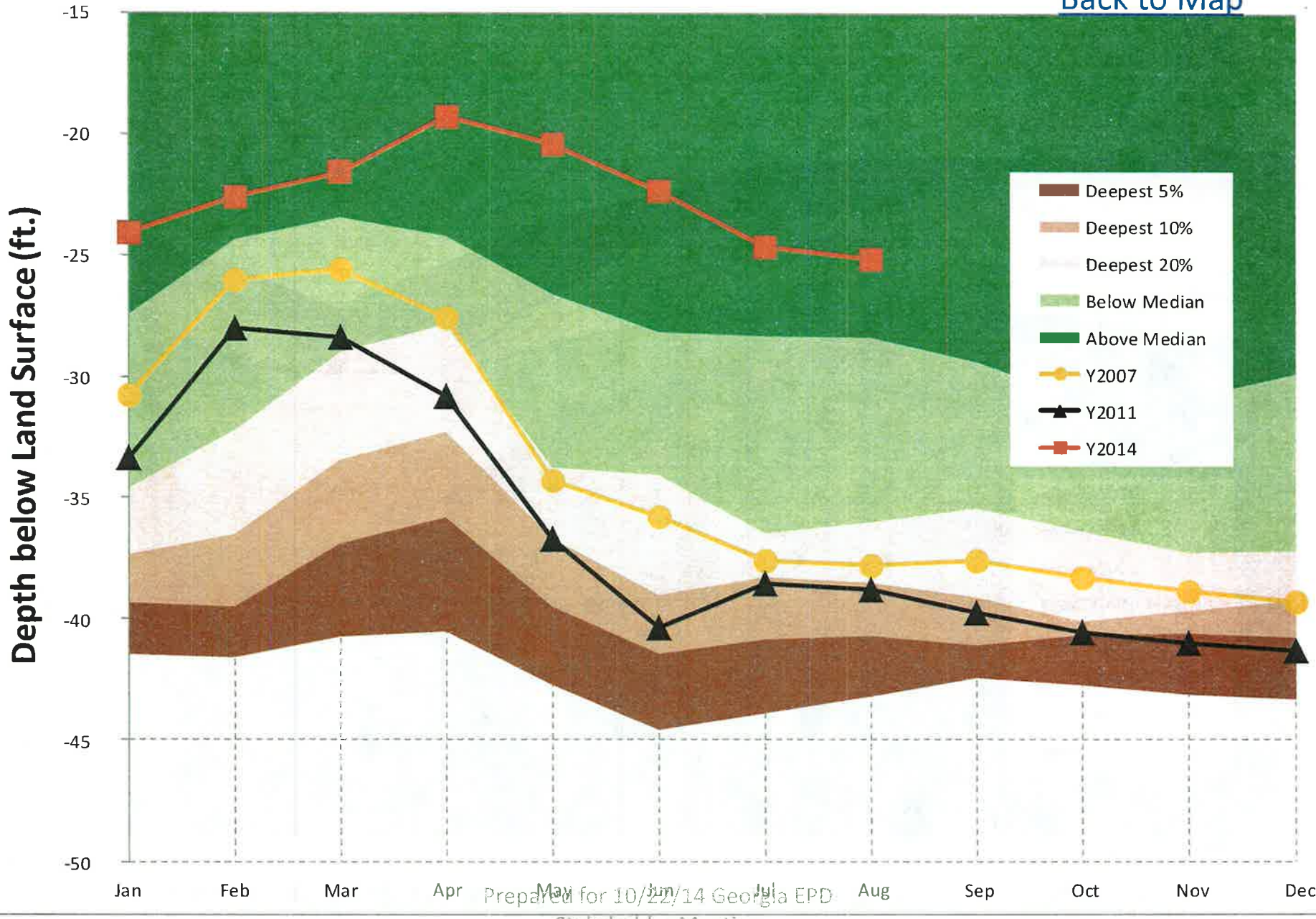
Groundwell #12K014 Monthly Averagae Depth Below Land Surface

Back to Map



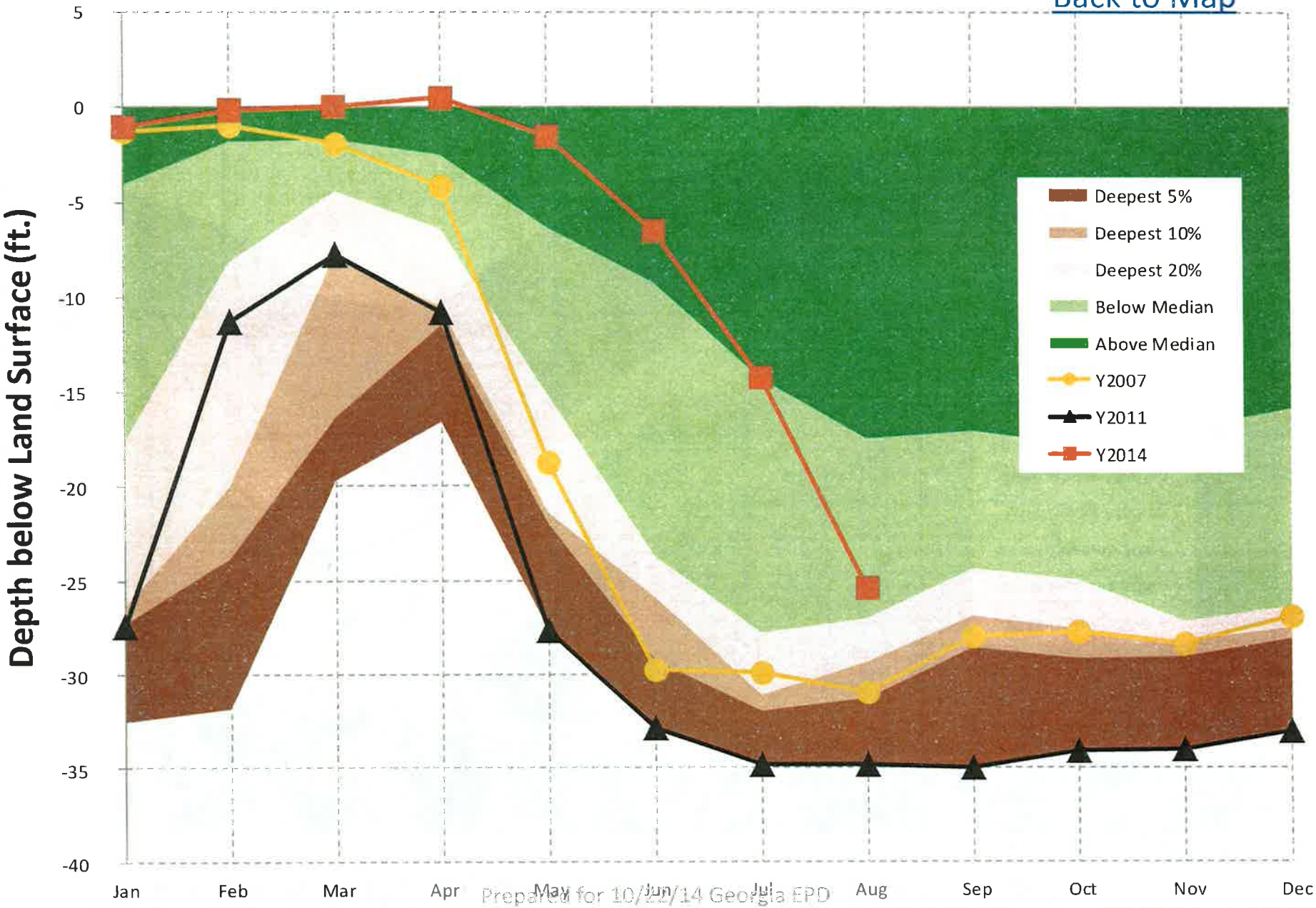
Groundwell #11K003 Monthly Averagae Depth Below Land Surface

Back to Map



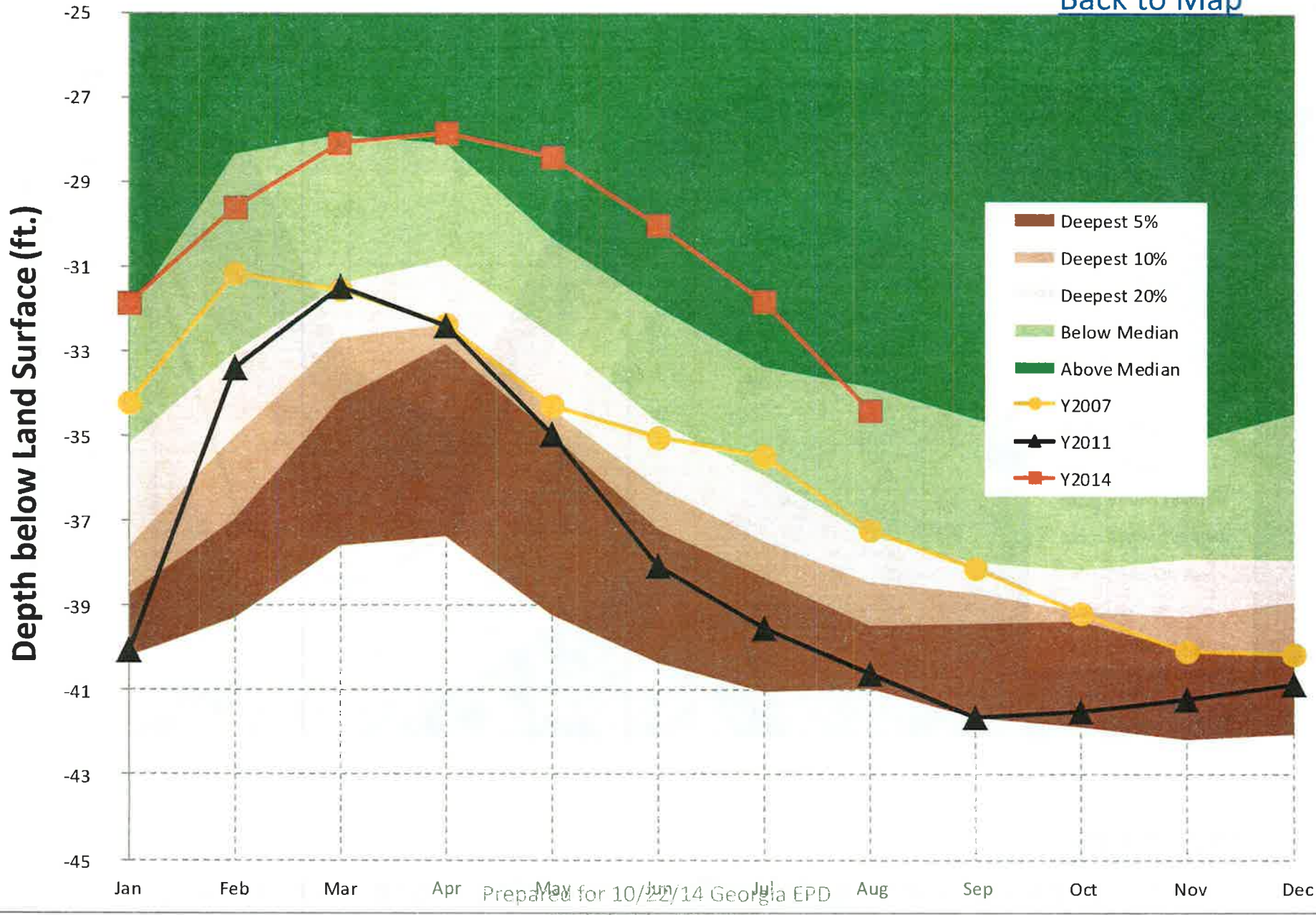
Groundwell #08K001 Monthly Averagae Depth Below Land Surface

Back to Map



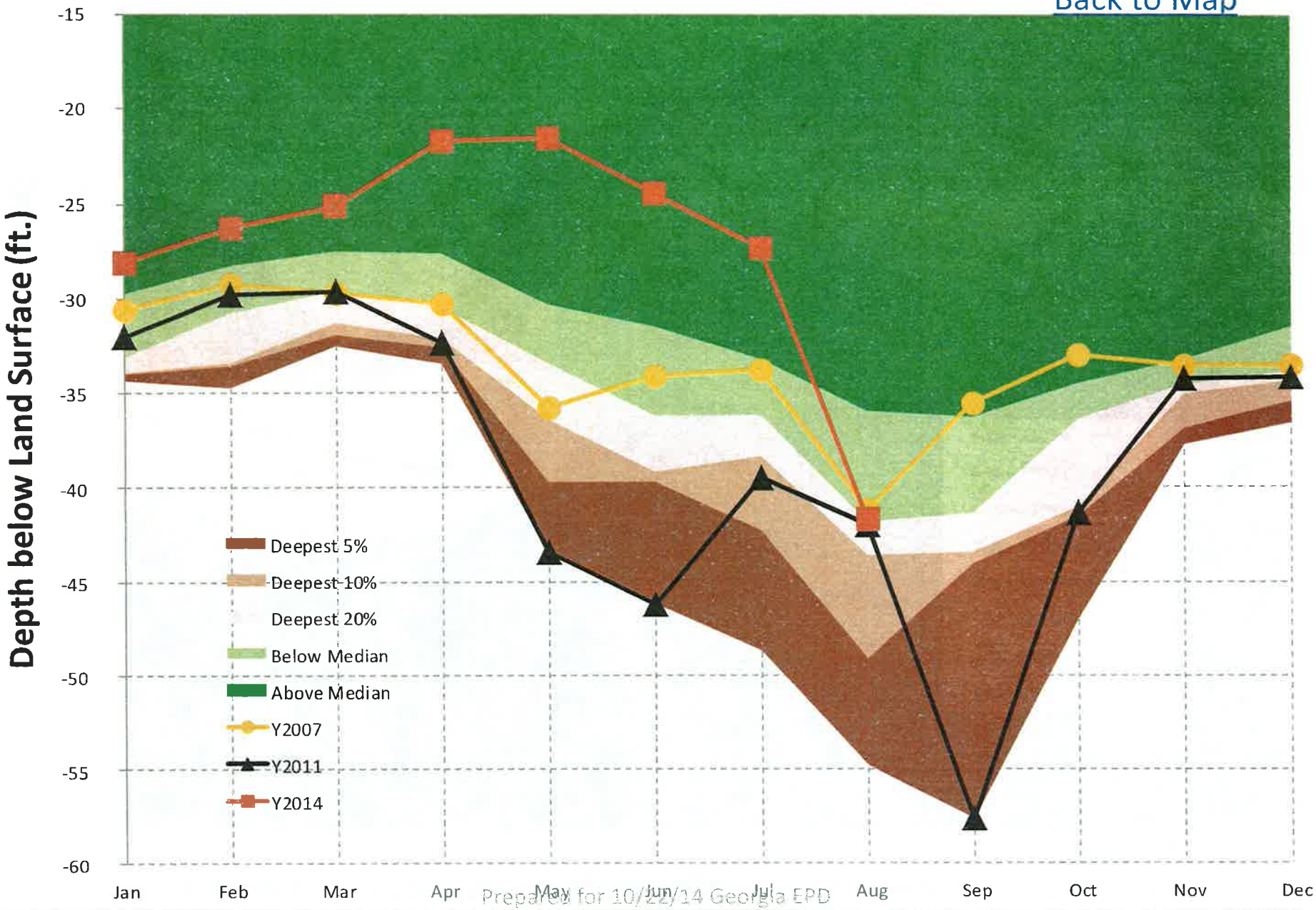
Groundwell #21T001 Monthly Averagae Depth Below Land Surface

Back to Map



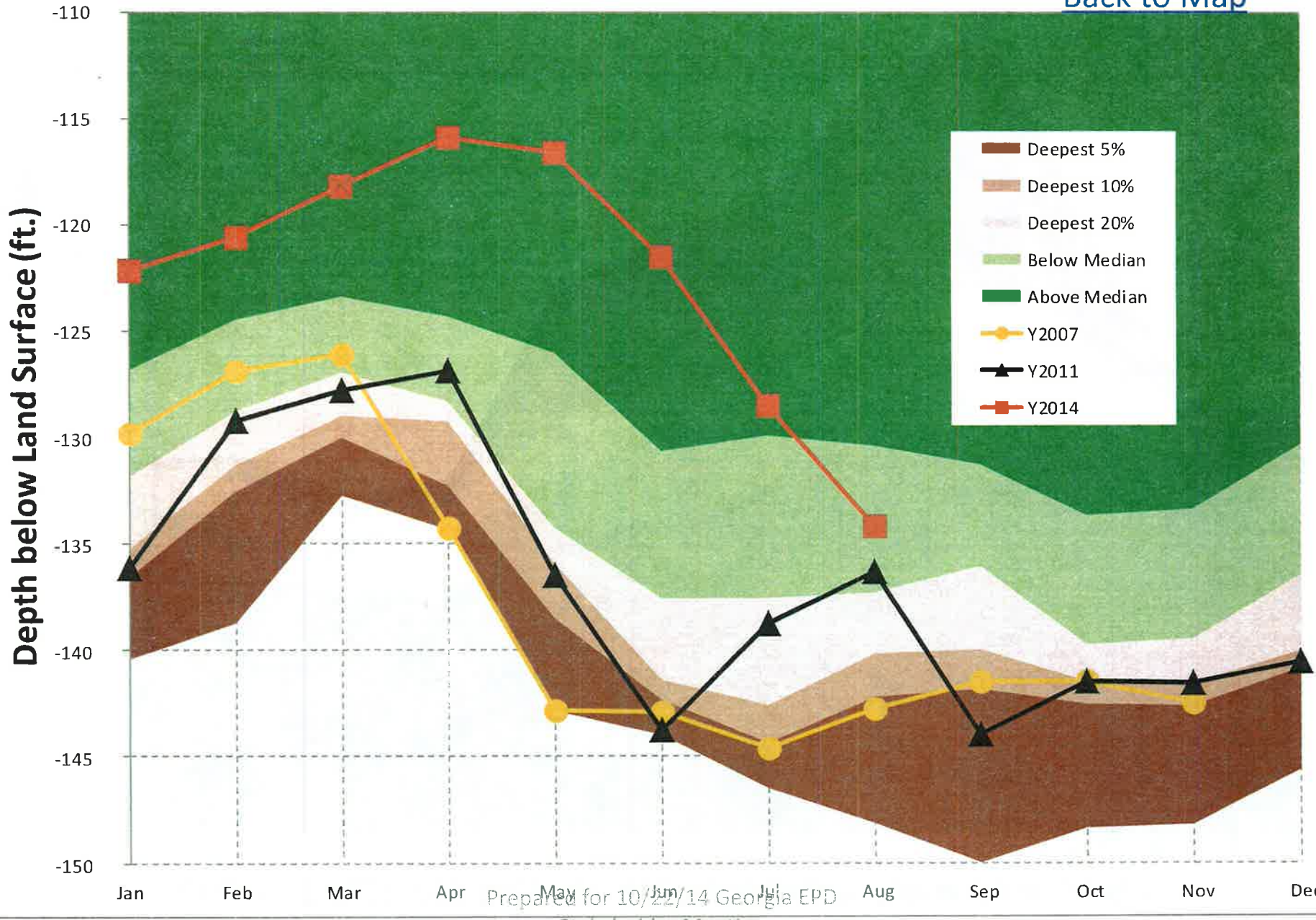
Groundwell #12M017 Monthly Averagae Depth Below Land Surface

Back to Map



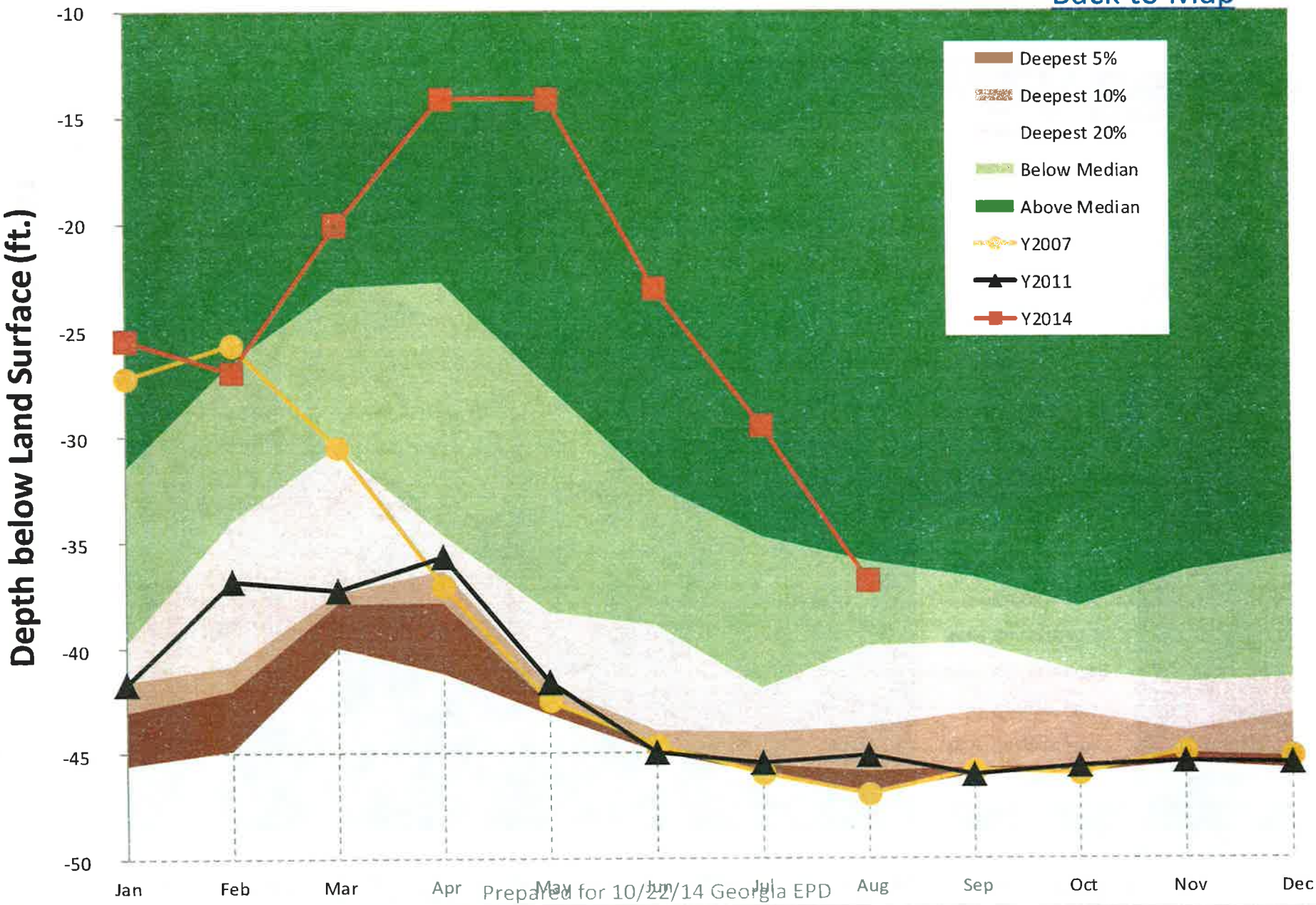
Groundwell #19E009 Monthly Averagae Depth Below Land Surface

Back to Map



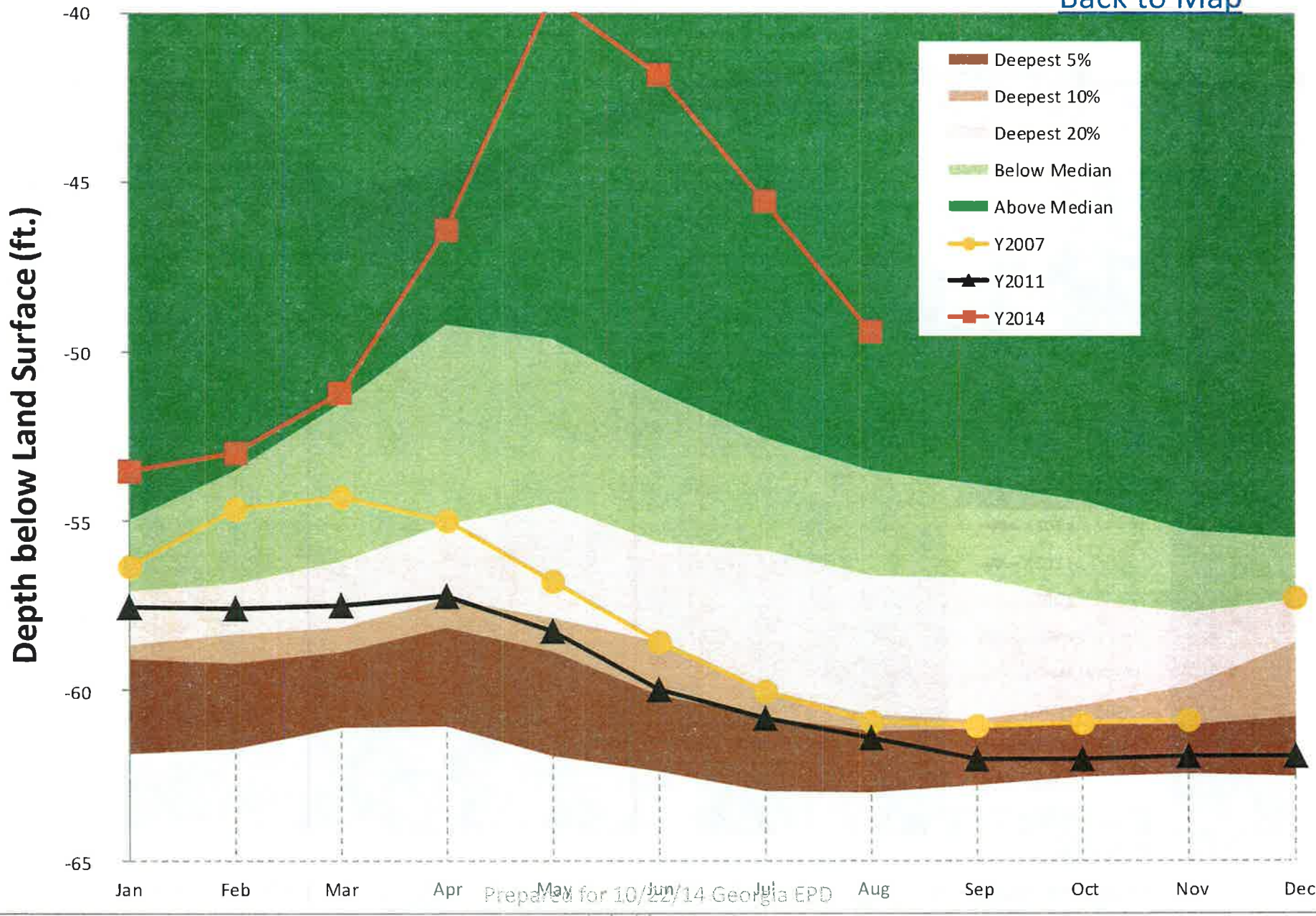
Groundwell #08G001 Monthly Averagae Depth Below Land Surface

Back to Map



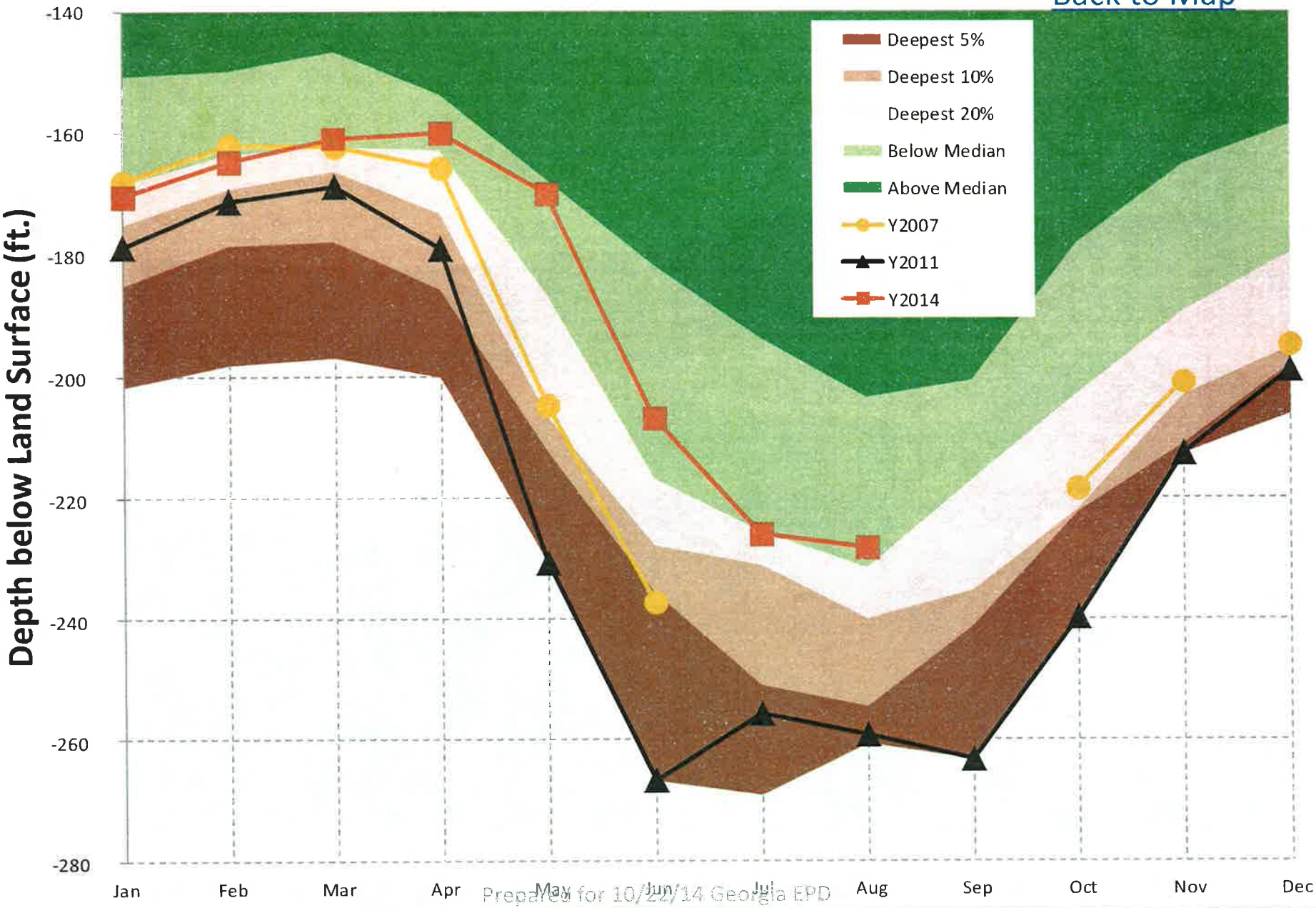
Groundwell #10G313 Monthly Averagae Depth Below Land Surface

Back to Map



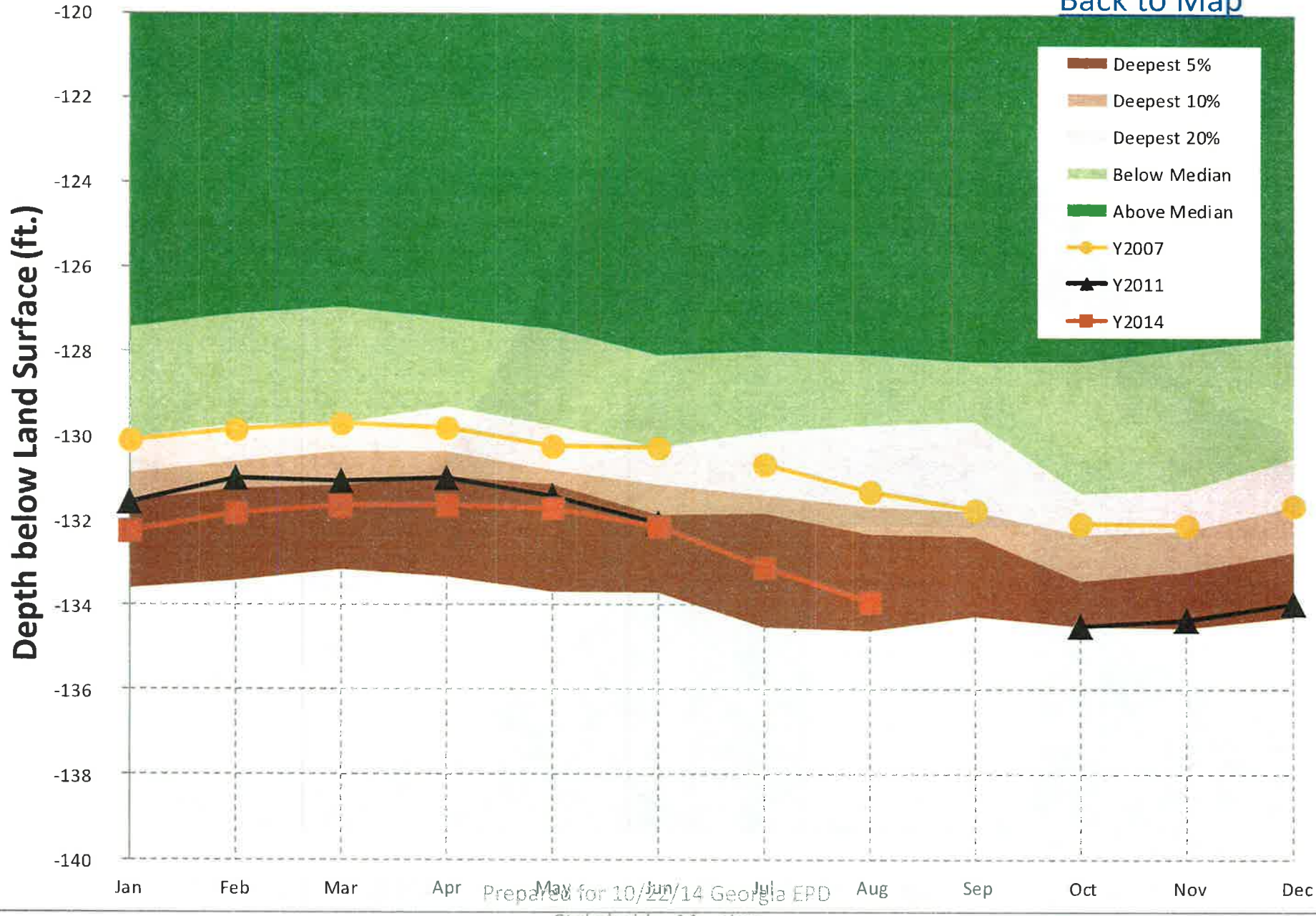
Groundwell #09M007 Monthly Averagae Depth Below Land Surface

Back to Map



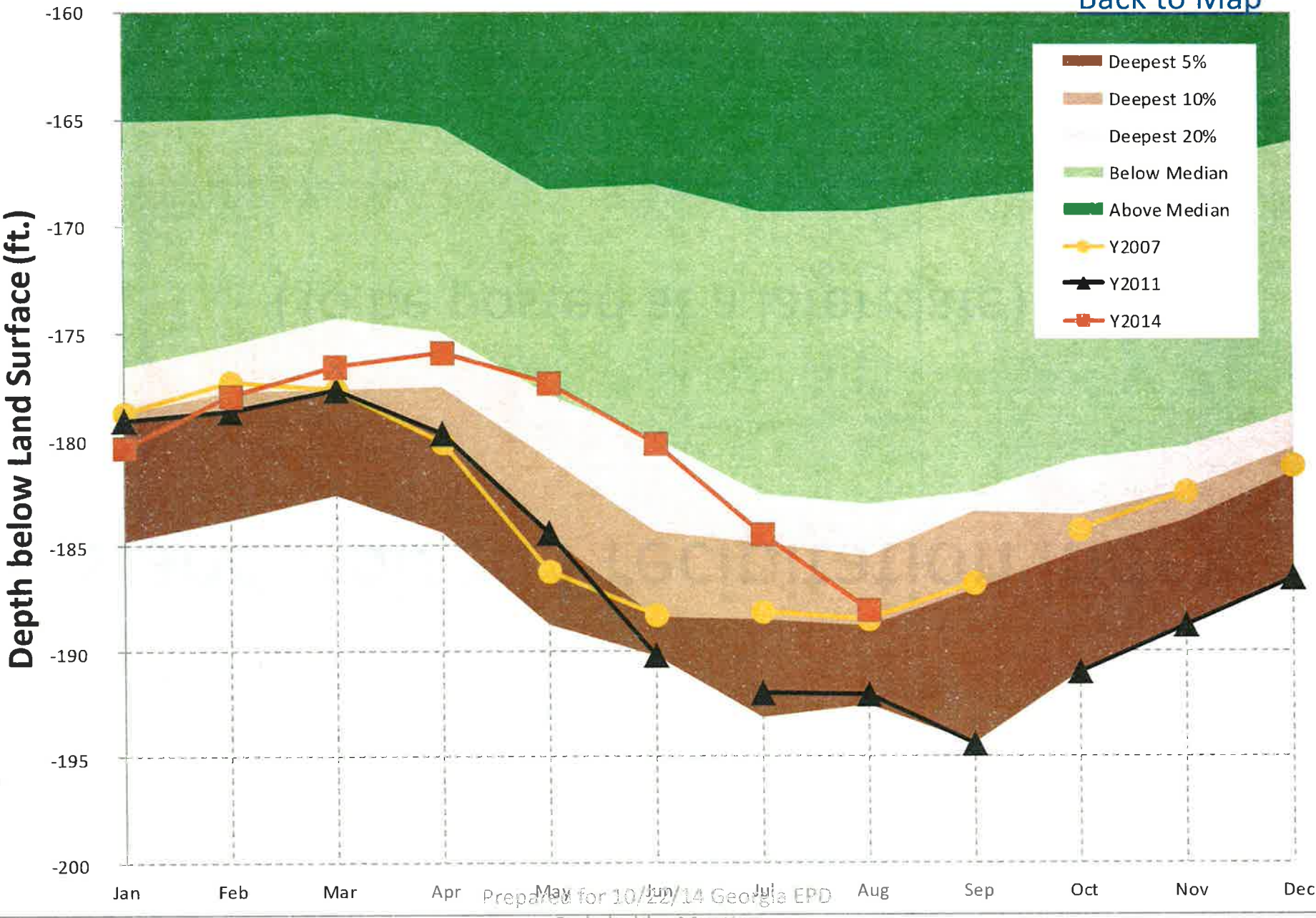
Groundwell #30AA04 Monthly Averagae Depth Below Land Surface

Back to Map



Groundwell #26R001 Monthly Averagae Depth Below Land Surface

Back to Map



Standardized Precipitation Index

(To be posted at a later date)

Prepared for 10/22/14 Georgia EPD
Stakeholder Meeting

METRO DISTRICT

Cash, Tim

From: Bennett Weinstein <BWeinstein@atlantaregional.com>
Sent: Friday, November 14, 2014 4:16 PM
To: Cash, Tim
Cc: Katherine Zitsch; Danny Johnson
Subject: Drought Management & Water Efficiency Rules Stakeholder Meeting
Attachments: Draft_District Input on EPD Drought Rule Concepts_October 2014_Final.pdf

Tim:

Please find attached the District's comments on the October draft of the Drought Management Rule.

Thanks,

Bennett

Bennett Weinstein

Atlanta Regional Commission
regional impact + local relevance

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Atlanta, Georgia 30303-2538
P | 404.463.3257
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bweinstein@atlantaregional.com

Metropolitan North Georgia Water Planning District
40 Courtland Street NE | Atlanta, Georgia 30303

James A. Capp
Chief, Watershed Protection Branch, EPD
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, Ga 30334

November 14, 2014

Re: Drought Management Rule – October Draft Rule and Stakeholder Meeting #3

Dear Mr. Capp:

Thank you for the opportunity to provide additional input on EPD's draft drought management rule. The Metropolitan North Georgia Water Planning District's (District) member governments and water providers are on the front line of water stewardship and drought management and will be significantly impacted by this rule. As we have stated in prior correspondences, we concur that EPD's goal for this rule should be to ensure a modest reduction in water use during times of drought consistent with O.C.G.A. 12-5-8.

We very much appreciate EPD's deliberative and inclusive approach to the development and refinement of this rule. This approach is yielding a much improved draft rule. The District looks forward to continuing its work with EPD as the rule is further refined. The feedback below is provided to assist with clarifying intent and improving the operational aspects of the rule prior to the DNR Board's consideration and official public comment period.

Drought Indicators and Triggers

1) We recommend modifying paragraph (2) to clarify that the intent is to compare to other severe droughts, including, but not limited to, the drought of record, and not just average conditions.
2) This section should be modified to reflect an adaptive approach, as resources permit, to continue pursuing improvements to the drought indicators and triggers to provide the best possible decision support for drought response. An adaptive approach recognizes that while comparing current conditions to past conditions does provide valuable decision-making information, probabilistic-based predictions of reservoir levels and streamflows can be generated directly to produce, for example, the likelihood of a lake or stream reaching unacceptable levels within the year with and without various drought responses. This decision support approach would require hydrologic forecast ensembles of riverine inflows and evaporation, which can be generated by the National Weather Service or USGS statistical methods, and a river basin simulation model.

3) We very much appreciate the addition of the coordination called for in paragraphs (4) and (5), this transparency will support decision making and serve to avoid confusion within the regulated community.

Drought Declaration

Paragraph (1) would benefit from additional clarification regarding the process by which EPD will assess and determine how "drought conditions" will "impact...the ability of permittees to provide adequate supplies of water within the affected drought area(s)..." Absent this clarification, EPD risks missing an opportunity to include the regulated community in this critical assessment and determination regarding their own supplies.

Drought Response Strategies

1) It is more accurate to term the actions described in paragraph (2)(a), an "information" campaign, not an "education" campaign.
2) The initial introductory sentence in paragraph (3)(b), is confusing and should be deleted.
3) It may not be reasonable or possible for all permittees to implement all strategies provided in the menu. Therefore, the language in paragraph (4)(c), should be modified to require permittees to select and implement all practicable drought response strategies provided in the menu, with practicability determined by each individual permitee.
4) Paragraph (4)(d)4., should reference Action Item 5.1 in our 2009 Water Supply and Water Conservation plan (or similar action item in subsequent plans) rather than the guidance document currently referenced.
5) The current version of the rule reflects a modification of paragraph (4)(e)'s "numeric reductions" from being "targets" in earlier versions of the rule to "requirements" in this version. The purpose and implications of this change and these requirements are unclear. As currently drafted, EPD may establish these numeric reduction requirements, but it is unclear when it may do so and to what end such requirements may be established. Without significant clarification, this section remains problematic and should be deleted.
6) The use of the term "residential" in paragraph (4)(e)2., may be misleading. This is because, depending on the system, multifamily dwellings, apartments, condominiums, etc. are often coded as commercial, with only single family homes being officially coded as "residential." Depending on the intent of this provision, and the response to the comment regarding "numeric reductions" generally, clarification may or may not be needed.

Variance Requests

1) Regarding paragraphs (1)(b) and (3)(b), it is unclear why a variance to be more stringent than the rule must demonstrate an increase in storage or streamflow, while a variance to be less stringent than the rule must only demonstrate the effect on storage or streamflow. Depending on intent, these two sections should use identical language.
2) The word "otherwise" should be added to the last clause of paragraph (1)(c), to clarify the apparent intent that the variance needs to demonstrate water use reductions above and beyond what the rule otherwise requires.

3) Paragraph (3)(c), needs to be modified to clarify that "good cause" is the standard of review established by O.C.G.A. § 12-5-7 that a variance applicant must demonstrate in overcoming the rebuttable presumption the draft rule purports to establish. Without this critical clarification the rule risks inconsistency with its authorizing legislation.

We appreciate your consideration of these comments. The District looks forward to continuing its work with EPD during the development of the draft drought rule.

Sincerely,

Mayor Boyd Austin
District Chair

Katherine Zitsch, PE, BCEE
District Manager