

Georgia EPD

Flint River Drought Protection Rules Stakeholder Meeting July 24, 2014

NOTE: DRAFT AS OF July 14, 2014

Flint River Drought Protection Rule – Stakeholder Meeting

- Agenda
 - Welcome & Introduction
 - Senate Bill 213
 - Amendments to Flint River Drought Protection Act
 - Required Revisions in DNR Rules
 - Proposed Approach to Rule Revisions
 - Irrigation Reduction Auction
 - Irrigation Efficiency Requirements
 - Management of Augmented Flows
 - Wrap Up and Next Steps

Welcome & Introduction

- Overview and Purpose of Meeting
 - Senate Bill 213 passed in 2014
 - Amended Flint River Drought Protection Act
 - Requires changes in Flint River Drought Protection Rule
 - EPD is developing proposed rule to present to DNR Board
 - Tonight's meeting:
 - Inform stakeholders of rule changes under consideration
 - Receive input on approaches
 - Additional comments requested by July 31, 2014
 - Proposed rule expected to go to DNR Board in August
 - Proposed rule would then go out for public comment and public hearing

Major Provisions of Senate Bill 213

- Affected area defined
 - Area in the Flint basin where groundwater use from the Floridan can affect streamflow
 - Spring Creek, Ichawaynochaway, Kinchafoonee and Muckalee Creek drainage basins
- Irrigation reduction auction is now an option
 - Had been required if severe drought was declared
- New efficiency thresholds for irrigation systems
- New provisions for management of augmented streamflows

Rule Changes Under Consideration

Irrigation Reduction Auction

- Revise to make the severe drought declaration and irrigation auction discretionary
 - Follow language in SB 213
 - For auction to be implemented, severe drought must be announced by March 1
- Clarify application of other parts of the current rule to auction provisions only

Rule Changes Under Consideration: Irrigation Efficiency Thresholds

Irrigation Efficiency: SB 213 Provisions

- All permitted irrigation systems are to be 80% efficient
 - Except mobile and solid set systems, which are to be 60% efficient
- New applications for withdrawals must meet efficiency requirement before permitting
- Schedule established for existing permits to meet the efficiency requirement

Issue Date	Compliance Date
2006 or later	Jan 1, 2016
From 1991 through 2005	Jan 1, 2018
Before 1991	Jan 1, 2020

Irrigation Efficiency: Additional Provisions

- Definition of permittee
 - Include all valid surface and groundwater permits
- Definition of irrigation system
 - Center pivot, lateral (linear) move, traveling gun, solid set, permanent set, mobile, micro, drip, cable-tow traveler, hose-pull traveler

Irrigation Efficiency: Additional Provisions

- Self-certification of efficiency by permit holder or applicant
 - Using forms from EPD
 - Existing permits holders to complete certification form for their records by required date
 - Would only be submitted to EPD if requested
 - Certification form required with application for new permits
 - Potential for certification by specific parties other than the permit holder or applicant (e.g., irrigation specialist, Extension agent)

Irrigation Efficiency: Additional Provisions

- Two items expected to be required for certification
 - A leak correction and operational maintenance plan required for all systems
 - An operational pump shut down safety required for center pivots and lateral move systems
- Low pressure recognized as an efficient practice for center pivots and lateral move systems
- Recognize special case of animal feeding operations that withdraw from waste lagoons for land application
 - Require BMPs

Questions or Comments?

Rule Changes Under Consideration: Management of Augmented Flows

Augmented Flows: SB 213 Provisions

- Addresses state funded augmentation projects operated for the sole purpose of maintaining minimum stream flows to protect habitat critical for vulnerable aquatic life
- Authorizes the EPD Director to notify downstream permittees that, during periods of project operation, they shall let the flow provided by the project pass their point of withdrawal

Augmented Flows: Additional Provisions

- Definition of permittee
 - Surface water withdrawal permits only
- Definition of “vulnerable aquatic life”
 - Dependent on aquatic ecosystem
 - Listed as threatened or endangered or otherwise identified by the Director in consultation with the Commissioner

Augmented Flows: Additional Provisions

- Site-specific characteristics will determine the specifics of notification to allow flows to pass, including the permittees affected
 - Once a project is sited but before it begins operation, the Director would identify affected permittees
 - Those permittees may be notified, when the project is operating, that they must let the augmented flow pass their withdrawal point

Augmented Flows: Additional Provisions

- Factors to be considered in determining who may be notified:
 - Project design and amount of flow to be delivered
 - Tributaries and contributed flow
 - Potential interaction with groundwater
 - Overall potential for water loss and water gain
 - Number of downstream withdrawals
 - Meteorological conditions
 - Best available monitoring and modeling data
 - Degree to which protection of augmented flows will meet the purposes specified in SB 213

Augmented Flows: Additional Provisions

- EPD to be notified at the onset of each period of flow augmentation by a project
- EPD to then notify the appropriate affected downstream permits holders that they must let the augmented flow pass
- Information to be included in notice to permittees
 - Project location
 - Distance affected downstream
 - Expected duration of augmentation

Augmented Flows: Additional Provisions

- EPD's notice will also tell permittees how to determine if there is more water in the stream than the augmented flow
 - Water above the augmented flow would be available for withdrawal
- Permittees must comply with the notice immediately as specified in SB 213
- Permittees can petition for a hearing before an administrative law judge
 - Must be held within 5 business days (as specified in SB 213)

Questions or Comments?

Wrap Up

- Thank you for your interest, attendance, and participation
- Please provide any comments by July 31, 2014
 - Mail: James A. Capp
Chief, Watershed Protection Branch, EPD
2 Martin Luther King Jr. Drive, Suite 1152 East
Atlanta, GA 30334
RE: Flint River Drought Protection Rule – Public Meeting
 - E-mail: cliff.lewis@dnr.state.ga.us; Subject: Drought Management Rule – Public Meeting
- To ensure that you are notified of any future EPD Watershed Branch stakeholder meetings and/or public hearings on this subject, please email Cliff Lewis: cliff.lewis@dnr.state.ga.us