

# River Basin Planning Act

(O.C.G.A. 12-5-520 to 525)

92 SB637/AP

## *Senate Bill 637*

**By:** Senators Johnson of the 47<sup>th</sup>, Pollard of the 24<sup>th</sup>, Edge of the 28<sup>th</sup> and Egan of the 40<sup>th</sup>.

### **An Act**

To amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, so as to define certain terms; to provide for the development of river basin management plans for certain rivers; to provide for the contents of such plans; to provide for the appointment and duties of local advisory committees; to provide for notice and public hearings; to provide for submission to and approval of plans to the Board of Natural Resources; to make certain provisions relative to issuing certain permits; to provide for the application for and use of certain funds; to provide that this Act shall not enlarge the powers of the Department of Natural Resources; to repeal conflicting laws; and for other purposes.

### **Be It Enacted by the General Assembly of Georgia:**

**Section 1.** Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, is amended by inserting at the end thereof the following:

#### **Article 8**

12-5-520. As used in this article, the term:

- (1) “Board” means the Board of Natural Resources.
- (2) “Director” means the director of the Environmental Protection Division of the Department of Natural Resources.

12-5-521. The director shall develop river basin management plans for the following rivers: Alapaha, Altamaha, Canoochee, Chattahoochee, Coosa, Flint, Ochlocknee, Ocmulgee, Oconee, Ogeechee, St. Marys, Satilla, Savannah, Suwanee, Tallapoosa, and Tennessee. The director shall consult the chairmen of the local advisory committees on all aspects of developing the management plans. The director shall begin development of the management plan for the Chattahoochee and Flint river basins by December 31, 1992, and for the Coosa and Oconee river basins by December 31, 1993. Beginning in 1994, the director shall begin development of one management plan per calendar year until all required management plans have been begun. All

management plans shall be completed not later than five years after they were begun and shall be made available to the public within 180 days after completion.

- 12-5-522. The management plans provided by Code Section 12-5-521 shall include, but not be limited to, the following:
- (1) A description of the watershed, including the geographic boundaries, historical, current, and projected uses, hydrology, and a description of water quality, including the current water quality conditions;
  - (2) An identification of all governmental units that have jurisdiction over the watershed and its drainage basin;
  - (3) An inventory of land uses within the drainage basin and important tributaries including point and nonpoint sources of pollution;
  - (4) A description of the goals of the management plan, which may include educating the general public on matters involving the environmental and ecological concerns specific to the river basin, improving water quality and reducing pollution at the source, improving aquatic habitat and reestablishing native species of fish, restoring and protecting wildlife habitat, and providing recreational benefits; and
  - (5) A description of the strategies and measures necessary to accomplish the goals of the management plan.
- 12-5-523. As an initial action in the development of a management plan, the director shall appoint local advisory committees for each river basin to consist of at least seven citizens and a chairman appointed by the director. The local advisory committees shall provide advice and counsel to the director during the development of the management plan. Each committee shall meet at the call of the chairman but not less than once every four months. The chairman and members of the local advisory committees shall serve without compensation or reimbursement of expenses.
- 12-5-524.
- (a) Upon completion of the penultimate draft of a management plan, the director shall conduct public hearings within the river basin. At least one public hearing shall be held in each river basin named in Code Section 12-5-521. The director shall publish notice of each such public hearing in a newspaper of general circulation in the area announcing the date, time, place, and purpose of the public hearing. A draft of the management plan shall be made available to the public at least 30 days prior to the public hearing. The director shall receive public comment at the public hearing and for a period of at least ten days after the public hearing.
  - (b) The division shall evaluate the comments received as a result of the public hearings and shall develop the final draft of the management plan for submission to the board for consideration within 60 days of the public hearing.
  - (c) The board shall consider the management plan within 60 days after submission by the director. The department shall publish the management plan adopted by the board and shall make copies available to all interested

- local governmental officials and citizens within the river basin covered by such management plan.
- (d) Upon the board's adoption of a final river basin management plan, all permitting and other activities conducted by or under the control of the Department of Natural Resources shall be consistent with such plan.
  - (e) No provision of this article shall constitute an enlargement of the existing statutory powers of the department.
- 12-5-525. The director is directed to apply for the maximum amount of available funds pursuant to Sections 106, 314, 319, and 104(b)(2) of Public Law 95-217, the federal Clean Water Act, and any other available source for the development of river basin management plans.
- Section 2.** All laws and parts of laws in conflict with this Act are repealed.

# Georgia Instream Water Quality Standards For All Waters: Toxic Substances

## *(Excerpt From Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6-.03 Water Use Classifications and Water Quality Standards)*

I Instream concentrations of the following chemical constituents which are considered to be other toxic pollutants of concern in the State of Georgia shall not exceed the criteria indicated below under 7-day, 10-year minimum flow (7Q10) or higher stream flow conditions except within established mixing zones:			
1.	2,4-Dichlorophenoxyacetic acid (2,4-D)	70 µg/l	
2.	Methoxychlor*	0.03 µg/l	
3.	2,4,5-Trichlorophenoxy propionic acid (TP Silvex)	50 µg/l	
II Instream concentrations of the following chemical constituents listed by the U.S. Environmental Protection Agency as toxic priority pollutants pursuant to Section 307(a)(1) of the Federal Clean Water Act (as amended) shall not exceed criteria indicated below under 7-day, 10-year minimum flow (7Q10) or higher stream flow conditions except within established mixing zones or in accordance with site specific effluent limitations developed in accordance with procedures presented in 391-3-6-.06.			
1.	Arsenic		
(a)	Freshwater	50 µg/l	
(b)	Coastal and Marine Estuarine Waters	36 µg/l	
2.	Cadmium		
(a)	Freshwater		
	(at hardness levels less than 100 mg/l)	0.7 µg/l*	
	(at hardness levels of 100 mg/l to 199 mg/l)	1.1 µg/l*	
	(at hardness levels greater than or equal to 200 mg/l)	2.0 µg/l*	
	Note: Total hardness expressed as CaCO <sub>3</sub> .		
(b)	Coastal and Marine Waters	9.3 µg/l	
3.	Chlordane*		
(a)	Freshwater		0.0043 µg/l
(b)	Coastal and Marine Estuarine Waters		0.004 µg/l
4.	Chromium (VI)		
(a)	Freshwater		11 µg/l
(b)	Coastal and Marine Estuarine Waters		50 µg/l
5.	Total Chromium		
	(at hardness levels less than 100 mg/l)		120 µg/l
	(at hardness levels of 100 mg/l to 199 mg/l)		210 µg/l
	(at hardness levels greater than or equal to 200 mg/l)		370 µg/l
	Note: Total hardness expressed as CaCO <sub>3</sub> .		
6.	Copper		
(a)	Freshwater		
	(at hardness levels less than 100 mg/l)		6.5 µg/l*
	(at hardness levels of 100 mg/l to 199 mg/l)		12 µg/l
	(at hardness levels greater than or equal to 200 mg/l)		21 µg/l
	Note: Total hardness expressed as CaCO <sub>3</sub> .		
(b)	Coastal and Marine Estuarine Waters		2.9 µg/l*
7.	Cyanide*		
(a)	Freshwater		5.2 µg/l
(b)	Coastal and Marine Estuarine Waters		1.0 µg/l
8.	Dieldrin*		
			0.0019 µg/l

9. 4,4'-DDT*	0.001 µg/l	22. PCB-1232	0.014 µg/l
10. a-Endosulfan*		23. PCB-1242	0.014 µg/l
(a) Freshwater	0.056 µg/l	24. PCB-1248	0.014 µg/l
(b) Coastal and Marine Estuarine Waters	0.0087 µg/l	25. PCB-1254	0.014 µg/l
11. b-Endosulfan*		26. PCB-1260	0.014 µg/l
(a) Freshwater	0.056 µg/l	27. Phenol	300 µg/l
(b) Coastal and Marine Estuarine Waters	0.0087 µg/l	28. Selenium	
12. Endrin*	0.002 µg/l	(a) Freshwater	5.0 µg/l
13. Heptachlor*		(b) Coastal and Marine Estuarine Waters	71 µg/l
(a) Freshwater	0.0038 µg/l	29. Silver	**
(b) Coastal and Marine Estuarine Waters	0.0036 µg/l	30. Toxaphene	0.0002 µg/l
14. Heptachlor Epoxide*		31. Zinc	
(a) Freshwater	0.0038 µg/l	(a) Freshwater	
(b) Coastal and Marine Estuarine Waters	0.0036 µg/l	(at hardness levels less than 100 mg/l)	60 µg/l
15. Lead*		(at hardness levels of 100 mg/l to 199 mg/l)	110 µg/l
(a) Freshwater		(at hardness levels greater than or equal to 200 mg/l)	190 µg/l
(at hardness levels less than 100 mg/l)	1.3 µg/l	Note: Total hardness expressed as CaCO <sub>3</sub> .	
(at hardness levels of 100 mg/l to 199 mg/l)	3.2 µg/l	(b) Coastal and Marine Estuarine Waters	86 µg/l
(at hardness levels greater than or equal to 200 mg/l)	7.7 µg/l	Notes:	
Note: Total hardness expressed as CaCO <sub>3</sub> .		* The in-stream criterion is lower than the EPD laboratory detection limits.	
(b) Coastal and Marine Estuarine Waters	5.6 µg/l	** Numeric limits are not specified. This pollutant is addressed in 391-3-6-.06.	
16. Lindane [Hexachlorocyclohexane (g-BHC-Gamma)]	0.08 µg/l	III Instream concentrations of the following chemical constituents listed by the U. S. Environmental Protection Agency as toxic priority pollutants pursuant to Section 307(a)(1) of the Federal Clean Water Act (as amended) shall not exceed criteria indicated below under annual average or higher stream flow conditions:	
17. Mercury*		1. Acenaphthene	**
(a) Freshwater	0.012 µg/l	2. Acenaphthylene	**
(b) Coastal and Marine Estuarine Waters	0.025 µg/l	3. Acrolein	780 µg/l
18. Nickel		4. Acrylonitrile	0.665 µg/l
(a) Freshwater		5. Aldrin	0.000136 µg/l
(at hardness levels less than 100 mg/l)	88 µg/l	6. Anthracene	110000 µg/l
(at hardness levels of 100 mg/l to 199 mg/l)	160 µg/l	7. Antimony	4308 µg/l
(at hardness levels greater than or equal to 200 mg/l)	280 µg/l	8. Arsenic	0.14 µg/l
Note: Total hardness expressed as CaCO <sub>3</sub> .		9. Benzidine	0.000535 µg/l
(b) Coastal and Marine Estuarine Waters	8.3 µg/l	10. Benzo(a)Anthracene	0.0311 µg/l
19. Pentachlorophenol*		11. Benzo(a)Pyrene	0.0311 µg/l
(a) Freshwater	2.1 µg/l	12. 3,4-Benzofluoranthene	0.0311 µg/l
(b) Coastal and Marine Estuarine Waters	7.9 µg/l	13. Benzene	71.28 µg/l
20. PCB-1016	0.014 µg/l	14. Benzo(ghi)Perylene	**
21. PCB-1221	0.014 µg/l		

15. Benzo(k)Fluoranthene	0.0311 µg/l	58. Heptachlor	0.000214 µg/l
16. Beryllium	**	59. Heptachlor Epoxide	0.00011 µg/l
17. a-BHC-Alpha	0.0131 µg/l	60. Hexachlorobenzene	0.00077 µg/l
18. b-BHC-Beta	0.046 µg/l	61. Hexachlorobutadiene	49.7 µg/l
19. Bis(2-Chloroethyl)Ethe	1.42 µg/l	62. Hexachlorocyclopentadiene	17000 µg/l
20. Bis(2-Chloroisopropyl)Ether	170000 µg/l	63. Hexachloroethane	8.85 µg/l
21. Bis(2-Ethylhexyl)Phthalate	5.92 µg/l	64. Indeno(1,2,3-cd)Pyrene	0.0311 µg/l
22. Bromoform (Tribromomethane)	360 µg/l	65. Isophorone	600 µg/l
23. Carbon Tetrachloride	4.42 µg/l	66. Lindane [Hexachlorocyclohexane g-BHC-Gamma]	0.0625 µg/l
24. Chlorobenzene	21000 µg/l	67. Methyl Bromide (Bromomethane)	4000 µg/l
25. Chlorodibromomethane	34 µg/l	68. Methyl Chloride (Chloromethane)	**
26. 2-Chloroethylvinyl Ether	**	69. Methylene Chloride	H
27. Chlordane	0.000588 µg/l	70. 2-Methyl-4,6-Dinitrophenol	765 µg/l
28. Chloroform (Trichloromethane)	470.8 µg/l	71. 3-Methyl-4-Chlorophenol	**
29. 2-Chlorophenol	**	72. Nitrobenzene	1900 µg/l
30. Chrysene	0.0311 µg/l	73. N-Nitrosodimethylamine	8.12 µg/l
31. Dibenzo(a,h)Anthracene	0.0311 µg/l	74. N-Nitrosodi-n-Propylamine	**
32. Dichlorobromomethane	22 µg/l	75. N-Nitrosodiphenylamine	16.2 µg/l
33. 1,2-Dichloroethane	98.6 µg/l	76. PCB-1016	0.00045 µg/l
34. 1,1-Dichloroethylene	3.2 µg/l	77. PCB-1221	0.00045 µg/l
35. 1,3-Dichloropropylene (Cis)	1700 µg/l	78. PCB-1232	0.00045 µg/l
36. 1,3-Dichloropropylene (Trans)	1700 µg/l	79. PCB-1242	0.00045 µg/l
37. 2,4-Dichlorophenol	790 µg/l	80. PCB-1248	0.00045 µg/l
38. 1,2-Dichlorobenzene	17000 µg/l	81. PCB-1254	0.00045 µg/l
39. 1,3-Dichlorobenzene	2600 µg/l	82. PCB-1260	0.00045 µg/l
40. 1,4-Dichlorobenzene	2600 µg/l	83. Phenanthrene	**
41. 3,3'-Dichlorobenzidine	0.077 µg/l	84. Phenol	4,600,000 µg/l
42. 4,4'-DDT	0.00059 µg/l	84. Pyrene	11,000 µg/l
43. 4,4'-DDD	0.00084 µg/l	85. 1,1,2,2-Tetrachloroethane	10.8 µg/l
44. 4,4'-DDE	0.00059 µg/l	85. Tetrachloroethylene	8.85 µg/l
45. Dieldrin	0.000144 µg/l	87. Thallium	48 (6.3) µg/l I
46. Diethyl Phthalate	120000 µg/l	88. Toluene	200000 µg/l
47. Dimethyl Phthalate	2900000 µg/l	89. 1,2-Trans-Dichloroethylene	**
48. 2,4-Dimethylphenol	**	90. 1,1,2-Trichloroethane	41.99 µg/l
49. 2,4-Dinitrophenol	14264 µg/l	91. Trichloroethylene	80.7 µg/l
50. Di-n-Butyl Phthalate	12100 µg/l	92. 2,4,6-Trichlorophenol	6.5 µg/l
51. 2,4-Dinitrotoluene	9.1 µg/l	93. 1,2,4-Trichlorobenzene	**
52. 1,2-Diphenylhydrazine	0.54 µg/l	94. Vinyl Chloride	525 µg/l
53. Endrin Aldehyde	0.81 µg/l	Notes:	
54. Endosulfan Sulfate	2.0 µg/l	**	Numeric limits are not specified. These pollutants are addressed in 391-3-6-.06.
55. Ethylbenzene	28718 µg/l	†	EPD has proposed to the Board of Natural Resources changing numeric limits for methylene chloride from
56. Fluoranthene	370 µg/l		
57. Fluorene	14000 µg/l		

- unspecified to 1600 µg/l consistent with EPA's National Toxics Rule.
- ‡ EPD has proposed to the Board of Natural Resources changing numeric limits for thallium from 48 to 6.3 µg/l consistent with EPA's National Toxics Rule.
- IV Site specific criteria for the following chemical constituents will be developed on an as-needed basis through toxic pollutant monitoring efforts at new or existing discharges that are suspected to be a source of the pollutant at levels sufficient to interfere with designated uses:
1. Asbestos
- V Instream concentrations of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) must not exceed 0.0000012 µg/l under long-term average stream flow conditions.
- (e) Applicable State and Federal requirements and regulations for the discharge of radioactive substances shall be met at all times.

# Point Source Control Efforts

Georgia DNR's management has promoted continuing improvement in the quality of return flows from permitted point sources in the basin. During the past twenty-five years, the majority of our municipal wastewater treatment plants were constructed or updated to meet State and/or federally mandated effluent standards. State and federal grants and the citizens of local municipalities funded these projects. This massive construction program has been so successful that over 90% of all these facilities in Georgia are currently meeting their effluent limits. We must protect our investments in these facilities and in the State's water quality.

The history of construction improvements for permitted dischargers within the Saint Marys basin is summarized in the following table:

## ***HUC 03070204***

1967	City of Folkston built a collection system and 0.28 MGD two cell waste stabilization pond.
1972	Gilman Paper Company installed a primary clarifier and sixty acre aerated stabilization basin.
1976	City of St. Marys built the 0.55 MGD Weed Street Plant for \$1,700,000.
1979	City of Kingsland expanded and upgraded wastewater facilities for \$3,300,000.
1987	City of Kingsland built a 1.6 MGD activated sludge facility with discharge to Catfish Creek.
1987	Gilman Paper Company relocated their discharge more than a mile downstream on the North River, started discharging on a tidal cycle and began injecting oxygen into the river, at a cost of \$3,000,000.
1980s	U.S. Department of Navy constructed the Kings Bay Submarine Base including a 1.5 MGD land application system with three underdrain outfalls to Marianna Creek.
1994	Gilman Paper Company increased aeration in the stabilization pond to 2700 horsepower for about \$1,800,000.
1998	City of Kingsland expanded to 2.2 MGD and moved the discharge to the marsh on the north bank of the St. Marys River at Scrubby Bluff Road.
1999	Gilman Paper Company sold the St. Marys Kraft Mill, which has been in operation since 1941, to the Durango Corporation. The mill now operates as Durango-Georgia Paper Company.
1999	City of Folkston started operation of a 0.3 MGD land application system and a 0.5 MGD constructed wetlands system.
2000	City of St. Marys built Point Peter Plant, a 0.8 MGD facility, for \$6,000,000.

# NPDES Permits for Discharges in the St. Marys River Basin

FACILITY NAME	NPDES #	PERMITTED FLOW (MGD)	MAJOR	COUNTY	RECEIVING STREAM
DURANGO PAPER ST MARYS	GA0001953		Y	CAMDEN	NORTH RV
FOLKSTON	GA0037613	0.26		CHARLTON	SPANISH CR
FOLKSTON POND	GA0027189	0.28		CHARLTON	CLAY BR
KINGSLAND ST MARYS WPCP	GA0037800	2.2	Y	CAMDEN	ST MARYS RV
RIVER OAKS MHP	GA0035599	0.008		CAMDEN	CROOKED RV
SAINT MARYS SCRUBBY BLUFF	GA0037931	0.5		CAMDEN	CASEY CREEK
SAINT MARYS WELCOME CENTER	GA0026352	0.035		CAMDEN	ST MARYS RV
SAINT MARYS WPCP	GA0026255	0.7		CAMDEN	SAINT MARYS RV
US NAVY KINGS BAY	GA0027707	0.5		CAMDEN	KINGS BAY

# Support of Designated Uses for Rivers, Streams, and Lakes in the St. Mary's River Basin, 1998-1999

## Rivers/Streams Partially Supporting Designated Uses

BASIN/STREAM (Data Source)	LOCATION	WATER USE CLASSIFICATION	CRITERION VIOLATED	EVALUATED CAUSE(S)	ACTIONS TO ALLEVIATE	MILES	305(b)	303(d)	Priority
<b>ST. MARYS RIVER BASIN</b>									
<b>HUC 03070204</b>									
N. Prong St. Marys River (1)	Headwaters to Cedar Cr. (Charlton Co.)	Fishing	FCG,DO	NP	EPD will address nonpoint sources through a watershed protection strategy. Note: Fish consumption guidelines due to mercury in fish tissue.	19	X	3*	2
N. Prong St. Marys River (1)	Cedar Cr. to S. Prong St. Marys River (Charlton Co.)	Fishing	FCG	NP	EPD will address nonpoint sources through a watershed protection strategy. Note: Fish consumption guidelines due to mercury in fish tissue.	9	X	3	3
Spanish Creek (1)	Long Branch to St. Marys River (Charlton Co.)	Fishing	FC,DO	UR	EPD will address nonpoint source (urban runoff) through a watershed protection strategy.	4	X	3	2
St. Marys River (1,39)	S. Prong St. Marys River to St. Marys Cut (Charlton/Camden Co.)	Fishing	FCG	NP	EPD will address nonpoint sources through a watershed protection strategy. Note: Fish consumption guidelines due to mercury in fish tissue.	55	X	3	3
St. Marys River (1)	Upstream Cabbage Bend to Catfish Cr. (Camden Co.)	Fishing	DO	NP	EPD will address nonpoint sources through a watershed protection strategy.	15	X	3	2

\*Note: the "3" in the 303(d) column denotes the fact that the TMDL has been established for each pollutant and the segment is no longer on the Georgia 303(d) list.

**Rivers/Streams Not Supporting Designated Uses**

BASIN/STREAM (Data Source)	LOCATION	WATER USE CLASSIFICATION	CRITERION VIOLATED	POTENTIAL CAUSE(S)	ACTIONS TO ALLEVIATE	MILES	305(b)	303(d)	Priority
<b>ST. MARYS RIVER BASIN</b>									
<b>HUC 03070204</b>									
Boone Creek (1)	Upstream St. Marys River (Charlton Co.)	Fishing	DO	NP	EPD will address nonpoint sources through a watershed protection strategy.	6	X	3	2
Corn House Creek (1)	Upstream St. Marys River (Charlton Co.)	Fishing	DO	NP	EPD will address nonpoint sources through a watershed protection strategy.	7	X	3	2
Horsepen Creek (1)	Headwaters to St. Marys River (Camden Co.)	Fishing	DO,FC	NP	EPD will address nonpoint sources through a watershed protection strategy.	4	X	3	2
St. Marys Trib. 5 (1)	Upstream St. Marys River (Charlton Co.)	Fishing	DO	UR	EPD will address nonpoint source (urban runoff) through a watershed protection strategy.	3	X	3	2

### Estuarine Waters Not Fully Supporting Designated Uses

ESTUARY NAME (Data Source)	LOCATION	BASIN	WATER USE CLASSIFICATION	USE SUPPORT CATEGORY	CRITERION VIOLATED	POTENTIAL CAUSE(S)	SQUARE MILES AFFECTED	305(b)	303(d)	Priority
North River (1,5)	St. Marys	St. Marys	Fishing	N	SB	I1	3	X	N/A	N/A