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## CONSERVATION AND NATURAL RESOURCES Water Pollution and Surface-Water Use: Create the Metropolitan North Georgia Water Planning District; Provide a Statement of Legislative Intent and Purpose; Provide for Advisory Councils and Committees to the District; Provide for Watershed, Storm-Water, Waste-Water, Water Supply, and Conservation Management for the District; Promote Public Education and Awareness on Water Quality and Supply Issues; Provide for Oversight, Powers and Duties of the District

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## WATER RESOURCES

***Water Pollution and Surface-Water Use: Create the Metropolitan North Georgia Water Planning District; Provide a Statement of Legislative Intent and Purpose; Provide for Advisory Councils and Committees to the District; Provide for Watershed, Storm-Water, Waste-Water, Water Supply, and Conservation Management for the District; Promote Public Education and Awareness on Water Quality and Supply Issues; Provide for Oversight, Powers and Duties of the District***

CODE SECTIONS: O.C.G.A. §§ 12-5-23 (amended), -570 to -586 (new)  
BILL NUMBER: SB 130  
ACT NUMBER: 27  
GEORGIA LAWS: 2001 Ga. Laws 115  
SUMMARY: The Act, called the Metropolitan North Georgia Water Planning District Act, creates the Water Planning District, sets out its purpose, and defines terms and rules pertaining to water planning and management for those counties which participate in the District. The Act addresses watershed, stormwater, wastewater, water supply, and conservation management for the Atlanta metropolitan area. The Act creates oversight of the District, and advisory councils and committees to make recommendations to the District Board.  
EFFECTIVE DATE: May 1, 2001<sup>1</sup>

### *History*

Environmental groups and citizens brought suits against the City of Atlanta for continuously neglecting to meet water quality standards as required by the federal Clean Water Act of 1972.<sup>2</sup> Settlement

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1. See 2001 Ga. Laws 115, § 4, at 129.  
2. 33 U.S.C. §§ 1251-1387 (1972). See Stacy Shelton & Julie B. Hairston, *Fix-It Plan Would Cause Atlanta Sewage Bills to Skyrocket*, ATLANTA J. CONST., Mar. 14, 2001; see also *Upper Chattahoochee Riverkeeper Fund v. City of Atlanta*, 98 F. Supp. 2d 1380 (N.D. Ga. 2000); *Upper Chattahoochee*

agreements from these lawsuits put additional growth in the Atlanta area in jeopardy, especially where water supply and sewer capacity were concerned.<sup>3</sup> During the 2000 summer, the Metro Atlanta Chamber of Commerce and the Regional Business Coalition created the Clean Water Initiative (CWI) to address the restrictions placed on growth in the metropolitan area.<sup>4</sup> The CWI consisted of thirty-seven business leaders, environmental activists, and state and local government officials who collected information from anyone expressing interest in Georgia water issues.<sup>5</sup> Many expressed the opinion that the planning district should be organized by water basin and not political boundaries, because historically counties and municipalities have been unable to cooperate to resolve water issues.<sup>6</sup> The CWI voted on three recommendations for a water management planning district to assist in curing the Atlanta metropolitan area's water quality and quantity issues.<sup>7</sup> The accepted version included a planning team comprised of nineteen local officials and sixteen citizen representatives to provide a diverse knowledge-base from businesses, academia, and conservation groups.<sup>8</sup> The proposal also contained a financing option for a two billion dollar bond, and gave partial authority for the initiative to the Department of Natural Resources.<sup>9</sup> Although many elements of the proposal did not survive the legislative process, it did serve as the basis for the Governor's sponsored bill, SB 130, that created the Metropolitan North Georgia Water Planning District.<sup>10</sup>

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Riverkeeper Fund v. City of Atlanta, 986 F. Supp. 1406 (N.D. Ga. 1997); Upper Chattahoochee Riverkeeper Fund v. City of Atlanta, 953 F. Supp. 1541 (N.D. Ga. 1996); Sierra Club v. Hankinson, 939 F. Supp. 872 (N.D. Ga. 1996).

3. See Julie B. Hairston, *City Soon to Submit Its Plan for Cleaning Up Chattahoochee*, ATLANTA J. CONST., Mar. 22, 2001, at D2; Shelton & Hairston, *supra* note 2.

4. See Hairston, *supra* note 3, at D2.

5. See A.W. Dahlberg & A. Ray Weeks, Jr., *High Time to Address Water*, GA. TREND, Feb. 1, 2001 [hereinafter *High Time*]; A.W. Dahlberg & A. Ray Weeks, Jr., *Coordinate Water Planning*, ATLANTA J. CONST., Feb. 27, 2001, at A16.

6. See Telephone and Electronic Mail Interview with Michelle Fried, General Counsel, Upper Chattahoochee Riverkeeper (Apr. 20, 2001) [hereinafter *Fried Interview*].

7. See *High Time*, *supra* note 5.

8. See Electronic Mail Interview with Sally Bethea, Executive Director and Riverkeeper, Upper Chattahoochee Riverkeeper (Apr. 15, 2001) [hereinafter *Bethea Interview*].

9. See *id.*

10. See Patricia M. LaHay, *Senate Passes Barnes' Plan to Create Atlanta-Area Water Planning District*, AP NEWSWIRE, Feb. 27, 2001, available in Westlaw, GANEWS database.

*SB 130**Introduction*

Senators Steve Thompson of the 33rd District, Charlie Tanksley of the 32nd District, Connie Stokes of the 43rd District, Charlie Walker of the 22nd District, and Eric Johnson of the 1st District sponsored SB 130.<sup>11</sup> Senator Thompson introduced the bill on the Senate floor on February 8, 2001.<sup>12</sup> The Senate assigned the bill to its Natural Resources Committee, which favorably reported the bill, as amended, on February 21, 2001.<sup>13</sup> The Senate adopted the Committee amendment, adopted four floor amendments, and passed the bill on February 27, 2001.<sup>14</sup>

On March 1, 2001, the House assigned SB 130 to its Natural Resources and the Environment Committee, which created its own substitute and favorably reported the bill on March 14, 2001.<sup>15</sup> The House adopted the Natural Resources and the Environment Committee substitute, adopted two floor amendments, and passed the bill on March 19, 2001.<sup>16</sup>

The Senate agreed to the House version of the bill on March 21, 2001.<sup>17</sup> The General Assembly forwarded the bill to Governor Roy Barnes, who signed SB 130 into law on April 5, 2001.<sup>18</sup>

*Consideration by the Senate Natural Resources Committee*

After introduction, the Senate assigned the bill to its Natural Resources Committee.<sup>19</sup> The Committee favorably reported the bill, as amended, on February 21, 2001.<sup>20</sup> The Natural Resources Committee amendment replaced subsections (a) and (b) of the proposed Code

11. *See* SB 130, as introduced, 2001 Ga. Gen. Assem.

12. *See* State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

13. *See id.*

14. *See* Georgia Senate Voting Record, SB 130 (Feb. 27, 2001); State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001; *see also* Audio Recording of Senate Proceedings, Feb. 27, 2001 (vote on amendments), at <http://www.state.ga.us/services/leg/audio/2001archive.html> [hereinafter Senate Audio].

15. *See* State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

16. *See* Georgia House of Representatives Voting Record, SB 130 (Mar. 19, 2001); State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001; *see also* Audio Recording of House Proceedings, Mar. 19, 2001 (vote on amendments), at <http://www.state.ga.us/services/leg/audio/2001archive.html> [hereinafter House Audio].

17. *See* State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

18. *See* 2001 Ga. Laws 115, § 4, at 129.

19. *See* State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

20. *See id.*

section 12-5-575 with language making counties and municipalities with a population of 15,000 or more members of the District, clarifying how the District Board would be established, and specifying how long the appointees would serve on the Board.<sup>21</sup> The Committee amendment also changed what constituted a quorum from a fixed number of thirteen to a majority of the Board members.<sup>22</sup> Considering the question of a proxy vote, the bill as introduced gave each member one vote and did not allow for proxy votes; the Committee amendment allowed each Board member to appoint an alternate to exercise the member's powers, including voting, in the member's absence.<sup>23</sup>

Another change recommended by the Committee was to add language requiring approval from the Director of the Environmental Planning Division (EPD) for a county or municipality who adjoined a member county or municipality to join the District.<sup>24</sup> The bill provided for a finance committee which would make recommendations for funding structures for the District and projects, and forward the recommendations to the Governor and chairpersons of the Senate Natural Resources Committee and the House Natural Resources and the Environment Committee.<sup>25</sup> The Committee amendment included forwarding the recommendations to the Lieutenant Governor and the Speaker of the House of Representatives as well.<sup>26</sup> Similarly, the amendment allowed for the District, when it submitted written reports detailing its activities and progress, to submit the reports to the Governor, Lieutenant Governor, and the Speaker of the House of Representatives, as well as the chairpersons of the Senate Natural Resources Committee and the House Natural Resources and Environment Committee.<sup>27</sup> Proposed Code section 12-5-581 created basin advisory councils for the Chattahoochee, Etowah, Flint, Oconee, and Ocmulgee river basins; the Committee amendment added the Lake Lanier Basin to that list.<sup>28</sup>

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21. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

22. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

23. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

24. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

25. See SB 130, as introduced, 2001 Ga. Gen. Assem.

26. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

27. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

28. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCS), 2001 Ga. Gen. Assem.

### *Senate Passage and Floor Amendments*

The Senate passed the SB 130 Committee substitute, with floor amendments, on February 27, 2001.<sup>29</sup> The Senate floor amendments provided that the basin advisory councils would meet on a regular basis as determined by the District Board instead of meeting “from time to time.”<sup>30</sup> The floor amendments provided language in the river basin advisory council sections to ensure that the Lake Alatoona Preservation Authority would constitute one of the twenty members of the Etowah basin advisory council.<sup>31</sup> The floor amendments also changed the phrasing of subsection (5) of proposed Code section 12-5-583 from septic tank use to decentralized wastewater system management.<sup>32</sup> The floor amendments also added language to Code section 12-5-23 to give examples of standards that the District will create, including consideration for stream flow for the benefit of those downstream from the District.<sup>33</sup>

### *Consideration by the House Natural Resources and the Environment Committee*

The House Natural Resources and the Environment Committee favorably reported SB 130, as substituted, on March 14, 2001.<sup>34</sup> The House Natural Resources and the Environment Committee substitute added language to proposed Code section 12-5-574(a) to ensure that the District takes into account the basin advisory councils’ recommendations.<sup>35</sup> The Committee substitute also added subsections (8) through (11) to subsection (a), enumerating additional powers for the District, including the ability to enter into contracts connected with exercising its powers and duties, development of goals, and the development of a program to identify controls needed to achieve

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29. See Georgia Senate Voting Record, SB 130 (Feb. 27, 2001); State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001; Senate Audio, *supra* note 14 (vote on amendments).

30. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCSFA), 2001 Ga. Gen. Assem.

31. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCSFA), 2001 Ga. Gen. Assem.

32. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCSFA), 2001 Ga. Gen. Assem.

33. Compare SB 130, as introduced, 2001 Ga. Gen. Assem., with SB 130 (SCSFA), 2001 Ga. Gen. Assem.

34. See State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

35. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

the goals.<sup>36</sup> The Committee substitute also revised proposed Code section 12-5-575 to add language providing membership appointment for a county with a population of less than 200,000 having a joint water authority with a municipality.<sup>37</sup> The Committee substitute also added language to proposed Code section 12-5-579, which provided assistance to the Environmental Planning Division of the Atlanta Regional Commission; the substitute named the Chattahoochee-Flint Regional Development Center in addition to the other centers and committees already listed to assist.<sup>38</sup>

The Natural Resources and the Environment Committee substitute also changed proposed Code section 12-5-581, referring to the creation of the basin advisory councils.<sup>39</sup> First of all, the substitute added language to ensure that the Lake Lanier Basin Advisory Council membership would include at least one person appointed by the Lake Lanier Association, Inc.<sup>40</sup> The substitute also added language to define a river basin as “those lands lying between the ridgelines dividing each river drainage from another,” and language to provide that the advisory council members must reside in the particular river basin they represent.<sup>41</sup> The Committee substitute also added a subsection to create two additional basin advisory councils, one for the watersheds existing upstream from the District, and one representing the watersheds downstream.<sup>42</sup> The Committee substitute also amended the section to require that each advisory council meet a minimum of four times per year, and that the councils will provide input to the District concerning the development of standards for their specific river basin.<sup>43</sup>

The House Committee substitute also added language providing that the District plan include short-term and long-term goals as well as a means to assess progress in accomplishing the goals in the model ordinance, wastewater management plans, and water supply and conservation plans.<sup>44</sup> In addition, the Committee substitute added language in numerous locations to ensure that a plan is not only

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36. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

37. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

38. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

39. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

40. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

41. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

42. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

43. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

44. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

developed and adopted, but also implemented, and that progress on such implementation is reported to the Director.<sup>45</sup>

The Committee substitute also added a paragraph to proposed Code section 12-5-583 regarding the long-term wastewater management plan for the District.<sup>46</sup> The paragraph provides for an inspection and maintenance program for sewer collection systems with timetables for necessary upgrades.<sup>47</sup>

The House Committee substitute also amended proposed section 12-5-584, relating to the water supply and conservation management plans.<sup>48</sup> Language was added limiting the District to identifying opportunities to expand water supply within the District, and not outside of the District.<sup>49</sup> Furthermore, the substitute added a paragraph requiring the accounting of surface water transfers in excess of 100,000 gallons per day (annualized) across natural basins within the District already in existence prior to the creation of the District.<sup>50</sup>

### *House Passage and Floor Amendments*

The House adopted the Committee substitute and passed SB 130 with floor amendments on March 19, 2001.<sup>51</sup> Although there were a considerable number of floor amendments proposed, only two were adopted.<sup>52</sup> Many of the initiated amendments were incorporated into the House Committee substitute before introduction to the floor.<sup>53</sup> The approved floor amendments added clarifying language as to membership in the District by counties of less than 200,000 and further stipulated that the District's water supply management plan cannot consider interbasin transfers of water from outside the District.<sup>54</sup> The approved floor amendments also added a subsection to proposed Code section 12-5-582 regarding the model ordinance, providing training for elected local officials and local personnel on nonpoint source pollution.<sup>55</sup> The

45. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

46. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

47. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

48. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

49. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

50. Compare SB 130 (SCSFA), 2001 Ga. Gen. Assem., with SB 130 (HCS), 2001 Ga. Gen. Assem.

51. See Georgia House of Representatives Voting Record, SB 130 (Mar. 19, 2001); State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001; House Audio, *supra* note 16 (vote on amendments).

52. See State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

53. See House Audio, *supra* note 16 (remarks by Rep. Bob Hanner).

54. Compare SB 130 (HCS), 2001 Ga. Gen. Assem., with SB 130 (HCSFA), 2001 Ga. Gen. Assem.

55. Compare SB 130 (HCS), 2001 Ga. Gen. Assem., with SB 130 (HCSFA), 2001 Ga. Gen. Assem.



approved floor amendments removed the language added by the House Committee substitute regarding the joint county and municipal water authority membership.<sup>56</sup> The approved floor amendments also added language requiring a quorum in order to adopt any matter before the District.<sup>57</sup>

The Senate agreed to the House substitute on March 21, 2001.<sup>58</sup> The Governor signed SB 130 into law on April 5, 2001.<sup>59</sup>

### *The Act*

The Act adds Article 10 to Chapter 5 of Title 12, and entitles the article the "Metropolitan North Georgia Water Planning District Act."<sup>60</sup> Section 1 of Article 10 includes new Code sections 570 through 586.<sup>61</sup> Code section 12-5-570 sets out the name of the Act.<sup>62</sup> Code sections 12-5-571 and 12-5-572 set out the findings of the General Assembly and purposes of the Act.<sup>63</sup> Code section 12-5-573 provides definitions for the Act.<sup>64</sup>

Code section 12-5-574 outlines the powers of the District; prevents counties not receiving benefits from water management facilities or projects from having to share in the cost allocations of those facilities or projects; and restricts the extension of time allowed in meeting the goals set forth by the Act.<sup>65</sup> Code section 12-5-575 relates to the membership of the Water Planning District Board, including who shall appoint, who will be considered for appointment, and how long appointees shall serve.<sup>66</sup> Board membership will be twenty-nine members, ten of whom are appointed by the Governor, Lieutenant Governor, and Speaker of the House of Representatives.<sup>67</sup>

Code section 12-5-576 refers to procedural matters concerning the Board meetings, including requiring the Board to meet at least six times per year and allowing each member to designate an alternate to serve in

56. Compare SB 130 (HCS), 2001 Ga. Gen. Assem., with SB 130 (HCSFA), 2001 Ga. Gen. Assem.

57. Compare SB 130 (HCS), 2001 Ga. Gen. Assem., with SB 130 (HCSFA), 2001 Ga. Gen. Assem.

58. See State of Georgia Final Composite Status Sheet, SB 130, Mar. 21, 2001.

59. See 2001 Ga. Laws 115, § 5, at 129.

60. See *id.*, § 1, at 116.

61. See O.C.G.A. §§ 12-5-570 to -586 (2001).

62. See *id.* § 12-5-570.

63. See *id.* §§ 12-5-571, -572.

64. See *id.* § 12-5-573.

65. See *id.* § 12-5-574.

66. See *id.* § 12-5-575.

67. See *id.*

such member's absence.<sup>68</sup> Code section 12-5-577 regards the funding for the District, including the potential sources of appropriated or contracted state funds, federal, state or local grants, and dues paid by cities and counties that are raised on a per capita basis, water-usage fee basis, or other formula adopted by the local government members.<sup>69</sup>

Code section 12-5-578 provides that counties contiguous to member counties or municipalities may apply for membership to the District upon approval by the Director of the EPD.<sup>70</sup> Code section 12-5-579 provides that the District staff will include the existing staff of the EPD with assistance from various regional commissions and centers,<sup>71</sup> and Code section 12-5-580 creates technical coordinating and finance committees to advise the District Board and staff.<sup>72</sup>

Code section 12-5-581 creates the basin advisory councils.<sup>73</sup> A council will be created for each of the Chattahoochee, Etowah, Flint, Oconee, and Ocmulgee river basins and the Lake Lanier Basin, as well as two additional basin advisory councils, one for watersheds upstream from the District and the other for watersheds downstream from the District.<sup>74</sup> Each advisory council shall have a minimum of twenty members, and shall advise and provide input as to policies and standards for the management plans.<sup>75</sup>

Code section 12-5-582 sets deadlines as to when the planning District must deliver tangible results of its efforts, including a one year deadline after the Act's effective date to provide a model ordinance for effective stormwater management, and two years to provide a district-wide watershed management plan.<sup>76</sup> Code section 12-5-582 also provides a list of minimum elements required in the plans, and outlines disincentives for local governments not abiding by the model stormwater ordinance, or a reasonable facsimile, including ineligibility for certain state grants and loans.<sup>77</sup>

Similar to Code section 12-5-582, section 12-5-583 sets deadlines for the production of wastewater management plans.<sup>78</sup> The time limits

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68. *See id.* § 12-5-576.

69. *See id.* § 12-5-577.

70. *See id.* § 12-5-578.

71. *See id.* § 12-5-579.

72. *See id.* § 12-5-580.

73. *See id.* § 12-5-581.

74. *See id.*

75. *See id.*

76. *See id.* § 12-5-582.

77. *See id.*

78. *See id.* § 12-5-583.

include one year after the Act's effective date to provide a short-term plan for wastewater management and two years to provide a long-term wastewater management plan.<sup>79</sup> The objective is to ease immediate waste-water capacity constraints and reduce the need for sewer tap moratoria.<sup>80</sup> Section 12-5-584 follows suit and sets a two year time limit for completing a water supply and conservation management plan.<sup>81</sup>

Code sections 12-5-582 through 584 provide the Director with the ability to modify all existing permits that were issued under Code sections 12-5-29 through 31, -96, -97, or -179.<sup>82</sup> Sections 12-5-582 through 584 also prevent the Director from approving any application to issue, modify, or renew a permit under the previous listed Code sections if the local government is not in compliance with the district water management plan or at least making a good faith effort to come into compliance with the plan.<sup>83</sup>

Code section 12-5-585 requires the District plan to provide for public education and awareness of the District's plans, reaching between 75% and 90% of the population within five years.<sup>84</sup> Section 12-5-586 requires written annual reports detailing the District's activities and progress.<sup>85</sup>

Section 2 of the Act amends Code section 12-5-23, relating to powers and duties to control water pollution and surface-water use, by adding subsection (a)(1)(S) requiring local government units which discharge at least one million gallons of wastewater per day to submit watershed assessment and protection plans to the Director.<sup>86</sup>

Section 3 of the Act also amends Code section 12-5-23 by adding subsection (c)(16), setting forth standards and example objectives for water plans, including maintaining appropriate stream flow levels downstream.<sup>87</sup>

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79. *See id.*

80. *See id.*

81. *See id.* § 12-5-584.

82. *See id.* §§ 12-5-582 to -584.

83. *See id.*

84. *See id.* § 12-5-585.

85. *See id.* § 12-5-586.

86. *Compare* 1996 Ga. Laws 255, § 1, at 258 (formerly found at O.C.G.A. § 12-5-23 (1996)), *with* O.C.G.A. § 12-5-23 (2001).

87. *Compare* 1996 Ga. Laws 255, § 1, at 258 (formerly found at O.C.G.A. § 12-5-23 (1996)), *with* O.C.G.A. § 12-5-23 (2001).

*Opposition to SB 130*

Everyone agreed that something needed to be done about Georgia's water quality and quantity issues; however, many disagreed about how it should be done.<sup>88</sup> The environmental community felt SB 130 did too little, while the geographical areas of the state outside of the District feared it did too much.<sup>89</sup>

The environmental community has issues with how the District is structured into counties, not basins, and how it only addresses a section of the state, excluding the headwaters of the major river basins and the areas downstream of the District.<sup>90</sup> Also of concern was that most of the District's power is placed in the hands of those who, according to the environmental community, allowed the degradation of the area's water—specifically the Atlanta Regional Commission and the EPD.<sup>91</sup> The political entities may also focus the District's resources on addressing the metropolitan area's water supply issues, ignoring water quality issues which were the catalyst for the process in the first place.<sup>92</sup> Having given authority for the District to those who have been unsuccessful in protecting Georgia's water resources, coupled with the fact that there are no new enforcement mechanisms to achieve the District's goals, many in the environmental community are skeptical about the District's ability to achieve clean water in Georgia.<sup>93</sup>

Representatives from the counties that were not included in the District expressed concerns about using SB 130 to acquire most of the state's water supply for metropolitan Atlanta alone.<sup>94</sup> Some believed the population should go where the resources are, not move the resources to where the population is congregating.<sup>95</sup> Interbasin transfers that relocate water supply to, and sewage from, the Atlanta area, remain a valid concern of other counties in the state.<sup>96</sup> Furthermore, the entire state, not just the metropolitan Atlanta area, has water quality issues

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88. *See generally* Editorial, *Using Failed ARC Model Will Drown Water Policies*, ATLANTA J. CONST., Feb. 26, 2001, at A8.

89. *See* Dave Williams, *Barnes Proposes Board for Water Management*, AUGUSTA CHRON., Feb. 6, 2001, at C7.

90. *See* Bethea Interview, *supra* note 8.

91. *See* Sally Bethea, *Local Leaders Caused Woes*, ATLANTA J. CONST., Mar. 2, 2001, at A20; Bethea Interview, *supra* note 8.

92. *See* Bethea Interview, *supra* note 8.

93. *See id.*

94. *See* House Audio, *supra* note 16 (remarks by Rep. Jeff Brown).

95. *See* House Audio, *supra* note 16 (remarks by Rep. Bob Hanner).

96. *See* Telephone Interview with Rep. Charlie Smith, Jr., House District No. 175 (Apr. 17, 2001) [hereinafter Smith Interview].

which need to be addressed.<sup>97</sup> Without a voice, downstream counties will be forced to live with the District's decisions affecting the quality and quantity of their water supply.<sup>98</sup> Governor Barnes therefore initiated, and the General Assembly adopted SR 142, which will study statewide water issues.<sup>99</sup> The Governor signed both SB 130 and SR 142 on April 5, 2001.<sup>100</sup>

*Amy Haywood*

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97. See House Audio, *supra* note 16 (remarks by Rep. Glenn Richardson).

98. See House Audio, *supra* note 16 (remarks by Rep. Anne O'Quin Mueller).

99. See SR 142, as passed, 2001 Ga. Gen. Assem.; Editorial, *It's Georgians' Turn to Govern Water Use*, ATLANTA J. CONST., Mar. 14, 2001, at A12; State of Georgia Final Composite Status Sheet, SR 142, Mar. 21, 2001.

100. See *Barnes Signs Bills to Work on Water Needs*, AP NEWSWIREs, Apr. 5, 2001, available in Westlaw, GANEWS database.