

RULES OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION

CHAPTER 391-3-32
REGIONAL WATER PLANNING

391-3-32-.01 Preparation of Regional Water Development and Conservation Plans.

- (1) Purpose. The purpose of Section 391-3-32-.01 is to provide minimum uniform statewide regulations for the preparation of Regional Water Development and Conservation Plans. As authorized by O.C.G.A. §§12-5-31 and 12-5-96, in a manner consistent with O.C.G.A. § 12-5-520, et seq., and as provided in the Comprehensive State-wide Water Management Plan, Regional Water Development and Conservation Plans shall promote the sustainable use of Georgia's waters through the selection of an array of management practices, to support the State's economy, to protect public health and natural systems, and to enhance the quality of life for all citizens.
- (2) Policy. As provided in the Comprehensive State-wide Water Management Plan, the characteristics of water resources and water users vary significantly in differing regions across Georgia. Protecting the ability of the State's water resources to meet needs for water supply and assimilation of waterborne contaminants requires regional, resource-based plans that identify the management practices appropriate to the resources and users in each region.
- (3) Definitions. All terms used in this Section shall be interpreted in accordance with the definitions as set forth in this Paragraph, or in any other Paragraph of this Section:
 - (a) "Aquifer" means a geological formation, group of such formations, or a part of such a formation that is water bearing;
 - (b) "Assimilative capacity" is a determination describing the amount of contaminant load that can be discharged to a specific water body without exceeding water quality standards or criteria. Assimilative capacity is used to define the ability of a water body to naturally absorb and use a discharged substance without water quality becoming impaired or aquatic life being harmed;
 - (c) "Comprehensive State-wide Water Management Plan" is the plan provided for by O.C.G.A. §12-5-520 et seq. whose purpose is to help guide the stewardship of Georgia's water resources to ensure that those resources continue to support the State's economy while maintaining healthy natural systems. The Comprehensive State-wide Water Management Plan mandates preparation of regional Water Development and Conservation Plans;
 - (d) "Consumptive use" is the difference between the total amount of water withdrawn from a defined hydrologic system of surface water or groundwater and the total amount of the withdrawn water that is returned to that same hydrologic system over a specified period of time;
 - (e) "Consumptive use assessment" is a determination describing the water reliably available for consumptive use over a specified period of time from a defined

- hydrologic system of surface water or groundwater sources in a dry year, beyond the quantities needed to meet flow regime requirements or in-aquifer needs, which the Division will establish. A consumptive use assessment will establish a baseline that may be increased through either selected modifications of the source, such as increasing water storage capacity, or supplementing the source. This baseline for the water available from each water source will be provided for the purposes of regional planning. Water use above the baseline defined by the dry year consumptive use assessments may be permitted by the Division in normal and wet years;
- (f) “Director” is the Director of the Environmental Protection Division of the Department of Natural Resources;
 - (g) “Division” means the Environmental Protection Division of the Department of Natural Resources;
 - (h) “Dry year” means the time period of lowest precipitation and/or streamflow for which water supply and wastewater facilities are designed and operated;
 - (i) “Flow regime” is a description of the pattern of flow variability for an individual surface water source. Flow regime involves the magnitude, timing, duration, frequency and rate of water movement;
 - (j) “Future” means the time period over which one might reasonably forecast water uses and users;
 - (k) “Human use” refers to all the ways in which water is employed for human benefit, including, without limitation, public health purposes, human consumption, agricultural and industrial production, recreation, municipal, and commercial purposes. This list of uses is not in priority order and does not alter priorities for water use established by the Georgia Code;
 - (l) “Hydrologically connected” means the situation in which defined surface areas and/or subsurface areas drain to common points or regions under natural conditions;
 - (m) “Instream uses” means all those human and ecological uses of water which occur within the banks of rivers and streams, including, without limitation, waste assimilation, hydropower production, recreation, maintenance of aquatic habitats, and support of biological integrity;
 - (n) “Management practices” are reasonable methods, considering available technology and economic factors, for managing water demand, water supply, return of water to its sources, and prevention and control of pollution of the waters of the state;
 - (o) “Natural systems” means the biological, ecological, and physical systems that arise and persist through mechanisms of nature as opposed to having been designed, constructed, and operated by mankind;
 - (p) “Offstream uses” means the purposes for which water is withdrawn from streams, rivers, lakes, or aquifers;
 - (q) “Stormwater” means stormwater runoff, snow-melt runoff, and surface runoff and drainage;
 - (r) “Sustainable” means using water resources to meet current needs without unreasonably foreclosing the ability of future generations to meet their own water needs;
 - (s) “Water conservation” is the beneficial reduction of water use, water waste, and water loss;

- (t) Water Development and Conservation Plan,” as provided in O.C.G.A. §§ 12-5-31 (h) and 12-5-96 (e), means a regional resource-based plan, developed in accordance with O.C.G.A. § 12-5-520 et seq., that promotes the efficient use of water resources, promotes the conservation and reuse of water, guards against a shortage of water, and is consistent with the public welfare of the state, or an addendum to any statutorily required water management plan(s) prepared to satisfy the purposes of this rule and the Comprehensive State-wide Water Management Plan. Such plans include water development, conservation, and sustainable use and are based upon detailed scientific analysis of water sources, the projected future condition of the resources, current demand, and estimated future demands on the resources. Furthermore, as provided in the Comprehensive State-wide Water Management Plan, such plans identify the water management practices to be employed in each Water Planning Region to ensure that current and future needs for water supply and assimilative capacity are met within the capacity of the water resources;
 - (u) “Water Planning Council” means a regional planning entity responsible for overseeing the preparation of a recommended Regional Water Development and Conservation Plan for a Water Planning Region. This includes, without limitation, those entities to whom the Director has designated as responsible for overseeing preparation of such plans, and any statutorily designated regional planning entity with water management responsibilities that may include, but are not limited to watershed, storm-water, waste-water, and water supply and conservation management within that entity’s area;
 - (v) “Water Planning Region” is a defined area that includes one or more water quantity and/or quality resources;
 - (w) “Water resource” is a body of surface water or groundwater that is available or potentially available for offstream and/ or instream use, including, without limitation, agricultural, industrial, residential, recreational, or environmental activities, among others. Water resources may include freshwater bodies, brackish waters, and ocean water;
 - (x) “Water resource assessment” is comprised of the assimilative capacity determination and the consumptive use assessment for both groundwater and surface water for a given area.
 - (y) “Water use” means utilization of water for natural and human uses. See also human use, instream use and offstream use;
 - (z) “Water users” means those who utilize water for human uses;
 - (aa) “Watershed” means the land area tributary to a given point along a stream or river;
- (4) Regional Water Development and Conservation Plans
- (a) All Regional Water Planning Councils, shall oversee preparation of recommended Regional Water Development and Conservation Plans;
 - (b) No Water Planning Council whose duties have been designated by the Director, shall commence the preparation of recommended Regional Water Development and Conservation Plans until that Council has received, from the Director, a letter of delegation providing notice of delegation of duties and a notice to proceed with preparation of such plans;
 - (c) All Regional Water Planning Councils shall execute a memorandum of agreement (MOA) with the Division and the Department of Community Affairs (DCA) according

to a schedule established by the Division and DCA. The execution of an MOA shall be a condition precedent to issuance of the Director's letter of delegation. For any statutorily designated regional Water Planning Council, MOAs shall be consistent with that entity's enabling legislation, the purposes of this rule and the Comprehensive State-wide Water Management Plan. As provided in paragraph (3) of Section 14 of the Comprehensive State-wide Water Management Plan, MOAs for those entities designated by the Director for preparing recommended Regional Water Development and Conservation Plans shall, include but not be limited to the following:

1. Have at minimum a three-year term and be subject to renewal. Renewal of MOAs shall be contingent on performance, which shall be evaluated according to regional water planning guidance;
2. Establish procedures including but not limited to:
 - (i). Decision-making procedures;
 - (ii). Provisions for appropriate public sector involvement in Water Development and Conservation Plan development and implementation of management practices;
 - (iii). Provisions for an advisory body of local elected officials, composed of one representative from each county and city in the Water Planning Region, to provide recommendations and input on regional population, economic and employment forecasts and on other data and information required for preparation of the Water Development and Conservation Plan. Water Planning Councils shall also consider input from this advisory body on elements of Water Development and Conservation Plans that impact the fiscal responsibilities of local governments;
 - (iv). Specifications for other advisory bodies and processes as necessary, including opportunities for meaningful public participation in Water Development and Conservation Plan development;
 - (v). Provisions for consultation with local governments located outside the planning region boundary that rely on, or impact, water resources within the planning region;
 - (vi). Provisions necessary to ensure communication and coordination among Water Planning Councils, across the boundaries of adjoining planning regions, among councils using hydrologically connected water resources, and among councils affected by water management activities in adjacent planning regions;
 - (vii). Procedures for coordination with the Department of Community Affairs to ensure implementation of Regional Water Development and Conservation Plans is coordinated with the regional and local government comprehensive planning process in accordance with O.C.G.A. §§12-2-8 and 50-8-30 et seq.;
 - (viii). Provisions for alternatives for dispute resolution as provided in

guidance:

(ix). Other requirements established by the Director.

(d) Regional Water Development and Conservation Plans shall:

1. For any statutorily designated regional planning council responsible for preparing recommended Regional Water Development and Conservation Plans, be consistent with that entity's enabling legislation, the purposes of this rule and the Comprehensive State-wide Water Management Plan;
2. Incorporate technical assistance provided by the Division, including water quantity and water quality assessments, forecasts, following guidance on the use of this technical assistance and other guidance as provided by the Division. Regional Water Development and Conservation Plan preparation shall also follow guidance for the preparation of recommended Regional Water Development and Conservation Plans. Such guidance includes those elements identified in paragraph (6) of Section 14 of the Comprehensive State-wide Water Management Plan;
3. Identify actions that will be taken to ensure forecasted needs are met within the water resources' capabilities, as specified in the water resource assessments provided by the Division to the regional Water Planning Councils;
4. Address those areas, local governments, and other major water users lying wholly within or in part of (i.e. at the periphery) a water planning region;
5. Include surface water and groundwater sources and their conditions, as provided in guidance issued by the Director;
6. Include forecasts of 10-, 20-, 30-, and 40-year population expectations, employment characteristics, water demands, wastewater returns, land surface types and distribution, developed in consultation with the Division. Water demand and wastewater return forecasts will identify domestic, commercial, agricultural, industrial and power-generation water uses;
7. Provide forecasted uses of water bodies for water supply, wastewater discharge, and storm flows for each forecast period;
8. Provide water quantity and quality management objectives for 10-, 20, 30-, and 40-year time horizons, and any recommended actions required of the state to support those objectives;
9. Compare forecasts with the consumptive use assessments and assimilative capacities of water resources as determined by the water quantity and water quality assessments.
10. Provide recommendations for appropriate management practices for stormwater management, wastewater treatment, water supply, water conservation, and the general protection of water quality within the planning region;
11. Provide proposals for addressing data and information needs;
12. Define benchmarks for assessment of Water Development and Conservation Plan effectiveness and identification of required revisions;

13. Provide other elements as required by guidance issued by the Director, including any guidance specific to any statutorily designated regional planning council.

(5) Regional Water Development and Conservation Plan Review and Adoption.

- (a) Regional Water Planning Councils shall submit recommended regional Water Development and Conservation Plans to the Director. The Director will review such plans and any amendments thereto to determine if they are consistent with this Chapter and guidance adopted pursuant to this rule. The Division will consult with the Department of Community Affairs to ensure implementation of the Water Development and Conservation Plan is coordinated with the regional and local government comprehensive planning process in accordance with O.C.G.A. §§12-2-8 and 50-8-30 et seq.
- (b) Upon review of recommended Water Development and Conservation Plans, the Division will take one of the three following actions:
 1. Adopt a recommended Water Development and Conservation Plan if it is complete and consistent with the provisions of this chapter and guidance provided by the Director; or
 2. Advise the regional Water Planning Council as to additional measures that must be taken to complete a recommended Water Development and Conservation Plan and make it consistent with the provisions of this Rule and guidance provided by the Director; or
 3. Adopt a recommended Water Development and Conservation Plan with conditions.
- (c) For any Water Planning Region for which a recommended Water Development and Conservation Plan is not submitted by the date specified in the guidance for plan development, the Director shall prepare the regional Water Development and Conservation Plan consistent with the provisions of this Rule and guidance provided by the Director.
- (d) Before taking action to adopt any regional Water Development and Conservation Plan, the Director shall provide state-wide public notice of the recommended plan and a state-wide comment period of at least forty-five days.

(6) Review and Revision of Regional Water Development and Conservation Plan.

- (a) Water Development and Conservation Plans will be subject to review by the appropriate regional Water Planning Council every five years, unless otherwise required by the Director for earlier review. Such review will be conducted as provided in guidance provided by the Director and shall include:
 1. Consideration of the current resource assessments and regional population and employment forecasts provided by the Division;
 2. Assessment of progress against Water Development and Conservation Plan objectives and benchmarks for water quality and quantity;
 3. Assessment of the need for further scientific assessment of issue(s) relevant to water planning in the region;
 4. Updates, where necessary, of water and wastewater forecasts; and
 5. Recommended changes in the Water Development and Conservation Plan.

- (b) Revisions and adoption of revised Water Development and Conservation Plans shall be conducted in accordance with this Rule and guidance provided by the Director.

(7) Use by Division of adopted Regional Water Development and Conservation Plans.

- (a) As provided in O.C.G.A. §§ 12-5-31, 12-5-96, and 12-5-522, the Director shall ensure that the issuance of any permit for the use of water is based upon the Comprehensive State-wide Water Management Plan and all applicable Water Development and Conservation Plans. Additionally, any political subdivision or local water authority not in compliance with the Comprehensive State-wide Water Management Plan shall be ineligible for state grants or loans for water projects, except for those projects designed to bring such political subdivision or local water authority into compliance with the plan.

Authority: O.C.G.A. § 12-5-20 et seq.; O.C.G.A. § 12-5-31; O.C.G.A. § 12-5-90 et seq.; O.C.G.A. § 12-5-96; O.C.G.A. § 12-5-520 et seq.