



Georgia Industry Environmental Coalition

February 24, 2003

## **POSITION STATEMENT**

### **Joint Comprehensive Water Plan Study Committee (JSC)**

#### **Water Rights**

The Georgia Industry Environmental Coalition<sup>1</sup> (GIEC) agrees that water should be managed in the public interest to the benefit of all Georgians. Significant changes are not needed in Georgia's laws to protect this principle. In fact, Georgia's current laws provide a regulated riparian rights system of water law, a system that has been in place for many years. The JSC reviewed this issue in detail, debated it more than any other issue, and found no changes in Georgia water rights laws are needed to protect Georgia's water for the beneficial use of Georgia citizens.

Georgia's current system of regulated riparian rights is well suited to handle the present and future challenges Georgia faces with respect to water supply and allocation. Water withdrawals should continue to be subject to the "reasonable use" standard. The withdrawal permitting system should allow reallocation as demands change.

Georgia's existing statutes should not be altered in such a way that unintended consequences impose obstacles to Georgia's future economic health.

#### **Comprehensive Plan**

GIEC supports the concepts offered by the JSC for preparation of the Comprehensive Plan and the organization of state government to prepare and implement the new plan. A Council on Water will be established to provide oversight and assure all state government departments with responsibilities for water programs are involved. A new Water Planning Branch will be established in the Georgia Environmental Protection Division (EPD) to develop the details of the plan. This location for the Water Planning Branch is appropriate since EPD now harbors the majority of the experience and expertise needed to develop the plan.

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<sup>1</sup> Formed in 1992, GIEC is a not-for-profit organization of Georgia industries whose member companies are subject to environmental regulations in Georgia. Many of our member companies represent the largest employers in the State and collectively represent an employee-base that exceeds 55,000. GIEC's mission is to serve as a technically-based advocate for Georgia industry by promoting environmental regulations and policies founded on protection of human health and the environment; sound science; and cost/benefit principles. Our member companies include Alcan Aluminum Corporation; Arizona Chemical Company; Atlanta Gas Light Company; Colonial Terminals, Inc.; The Dow Chemical Company; DSM Chemicals North America, Inc.; Engelhard Corporation; General Electric Company; Georgia-Pacific Corporation; Georgia Power Company; Gold Kist, Inc.; International Paper; Kerr-McGee Pigments, Inc.; Lockheed Martin Aeronautics Company; Merck & Company, Inc.; Mohawk Industries; Norfolk Southern Corporation; NutraSweet; Omnova Solutions, Inc.; Pharmacia; Southern Aluminum Finishing Company; Southwire; Thiele Kaolin Company; Weyerhaeuser Company; The William L Bonnell Co., Inc.



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GIEC also supports the concept of establishing a Stakeholder Advisory Group to provide public input to the Water Planning Branch. As a representative of major industries in Georgia, GIEC would appreciate being given the opportunity to be a member of the stakeholder group. We feel we can provide significant technical input to such a group and provide the perspectives of a wide range of industries operating across Georgia.

It has been estimated that preparation of the Comprehensive Plan will cost \$18 million. GIEC recommends that the State's general fund be used to provide the money needed. GIEC urges that Georgia industry not be required to provide an un-equitable portion of the money needed and that all Georgians should share in funding.

### **Regional and Local Water Planning and Management**

GIEC supports the concept of regional and local water planning entities. However, regional and local planning entities should not become an additional layer of regulatory oversight. These entities should be charged with developing and implementing regional and local comprehensive water management plans structured around shared water resources and river basin management planning. Planning efforts should be conducted within the framework established by the Georgia Comprehensive Water Management Plan and include effective stakeholder and public involvement.

### **Agricultural Use**

GIEC supports the recommendation of permitting withdrawals for farm use greater than 100,000 gallons per day from ponds, impoundments and sinkholes. GIEC also supports the periodic monitoring and reporting requirement for permitted, agricultural withdrawals. A sound, state-wide comprehensive water plan can not be developed without collecting technical data from each permitted user. Further, it is imperative that a cost-share program be established for the purchase, installation and maintenance of measurement devices. A state, cost-share program ensures minimal economic impact occurs to a small business such as a farm.

### **Inter-basin and Intra-basin Transfers**

GIEC supports the concept of limiting inter-basin and intra-basin transfers as long as there is clarity about what constitutes a transfer. Regarding the surface distance limitation in the definitions of an *inter-basin and intra-basin transfers*, GIEC interprets the recommendation of limiting the crossing to no more than "two adjacent counties" to actually involve up to four counties. For example: county "A" has a source of water, which it transfers into adjacent county "B." The transfer completely crosses "B" and continues into adjacent county "C," which it also crosses before reaching its destination inside adjacent county "D." In this example, only



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counties “B” and “C” have been completely crossed during the transfer from “A” to “D,” so the transfer would be allowed. Clarity on this issue is needed.

Furthermore, products in commerce that contain water or are primarily water withdrawn from Georgia surface waters or groundwater should not be subject to the new laws or subsequent regulations prohibiting inter-basin and intra-basin transfers (e.g., beverages; process waters shipped in containers for treatment or recycling; chemical intermediates in solution that are transported for further processing at another location; etc.).

### **Definitions**

While generally supporting the concepts and the stated intent of the recommendations, GIEC is concerned about how broadly subsequent legislation may be applied because definition of certain terms has yet to be made. Terms such as *safe yield* and *inter-basin transfer* could be further defined to clarify the precise range of applicability to the regulated community.

The term *safe yield* is subjective, depending on one's point of view. GIEC recommends adopting a definition that is accepted and established by use within the technical disciplines of hydrology and hydrogeology.

Groundwater aquifers and groundwater divides do not always correspond to surface water basin divides, particularly for deeper aquifers. A deep aquifer may not even be connected vertically with the surface water flowing above it. Including groundwater in the definition of an inter-basin transfer without setting some threshold or minimum separation distance may create problems where there are none and, alternatively, may not address a hydro-geological connection between a surface water and groundwater that is not apparent from the surface (such as in areas of karst geology or cave systems). This definition will require more specificity with respect to groundwater to prevent such problems in implementation of inter-basin transfer legislation or regulations.