

**PROPOSED AMENDMENTS TO THE RULES  
OF THE DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION  
RELATING TO GROUNDWATER USE, CHAPTER 391-3-2**

The Rules of the Department of the Natural Resources, Chapter 391-3-2, Groundwater Use are hereby amended and revised for specific Rules, or such subdivisions thereof as may be indicated.

**[Note: Underlined text is proposed to be added. ~~Lined-through~~ text is proposed to be deleted.]**

**CHAPTER 391-3-2 GROUNDWATER USE**

**391-3-2-.04 Permit Application. Amended.**

(1) Any person who was withdrawing, obtaining or utilizing ground water prior to April 18, 1973 (or July 1, 1988 in the case of farm use), and who is required under Rule 391-3-2-.03 of this Chapter to obtain a permit shall submit an application for a permit to use ground water to the Division, on forms prepared and furnished, upon request, by the Division. The applicant shall furnish the Division with sufficient documented evidence as set forth in Paragraphs (5) or (6) of this Rule to evaluate the effects of the described water use upon the water resources of the area.

(2) Any person who started to withdraw, obtain, or utilize ground water after April 18, 1973 (or July 1, 1988 in the case of the farm use), and who is required under the Rule 391-3-2-.03 of this Chapter to obtain a permit, shall submit an application for a permit to use ground water to the Division, on forms prepared and furnished, upon request, by the Division. The applicant shall furnish the Division with sufficient documented evidence as set forth in Paragraphs (5) or (6) of this Rule to evaluate the proposed water use upon the water resources of the area. (Authority O.C.G.A. Sec. 12-5-105)

(3) Any person intending to withdraw, obtain, or utilize ground water and who is required under the Rule 391-3-2-.03 of this Chapter to obtain a permit, shall submit an application for a permit to use ground water to the Division, on forms prepared and furnished, upon request, by the Division. No ground water shall be withdrawn, obtained, or utilized until a permit has been granted. The applicant shall furnish the Division with sufficient documented evidence as set forth in Paragraphs (5) or (6) of the Rule to evaluate the impacts of the proposed water use upon the water resources of the area.

(4) During the early stages of planning for a proposed ground water withdrawal, and in any case prior to the start of well construction, the intended user should have a conference with representatives of the Division to determine the acceptability of the proposed well or wells, the aquifer or aquifers to be utilized, the well spacing and well depth, and the amount of intended ground water use. Such conference shall be granted within thirty (30) days after request therefor. The intended user should furnish the Division with such available documented evidence as set forth in Paragraphs (5), (6), or

(7) of this Rule for presentation at the conference or for later submittal, but prior to well construction. Based in part on the information furnished by the intended user and upon other considerations, a letter of concurrence may be issued by the Division setting forth such terms and conditions as the Division deems necessary. Upon completion of the construction of the well or wells and prior to any ground water use, the intended user shall submit an application for a ground water use permit to the Division pursuant to Rules 391-3-2-.05 and 391-3-2-.06 of this Chapter. The proposed water user proceeds at his own risk if he does not obtain a letter of concurrence from the Division prior to well construction.

(5) Sufficient documented evidence shall include, but not be limited to, the following (except for farm use permit applications):

(a) name and address of the applicant;

(b) the location of the existing or proposed well(s), identified by number, for which the permit is requested, marked on the best map available;

(c) the latitude and longitude, to the nearest ten (10) seconds, of the wells, obtained from the location map;

(d) the county in which the well(s) is located;

(e) the ground elevation of the well(s), if available;

(f) the amount of water withdrawn or proposed to be withdrawn or used, and a statement to indicate the extent to which such use or withdrawal is reasonably necessary to meet the needs of the applicant;

(g) any present or anticipated unreasonable adverse effects or potential unreasonable adverse effects on other water uses or users, including but not limited to, adverse effects on public or farm use;

(h) a statement specifying the beneficial use of the ground water withdrawn or to be withdrawn and whether the water use is a consumptive or nonconsumptive use, as herein defined;

(i) if the water use is, or proposes to be, a nonconsumptive use, the applicant shall state the following:

1. the treatment of the water and procedure used, or the proposed treatment of the water and the procedure to be used, to return the water to the aquifer or ground water system from which it is, or is proposed to be, withdrawn;

2. the location of the injection well or wells to be shown on the same map as the existing, or proposed, withdrawal wells;

3. the chemical, physical and bacteriological quality; and any other specified water quality analysis the Division may require, of the returned water, noting specifically any substantial impairment of the water quality from the water withdrawn;

4. the aquifer or ground water system from which the ground water is withdrawn, or intended to be withdrawn, and the amount of water to be returned to the aquifer or ground water system; and

5. any substantial decrease in quantity as originally withdrawn from the aquifer or ground water system.

(j) the aquifer or aquifers from which the ground water is withdrawn, or intended to be withdrawn;

(k) for existing wells, the well construction data for each well, on forms provided by the Division, including but not limited to, the following information:

1. name of driller;

2. date of drilling;

3. total well depth in feet;

4. diameter of drilled hole;

5. diameter and depth of casing, including casing material;

6. depth of grouting;

7. diameter and depth of the setting of the well screen or well screens, if used, and the material and type of screen;

8. type of permanent pump, size, horsepower, and yield;

9. static water level and pumping level; and

10. number of hours the well is pumped per day.

(6) For farm use, sufficient documented evidence shall include, but not be limited to, the following:

(a) applicant's full name;

(b) mailing address;

(c) county in which existing or proposed well is located;

(d) purpose of withdrawal;

(e) well construction data including, but not limited to the following:

1. well depth;
2. depth of pump intake below ground surface;
3. design pumping capacity of well; and
4. depth of well casing.

(f) month and year of well pump installation;

(g) number of acres irrigated from this well and average number of inches of water applied from this well per year;

(h) whether or not chemicals, fertilizers, fungicides, herbicides, insecticides, or nematicides are injected into the irrigation water; and

(i) county map supplied by the Division (or equivalent) showing the location of the water source. (Authority O.C.G.A. Sec. 12-5-105)

(7) Any person submitting an application for a ground water use permit who is at the time of application withdrawing, obtaining, or utilizing ground water, and who is unable to furnish accurate information concerning the amounts of ground water being withdrawn or used shall be required, as the Division deems necessary, to do the following:

(a) install one or more water meters; or

(b) some other more economical means acceptable to the Division, for measuring the ground water withdrawn or used.

(8) The Division, in determining the amount of ground water withdrawn or used by an applicant, may use one or more of the following:

(a) the rated capacity of the pump or pumps;

(b) the rated capacity of the cooling system;

(c) the standards or methods employed by the United States Geological Survey in determining such quantities; or

(d) any other acceptable method.

(9) Except for farm use, those applicants intending to withdraw, obtain or utilize ground water from wells constructed after April 18, 1973, shall submit, in addition to the information required in paragraph (5) of this Rule, well construction details and specifications, as the Division deems necessary, including, but not limited to, the following:

(a) total depth of well, in feet;

(b) size of drilled hole;

(c) size and depth of casing and type of casing material;

(d) size and depth of the placing of the well screen or screens and the type of material, if used;

(e) depth of grouting;

(f) deep well air line of steel, iron or heavy gage copper material, with screw cap, for water level measurements; and

(g) filling, plugging and sealing procedures for any well or wells that are to be abandoned.

(10) Due to the corrosive nature of the ground water in certain areas of the State, proposed well construction specifications and casing material may require modification as the Division deems necessary to avoid any potential unreasonable adverse effects on the aquifer or ground water system, or of other water uses.

(11) In the preparation of a permit application for a new permit or modification of an existing permit which includes an increase in the permitted water use (except for a farm use permit application) the applicant must submit to the Director for approval a water conservation plan prepared in accordance with the following guidelines. The plan must address the following items (or contain a statement why the item is not an appropriate part of the plan).

(a) System management;

1. Within the most recent 24 month period a minimum of twelve consecutive months of UAW data;

2. A description of current and planned programs to reduce UAW such as those listed below (include proposed schedules for planned activities);

(i) Leak detection and elimination;

(ii) Availability of accurate maps of the water system;

(iii) Meter maintenance, testing, replacement, calibration, etc.;

(iv) Prevention of tank overflows;

(v) Flushing programs without degradation of water quality;

(vi) Prevention of unauthorized water use--fire hydrants, fire lines etc.;

(vii) A list of unmetered service connections including publicly owned facilities, churches, etc.,

(viii) Other;

3. A list of inter-connections with other water systems and a description of any contractual agreements, type (emergency back-up, wholesale sale or purchase) and purchase amounts;

4. Any additional current or planned activities pertaining to system management that will contribute to water conservation.

(b) Treatment plant management;

1. The condition, calibration frequency, type, etc. of raw and finished water metering;

2. An analysis of in-plant water use for filter backwashing, overflows, laboratory use, etc. as a percentage of total plant production. Also, the plan must outline any ongoing or planned plant improvements (including schedules for planned improvements) and/or revised operational procedures to reduce in-plant use;

3. A description of any recycling or reuse of filter backwash water.

(c) Rate making policies;

1. A list of non-billed service connections. Also, if available, a breakdown by number of meters or % of total production for each class of customer, e.g., residential, commercial, industrial, wholesale;

2. A copy of the water rate structure currently in use including any surcharges, demand charges, etc., which may apply to certain customers and a description of the effects of this rate structure on water conservation;

3. A description of any system policies concerning second meters for landscape irrigation and any use of sewer meters for billing;

4. A statement in response to the following questions:

(i) Is the water system self-supporting?

(ii) Are water system expenditures subsidized by non-water/sewer system revenues?

(d) A drought contingency plan ~~approved~~submitted for approval by the Director and prepared in accordance with the following guidelines. The plan should include alternative system and resource management strategies to be implemented under drought conditions that may severely reduce the availability of the resource. The plan shall be consistent with Chapter 391-3-30 with respect to restrictions on outdoor water use. If there are conflicts between this plan and Chapter 391-3-30 with respect to restrictions on outdoor water use, Chapter 391-3-30 shall prevail. The applicant must provide the following items in the plan (or a statement as to why the item is not an appropriate part of the plan):

1. Drought conditions or events that put the drought contingency plan into effect;

(i) The applicant must develop a system for determining drought severity based on some approved indicator, e.g.:

(I) System demands;

(II) Ground water levels;

(III) Other;

2. Potable water use priorities program;

(i) The following order of potable water use priorities is generally recommended but may be modified as needed based on local conditions:

(I) Emergency facilities for essential life support measures;

(II) Domestic and personal uses, including drinking, cooking, washing, sanitary and health related;

(III) Farm uses;

(IV) Industrial uses (including those industries on public water systems);

(V) Other uses such as lawn sprinkling, non-commercial car washing, garden watering, etc.;

(VI) Outdoor recreational uses;

3. Restrictions on lower priority uses (including enforcement procedures);

4. Rationing and/or other emergency procedures.

(e) Plumbing ordinances and/or codes;

1. Description of compliance with State Water Conservation Law which requires the use of ultra-low flow plumbing fixtures. The applicant may include copies of adopted ordinances if applicable;

2. Ordinances/codes or other special requirements pertaining to outside water use such as landscape irrigation systems, commercial car washes, etc.;

(f) Recycling--reuse;

A description or accounting of any recycling or reuse of treated wastewater;

(g) A description of current and planned education programs for the promotion of water conservation.

(h) Progress report;

Five years after issuance of a new or modified Ground Water Use Permit, the permittee must submit to the Director a progress report that outlines actions and/or improvements made to conserve water and reduce water loss, e.g., leak detection/repair, meter installation, calibration, or replacement, summer and peak use surcharges, enforcement of ultra-low flow plumbing fixture requirements, etc. Permittees with a total permitted withdrawal less than one million gallons per day may use a simplified reporting format supplied by the Division.

(i) Water use data;

Permittees must submit to the Director an annual water use data report that includes information on unaccounted for water for the past 12 months. The report must be submitted annually starting 12 months after new or modified permit issuance.

(j) Long range planning;

All permittees must incorporate water conservation into long term water demand and supply planning. Permittees must develop water demand projections covering a 20 year time period using a method or methods approved by the Director. The demand projects must reflect the effects (demand reduction) inherent in the implementation of new or enhanced water conservation programs.

(k) A description of any additional water conservation activities.

(12) Permitted capacities of applicant's water treatment and wastewater treatment plants, existing or planned, that will treat water and wastewater to be generated by new or increased use.

(13) Any other information deemed necessary; provided, however, any information already provided to the Director in connection with prior dealings, with the Division may



be incorporated into the application by specific and detailed reference and a statement that the information is still valid and correct.

Authority Ga. Laws 1972, pp. 976, 982, 985, et seq., as amended by Ga. Laws 1973, pp. 1273, 1277. Effective June 3, 1974. O.C.G.A. Secs. 12-5-7, 12-5-8, 12-5-90, 12-5-91.