

SYNOPSIS
Proposed Rules for Drought Management, Chapter 391-3-30,
and
Proposed Amendments to the Rules for Groundwater Use, Chapter 391-3-2,
and the Rules for Water Quality Control, Chapter 391-3-6

The proposed Rules for Drought Management would amend **Rules 391-3-30-.01 through .06**, replacing the Rules for Outdoor Water Use, and add **Rules 391-3-30-.07 and .08**. Proposed amendments to the Rules for Groundwater Use and Water Quality Control, **Rules 391-3-2-.04 and 391-3-6-.07**, respectively, will address consistency between the drought contingency plan requirements of those rules and the requirements of the proposed Rules for Drought Management.

Purpose: To propose Rules for Drought Management that will replace the Rules for Outdoor Water Use, 391-3-30, to address the requirement under O.C.G.A. § 12-5-8 for the DNR Board to adopt new rules and regulations relating to drought management.

Main Features: As called for in O.C.G.A. § 12-5-8, the proposed Rules for Drought Management, 391-3-30, incorporate provisions for a drought response committee; drought indicators and triggers; a drought declaration process; predrought mitigation strategies designed to minimize the potential effects of drought; and drought response strategies to be implemented during various stages of drought. Narrow amendments are also proposed to the Rules for Groundwater Use, 391-3-2-.04, and the Rules for Water Quality Control, 391-3-6-.07, to ensure consistency between the drought contingency requirements of those rules and the provisions of the proposed Rules for Drought Management.

RULES FOR DROUGHT MANAGEMENT, CHAPTER 391-3-30

391-3-30, title is being amended from “OUTDOOR WATER USE” to “**DROUGHT MANAGEMENT**.”

391-3-30-.01, “Definitions.” is being amended by removing these provisions of the Rules for Outdoor Water Use, and adding the “**Purpose**” of the Rules for Drought Management, which incorporates the purposes provided under O.C.G.A. § 12-5-8 for rules relating to drought management.

391-3-30-.02, “Applicability of Rule.” is being amended by removing these provisions of the Rules for Outdoor Water Use, and adding the “**Definitions**” applicable to the Rules for Drought Management.

391-3-30-.03, “Outdoor Water Use Schedule During Non-Drought Periods.” is being amended by removing these provisions of the Rules for Outdoor Water Use, and adding the “**Predrought Mitigation Strategies**” provisions of the Rules for Drought Management. The predrought mitigation strategies apply during non-drought periods and are designed to minimize the potential effects of drought in accordance with O.C.G.A. § 12-5-8.

391-3-30-.04, “Outdoor Water Use Schedule During Declared Drought Response Levels.” is being amended by removing these provisions of the Rules for Outdoor Water Use, and adding

the “**Drought Indicators and Triggers**” provisions of the Rules for Drought Management. These provisions specify: that the EPD Director monitor climatic indicators and water supply conditions to assess drought occurrence and severity; require the Director to periodically release public reports on climatic indicators and hold communications with permittees that may be affected by a drought response level declaration; require public water systems to notify EPD when their drought contingency plans are triggered; and provide that the Director may consult with other relevant agencies prior to making a drought response level declaration.

391-3-30-.05, “Exemptions.” is being amended by removing these provisions of the Rules for Outdoor Water Use, and adding the “**Drought Declaration**” provisions of the Rules for Drought Management. Under this provision, the EPD Director may declare non-drought conditions and various drought response levels for specified affected drought area(s), and must provide notice of such declarations to all permittees within the affected drought area(s).

391-3-30-.06, “Local and Regional Options.” is being amended by removing these provisions of the Rules for Outdoor Water Use, and adding the “**Drought Response Committee**” provision of the Rules for Drought Management. Under this provision, the EPD Director may convene and consult a drought response committee on the development and/or implementation of predrought mitigation strategies or drought response strategies.

391-3-30-.07, “**Drought Response Strategies.**” is a new rule that addresses the drought response strategies, or “measures or actions to be implemented during various stages of drought,” that are called for under O.C.G.A. § 12-5-8. The proposed rule specifies the drought response strategies to be implemented during declared drought response levels, which include public education, outdoor water use restrictions, rate structure requirements, numeric water usage reduction requirements, and a menu of other practices designed to achieve water use reductions during periods of drought.

391-3-30-.08, “**Variance Requests.**” is a new rule that addresses the provisions of O.C.G.A. § 12-5-7 regarding the granting by the EPD Director of variances to local governments or authorities that would allow them to impose restrictions on outdoor water use that are more or less stringent than those specified in the rule.

RULES FOR GROUNDWATER USE, CHAPTER 391-3-2

391-3-2-.04, “**Permit Application. Amended.**” is being amended to provide consistency between the drought contingency plan requirements of this rule and the requirements of O.C.G.A. § 12-5-7 and § 12-5-8. These code sections require local governments or authorities to get a variance from the EPD Director in order to implement restrictions on outdoor water use that differ from those imposed in the Rules for Drought Management.

RULES FOR WATER QUALITY CONTROL, CHAPTER 391-3-6

391-3-6-.07, “**Surface Water Withdrawals. Amended**” is being amended to provide consistency between the drought contingency plan requirements of this rule and the requirements of O.C.G.A. § 12-5-7 and § 12-5-8. These code sections require local governments or authorities to get a variance from the EPD Director in order to implement restrictions on outdoor water use that differ from those imposed in the Rules for Drought Management.

STATEMENT OF RATIONALE
Proposed Rules for Drought Management, Chapter 391-3-30,
and
Proposed Amendments to the Rules for Groundwater Use, Chapter 391-3-2,
and the Rules for Water Quality Control, Chapter 391-3-6

The Rules for Drought Management, Chapter 391-3-30, are proposed to replace the current Rules for Outdoor Water Use (391-3-30) and the 2003 Drought Management Plan. Amendments to the Rules for Groundwater Use, 391-3-2-.04, and the Rules for Water Quality Control, 391-3-6-.07, are proposed to address consistency between the drought contingency plan requirements of these rules and the requirements of the proposed Rules for Drought Management.

O.C.G.A. § 12-5-7(a.1)(1) establishes that persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 p.m. and 10:00 a.m. O.C.G.A. § 12-5-7(a.1)(2) lists thirteen exemptions from the 4:00 p.m. and 10:00 a.m. schedule described in paragraph (1).

O.C.G.A. § 12-5-8 calls upon the DNR Board to adopt new rules relating to drought management, to include provisions for: a drought response committee; drought indicators and triggers; a drought declaration process; predrought mitigation strategies designed to minimize the potential effects of drought; and drought response strategies (measures or actions to be implemented during various stages of drought). The proposed Rules for Drought Management address all of these provisions and, as stated under O.C.G.A. § 12-5-8, will replace any previous drought management plan adopted by the Board.

O.C.G.A. § 12-5-7(a)(1) and (a)(2) provide local governments or authorities a way to request a variance from the state requirements under O.C.G.A. § 12-5-7(a.1) and the rules promulgated under O.C.G.A. § 12-5-8 to be either more stringent, or less stringent, than those requirements, provided that they are not less stringent than 4:00 p.m. and 10:00 a.m. schedule established in O.C.G.A. § 12-5-7(a.1)(1).

Narrow amendments to the Rules for Groundwater Use, 391-3-2-.04, and the Rules for Water Quality Control, 391-3-6-.07, are proposed to ensure consistency between the drought contingency plan requirements of this rule and the requirements of O.C.G.A. § 12-5-7 and § 12-5-8. These code sections require local governments or authorities to get a variance from EPD in order to implement restrictions on outdoor water use that differ from those imposed by the state.