



GOVERNING BOARD

Minutes

December 3, 2014

The Metropolitan North Georgia Water Planning District Governing Board met on Wednesday, December 3, 2014 at 10:00 a.m. in the Allen S. Hardin Amphitheater at the R. Charles Loudermilk Center for Regional Community in Atlanta, Georgia.

Members Present

Hon. Boyd Austin, Chairman
Ms. Katie Kirkpatrick, Vice Chair
Mr. Birdel Jackson, Secretary/Treasurer
Hon. Buzz Ahrens
Hon. Steve Brown
Hon. Charlotte Nash
Hon. Danny Dunagan
Ms. Pamela Burnett
Mr. Brad Currey
Ms. Kit Dunlap
Mr. Gerald Pouncey

Mr. Tim Thoms
Mr. Steven Woodruff
Clayton County Designee: Mr. Mike Thomas
Cobb County Designee: Ms. Judy Skeel
Coweta County Designee: Mr. Jay Boren
DeKalb County Designee: Mr. Charles Lambert
Douglas County Designee: Mr. Gil Shearouse
Forsyth County Designee: Mr. Tim Perkins
Fulton County Designee: Mr. Nick Ammons
Henry County Designee: Mr. Tony Carnell
Rockdale County Designee: Mr. Terrell Gibbs

Members Not Present

Hon. Kasim Reed
Hon. Steve Taylor

Mr. William Thomas Craig
Mr. Chuck Huling

Chairman Boyd Austin called the meeting to order.

Approve Meeting Minutes

Chairman Austin called for a motion to approve the minutes. A motion to approve the August 27, 2014 meeting minutes was made by Hon. Danny Dunagan, seconded by Hon. Charlotte Nash and passed without opposition.

Chairman's Report

Drought Rule Update and Drought Update

Mr. Bennett Weinstein provided an update on Georgia EPD's draft Drought Rule revision. EPD released a draft Drought Rule in May 2014 and initiated a fairly extensive stakeholder process. EPD's stated purpose for the rule is to "ensure a modest reduction in water use during times of drought." After the first review, the general consensus among stakeholders was that the proposed

rule needed additional work. In response to the concerns, the District's TCC formed a drought working group to take a closer look at the policies, purposes, and regulatory burden on utilities; to coordinate on the message and to speak with a unified voice. After EPD released a second draft, a number of working group members met with EPD to discuss their remaining concerns and provide constructive feedback to help it achieve its purpose in a balanced way. The group provided comments on both the first and second drafts to EPD. A third draft was subsequently released. The working group provided a few comments but believes the rule is now balanced. The final drought rule is expected to be released in the first half of 2015.

The new drought rule will affect all groundwater and surface water permittees. One new element is EPD's inclusion of stakeholders in the analysis of the drought condition data leading up to a potential declaration. The new rule clarifies what needs to happen at each of the three drought levels and also provides some flexibility by providing a menu of options for which water systems can choose the right measure for them.

Ms. Katherine Zitsch provided an overview of current drought conditions across the state and discussed opportunities for drought predictive analysis. Georgia currently has pockets of dry and moderate drought conditions across the state which overall is less coverage than one year ago. The drought predictions for early winter show improvement except for southwest Georgia. The District has many tools at its disposal to assess the likelihood of future drought. Those tools include a look at regional soil moisture content, reservoir levels, and likelihood of reservoirs to refill. Ms. Zitsch presented a graph of reservoir refill probabilities for Lake Lanier and intends to present updated graphs to the Governing Board at future meetings. Based on the current refill probabilities, the lake is likely to refill this winter.

Mr. Gerald Pouncey asked if we expect Lake Lanier to refill given an average rainfall year. Ms. Zitsch confirmed that it would.

Secretary/Treasurer Birdel Jackson asked if the predictive analysis takes into account the man-made impacts to the reservoir. Ms. Zitsch replied that the District does consider the current operating procedures for dam releases and that the District will also assess proposed changes and their impacts as that information becomes available.

Schedule for 2015

Chairman Austin noted the scheduled dates for District Board Meetings in 2015 as follows:

- February 25, 2015
- June 3, 2015 – this date does not align with the ARC Board Meeting due to scheduling conflicts
- August 26, 2015
- December 2, 2015

BAC Chair Election Results

Chairman Austin announced the newly elected Chairs for the 2015 Basin Advisory Councils (BAC) as:

- Teresa Crisp - Chattahoochee BAC

- Bruce Coyle - Coosa/Etowah BAC
- Maureen Tompkins - Flint BAC
- Val Perry - Lake Lanier BAC
- Steve Williams - Ocmulgee BAC Chair:
- Jill Stachura - Oconee BAC

TCC/BAC Guidance Update

Chairman Austin noted that during the August Governing Board meeting, staff was directed to review and recommend any modifications to the TCC and BAC guidance related to membership, voting and other operating procedures. Staff is expected to have the recommendations to the Board at the February board meeting.

2016 Water Resource Management Plan Update

Chairman Austin noted that he has directed staff to review proposals received from consultants and recommend a firm for approval by the Executive Committee.

Executive Committee Report

2014 and 2015 Budget Revisions

Mr. Birdel Jackson presented the Finance and Executive Committee's recommendations on the 2014 year-end and 2015 budget revisions. Chairman Austin noted that the third step of the proposed dues increase to fund the 2016 Plan Update will be voted on in June 2015 for the fiscal year 2016 budget. At that time, the District will also know if it will receive additional funding from the state and will assess if the proposed third year dues increase will need to be adjusted. Chairman Austin explained that recommendations of a committee do not require a second. The 2014 and 2015 budget revisions were approved unanimously.

Georgia Association of Water Professionals (GAWP) Recognition

Ms. Pamela Burnett announced that Mr. Jack Dozier, the former GAWP Executive Director, is planning to retire in August 2015. Ms. Burnett introduced Mr. Dozier who gave a brief overview of the history of water management across Georgia and noted the highlights of Georgia's response to the Clean Water Act of 1972. Mr. Dozier applauded the efforts of the District. Ms. Burnett read a resolution adopted by GAWP to recognize the good work of the District. Ms. Zitsch thanked GAWP for their work and noted that the two organizations have developed a memorandum of understanding which highlights shared benefits for the members of each organization.

Update on EPD Activities

Mr. Russ Pennington, the Georgia EPD Director of Policy and Public Affairs, provided the Governing Board with an update on EPD activities. Mr. Pennington noted that Georgia EPD is an active participant in the Supreme Court Case between Florida and Georgia which is just getting started. EPD recently met with industry leaders in the Lower Flint River Basin to discuss water management opportunities in the Flint River Basin. The Upper Flint and the Lower Flint have a very different hydrology. Given the differences, EPD will be looking at methods to address low flows in the Flint River by increasing tributary flow in the Upper Flint and by urging

groundwater users in the Lower Flint to utilize deeper, confined aquifers rather than the Upper Floridan aquifer in order to reduce their impact on surface water flows in the river.

Georgia EPD is also looking to replicate the 5R process used for the Savannah River TMDL. This process will help coastal communities develop a plan to address salt water intrusion in the municipal groundwater supply. Several options are being considered by a local stakeholder group.

Mr. Pennington discussed draft legislation related to codifying the marshland buffer and where it begins. The Georgia Supreme Court will soon hear an appeal case on whether isolated state waters that are jurisdictional wetlands require a 25-foot buffer.

Vice Chair Katie Kirkpatrick asked if any of the Regional Councils have been renamed and asked for an update on funding for council support. Mr. Pennington replied that they have not been renamed at this time. Ms. Gail Cowie with Georgia EPD noted that the state's FY2015 budget includes baseline funding for the council's to continue meeting two to three times per year and begin the scoping process for the Regional Water Plan updates. Additional funding support is anticipated for FY2016.

Ms. Burnett asked if Georgia EPD plans to continue using the Carl Vinson Institute for future Regional Council meetings and plan update facilitation. Mr. Pennington replied that as the plan update nears, Georgia EPD will be looking to consultants for assistance.

Water Litigation Update

Ms. Zitsch provided an overview of Florida vs. Georgia Supreme Court case and discussed the roles of ARC and the State of Georgia. Lewis Jones, of the law firm King and Spalding was present, but Ms. Zitsch reminded the Board that King and Spalding handles litigation related to ARC's interests but does not represent the Metro Water District.

In November 2014, the Supreme Court accepted Florida's case against Georgia over equitable apportionment of water in the Apalachicola-Chattahoochee-Flint (ACF) River Basin. A Special Master, Mr. Ralph Lancaster, has been assigned to manage the case for the Supreme Court by taking discovery, hearing arguments and recommending a decision to the Court for consideration. The Special Master is known for operating his cases at a fast schedule. More updates will be provided in the future. The state is taking the approach that "We are one state, working together."

Mr. Tim Thoms asked if the Special Master would be talking directly with any board members. Mr. Lewis Jones of King and Spalding responded that it will depend on who Florida directs discovery requests to, which will likely include the major water users.

Mr. Gerald Pouncey asked if Florida has asked for preliminary relief. Mr. Jones stated that Florida has not requested preliminary relief.

Mr. Steve Woodruff asked if there have been any comparable cases that the Special Master has heard. Mr. Jones replied that these cases are few and far between. Of the three original actions he has handled, Virginia v. Maryland was most similar because it involved the states' authority to regulate a shared river, but that case was substantially different because the states already had a compact and the special master only needed to interpret it. It was not an equitable apportionment like this one, where the court is being asked to divide the resource in the first instance.

Mr. Brad Curry asked if Florida has to show damages. Mr. Jones replied that Florida will have to show substantial injury in order for the case to move forward.

Secretary/Treasurer Jackson asked what other discovery would be required given that the case has been going on for over 30 years. Mr. Jones replied that previous litigation has involved the Corps of Engineers and was related to different issues, so no similar discovery has been conducted in the past.

Vice Chair Kirkpatrick asked if the Special Master gets to make the final decision. Mr. Jones replied no and that the Supreme Court will make the final decision. There have been instances where the court has disagreed with the Special Master.

Mr. Thoms asked if there was still an opportunity to settle out of court. Mr. Jones replied that since the proceedings are moving forward at a fast pace, there is a likelihood that the case could come to a conclusion during the two governors' final terms, potentially providing an incentive to settle.

Mr. Pennington noted that the Corps of Engineers is expected to continue with the Environmental Information Statement (EIS) for the ACF basin operations manual update with a draft anticipated in September 2015.

Ms. Zitsch noted that the final EIS for the Alabama/Coosa/Tallapoosa (ACT) basin operations manual update was released on November 7, 2014. The EIS did not address water supply even though the Cobb County-Marietta Water Authority requested additional storage in 1981. A "failure to act" lawsuit was filed by the State of Georgia, Cobb County-Marietta Water Authority, and ARC in November against the Corps of Engineers. The lawsuit states that the Corps should address the water supply request and include a schedule for completion. The suit was filed and will be heard in the Northern District of Georgia.

Mr. Woodruff asked if the Corps recognizes return flows. Ms. Zitsch replied this has been an issue with the Corps, and ARC and the state are working hard to get the corps to clarify its policies.

Metro Quest Survey Results

Ms. Melissa Roberts provided an overview of the Metro Quest survey results that will help support planning for the Region's Plan. The first survey was intended to identify general goals. The next survey will consider a number of future scenarios for addressing the identified goals.

The survey reached the larger metropolitan planning organization boundary of 20 counties and gathered over 8,000 responses.

Ms. Roberts noted that the most popular strategies to Securing our Water Supply were to strengthen water conservation programs throughout the region and clean up and restore environmentally damaged areas.

Mr. Michael Thomas stated that when Clayton County Water Authority asked its customers if they drink their tap water, only 40% replied “yes.” As water providers, we need to keep promoting the safety and quality of our water.

Hon. Steve Brown noted that he has noticed that the lower ranking priorities often don’t get as much press and don’t get noticed. A novel approach would be to look at the individual comments provided. Often when you do, you notice that the people don’t understand the issues.

Ms. Roberts stated that every comment is provided in the appendix of the full report. There were 608 comments on water of which the majority related to clean water and prosperity. There were 273 comments related to green space and parks and many people connected these to reservoirs.

Mr. David Kubala recognized that personal opinion is common to what people perceive as common understanding (e.g. environmentally damaged areas). He would like to drill down to the finer elements of the impacts. People should recognize the value of water.

Ms. Roberts announced that she would come back with updates on future results.

2014 Water Essay Contest Winners

Ms. Kostoula Vallianos provided an overview of the 2014 Water Essay Contest and announced the winners. A special reception recognizing the winners will take place on December 4, 2014 at the State Capital.

Chairman Austin provided a reminder that the 2015 Legislative Breakfast will take place on February 10, 2015 at 8:30 a.m.

There being no further business, the meeting was adjourned.