



**Metropolitan North Georgia Water Planning District  
GOVERNING BOARD  
Meeting Notes and Minutes  
March 1, 2012**

The Metropolitan North Georgia Water Planning District Governing Board met on Thursday, March 1, 2012 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. Greg Clifton  
Ms. Kit Dunlap  
Mr. Reggie Prime  
Mr. Tim Thoms

Bartow County Designee: Mr. Ed Mullinax  
Clayton County Designee: Mr. Mike Thomas  
Cobb County Designee: Ms. Judy Skeel  
Coweta County Designee: Mr. Ellis Cadenhead  
DeKalb County Designee: Mr. Ted Rhinehart  
Douglas County Designee: Mr. Pete Frost  
Gwinnett County Designee: Mr. Jim Scarbrough  
Rockdale County Designee: Mr. Lee Pope

**Members Not Present**

Hon. John Eaves  
Hon. H. Ford Gravitt  
Hon. Elizabeth 'BJ' Mathis  
Hon. Tom Oliver  
Hon. Kasim Reed

Mr. William Thomas Craig  
Mr. Brad Currey  
Mr. Chuck Huling  
Mr. Gerald Pouncey

**Approve Meeting Notes and Minutes**

Chairman Boyd Austin called the meeting to order. The meeting notes and minutes from the December 1, 2011 Board meeting were approved.

**Chairman's Report**

Chairman Austin thanked GA EPD Director Jud Turner for attending the Executive Committee meeting and explained that Director Turner's schedule kept him from attending the board meeting. The Chairman thanked all the board members and designees who attended the District's Legislative Meet and Greet on February 28<sup>th</sup> at the Georgia State Capitol, the event was a great success.

Patricia Barmeyer with King & Spalding provided the board an update on the Tri State Litigation. She reminded the board that Judge Magnuson separated the Apalachicola-

Chattahoochee-Flint (ACF) river basin litigation into two phases; 1. Whether water supply is an authorized use of Lake Lanier 2. Endangered species issues in the lower basin

The 11<sup>th</sup> Circuit Court ruling last summer answered the Phase 1 question and clarified that water supply has always been an authorized use of Lake Lanier. As a result of this ruling the U.S. Army Corps of Engineers has been tasked with determining the full extent of its authority to operate Lake Lanier for water supply. The Corps will also consider how to credit return flows from highly treated wastewater discharges. Alabama and Florida have filed a petition for a writ of certiorari with the U.S. Supreme Court to appeal the 11<sup>th</sup> Circuit Court decision. The State of Georgia along with the affected water suppliers has 30 days to respond to the petition. The Phase 2 ruling pertaining to the Corps' operation of the ACF and the impact on endangered species in the lower basin is still pending.

The Alabama-Coosa-Tallapoosa (ACT) river basin litigation between Georgia and Alabama is still pending.

The board asked what the Corps' response to the 11<sup>th</sup> Circuit Court ruling will look like when it's issued this summer. Ms. Barmeyer clarified that the Corps will likely provide legal analysis and not a revised operation manual. Using the new guidance the Corps may then take another one to two years to revise the ACF operations manual which the Corps uses to make decisions regarding releases from Corps projects.

Ms. Pat Stevens updated the board on the status of the drought. She noted that South Georgia is still very dry and stream flows in the Flint basin are below normal. Ms. Stevens highlighted the lake levels of the federal reservoirs stating that Lake Lanier is lower today than it was this time last year. The combination of the dry conditions in the Flint basin and the low level of Lake Lanier for this time of year are cause for concern.

Ms. Gail Cowie, with GA EPD, reported on state water planning efforts. She informed the board that starting today she is filling the vacancy left by Mr. Tim Cash retiring as Assistant Branch Chief responsible for coordinating issues for the Chattahoochee and Flint river basins. The board was given a report entitled *Georgia's Water Future in Focus: Highlights of Regional Water Planning 2009-2011* and Ms. Cowie informed the board that the report is also available on [www.georgiawaterplanning.org](http://www.georgiawaterplanning.org). This report documents the process used throughout the state by regional water planning councils to develop their regional water plans. Ms. Cowie stated that the State Water Plan directs GA EPD to use the regional water plans to guide permitting decisions. While this guidance is not as strong or specific as the District law, GA EPD still intends to use these regional plans to inform their decisions. Some of the water planning councils are moving forward with voluntary implementation activities.

Ms. Cowie also spoke about the status of the Flint River Drought Protection Act and the March 1<sup>st</sup> drought determination deadline. Georgia EPD has evaluated stream flows in the Flint basin and while they are low the current corrective tools available to the State would not be effective at remedying the dry conditions and therefore GA EPD will not issue a severe drought determination for the Flint basin. A board member asked for clarification on the linkage between

agricultural ground water use and surface water flows. Ms. Cowie responded that there is some controversy over agricultural water use being treated as 100% consumptive noting that some argue agricultural water use would enhance surface flows and others believe that groundwater and surface water are one interrelated source.

The board also received a status update on the preliminary drafts of the drought management rule and water conservation rule currently being developed by GA EPD. Ms. Cowie informed the board that the drought rule language will be reevaluated based on comments that the preliminary draft was too complex and used the wrong baseline. She also noted that there was concern over the exemptions included in the preliminary draft.

### **Executive Committee Report**

Chairman Austin reviewed the revised 2012 Legislative Agenda. He informed the board that the Executive Committee added SB 499 pertaining to stream monitoring to the list of pending legislation to follow. The Chairman informed the board that crossover day is March 7. The Executive Committee recommends the board adopt the revised 2012 Legislative Agenda. There was a motion and second to adopt the revised 2012 Legislative Agenda. The motion passed.

The Chairman directed the board to page two of the Lake Lanier and Oconee Basin Advisory Council Meeting summary dated January 10, 2012 included in their meeting packet. He explained that the Lake Lanier & Oconee BACs voted to make a recommendation for the Board to support and issue a position statement to the Corps in support of raising the level of Lake Lanier to 1,073 feet. Chairman Austin opened the floor for discussion, hearing none, no action was taken.

The draft water waste policy language proposed for adoption by the board was reviewed by the Chairman. A motion was made and seconded to adopt the water waste policy/ordinance guidance. The Chairman opened the floor for discussion. Mr. Tim Thoms questioned the guidance stating that the language is too stringent. He suggested amending the guidance to include a time table for corrective actions. Chairman Austin clarified that he intends to adopt a policy and not an ordinance in the City of Dallas and believe this format gives local governments the flexibility they need. Mr. Pete Frost suggested amending the guidance language in the second paragraph by replacing “24 hours notice” with “reasonable notice” pertaining to interrupting water service as a result of water waste. Mr. Birdel Jackson clarified that this is guidance language and local governments have the flexibility to make changes that work for their individual situation. Chairman Austin reminded the board that local governments are required to adopt either a water waste policy or ordinance this year and that process takes time so the board needs to take action today on adopting this language. Mayor Clifton made a secondary motion to amend the second paragraph of the guidance language to replace “24 hours notice” with “reasonable notice”. The motion was seconded and the amendment passed. Chairman Austin called the vote on the main motion as amended to adopt the water waste policy/ordinance guidance. The main motion as amended passed with opposing votes from Mr. Tim Thoms, Mayor Greg Clifton, Mr. Mike Thomas and Mr. Pete Frost.

### **Update on Metro Water District Activities**

Ms. Lora Nance provided an update on the toilet rebate program. She noted that since the program began in 2008 the region has rebated approximately 72,500 toilets with an estimated daily water savings of over 1.2 million gallons. She informed the board that in 2012 the program changed to only offer rebates on WaterSense certified toilets using 1.28 gpf or less. The board asked if data is available on cost savings to the customer and Ms. Nance responded that staff had not looked into that. Ms. Nance answered a question regarding the effectiveness of dual flush toilets and stated that those toilets are also certified through WaterSense.

Mr. Corey Babb informed the board that over 104,000 fats, oils and grease educational door hangers have been distributed to metro Atlanta apartments. The District partnered with the Atlanta Apartment Association to reach out to 381 multi-family complexes in the region. The District is in the process of reprinting more door hangers for further distribution.

### **Next Meeting**

Vice Chair Kirkpatrick mentioned the City of Atlanta referendum scheduled for next week and encouraged City of Atlanta residents to continue the one cent sales tax to fund the City of Atlanta's water infrastructure improvements.

Ms. Pat Stevens informed the board that Ms. Abby Owens with the District staff is moving to Texas and voiced her sincere gratitude for the contributions she has made to the region. Ms. Owens was responsible for starting the regional toilet rebate program and was instrumental in developing the water conservation measures. Ms. Owens will be missed and we wish her the best.

The next Board meeting will take place on Thursday June 7, 2012 at 10:00 a.m. in the R. Charles Loudermilk Center Amphitheatre. There being no other business, the meeting was adjourned.