



## **Meeting Summary**

**Joint Lower Flint-Ochlockonee, Upper Flint, and Middle Chattahoochee**

**Regional Water Council Meeting**

**Georgia Southwestern State University – Americus, GA**

**August 30, 2018**

*NOTE: Meeting Summaries for the Individual Council Meetings held on August 30, 2018 are attached to this summary.*

### **Welcome**

Lower Flint-Ochlockonee Chairman Richard Royal, Middle Chattahoochee Chairman Steve Davis and Upper Flint Member Beth English welcomed Council members and guests. Mr. Royal reinforced the need for the attending councils to coordinate and for the regions to highlight their water management efforts. Mr. Davis thanked everyone for being engaged. Ms. English emphasized the importance of collaboration with the councils and between councils. Chairman Donald Chase of the Upper Flint Council sent his regrets for not being able to attend the meeting.

### **Review Meeting Agenda**

Kristin Rowles (Georgia Water Planning and Policy Center (GWPPC)) also thanked everyone for their attendance and then reviewed the meeting agenda.

### **Report on Supreme Court Decision in *Florida v. Georgia, No. 142***

John Allen (Kazmarek, Mowrey, Cloud & Laseter) thanked the Council members for their efforts over the years and reminded them of the importance of their work in managing the state's water resources. He offered that much of the state's good story on water use is attributable to

data collection and technical work completed in support of the Regional Water Planning process. Mr. Allen's update is summarized as follows:

- The Special Master's report was limited in findings and suggested that Florida could not receive any relief from a cap on Georgia's water use given operation of the Corps of Engineer's operation of storage facilities on the Chattahoochee River;
- The Supreme Court ruled in June 2018 that the Special Master used "too strict a standard" in his report and remanded the case back for additional proceedings. The Court identified five central questions as the focus of remand:
  - "does Georgia take too much water from the Flint River?"
  - "has Florida sustained injuries as a result?"
  - "would a cap on Georgia's water consumption increase the amount of water that flows from the Flint River into Lake Seminole?"
  - "(under the Corps' revised master manual or under reasonable modifications that could be made to that manual) would additional water resulting from a cap on Georgia's water consumption result in additional streamflow in the Apalachicola River?"
  - "would that additional streamflow into the Apalachicola River ameliorate Florida's injuries?"
- The dissent, authored by Justice Thomas, suggested that the Court had plenty of evidence to issue a final ruling on the case and that evidence was overwhelming in support of Georgia's position to deny Florida relief through a cap on Georgia's water use.
- The Supreme Court has appointed a new Special Master, Paul Kelly Jr. of the 10<sup>th</sup> Circuit Court of Appeals in Santa Fe, New Mexico, to replace Ralph Lancaster. The schedule for additional proceedings has not been set by Judge Kelly but a minimum of two more years seems likely. *[A website maintained by the new special master has been established for documents related to the case: <https://www.ca10.uscourts.gov/special-master-142>]*
- There are additional, related lawsuits against the Corps of Engineer's ACF Water Control Manual currently underway in the Northern District of Georgia.

Discussion was as follows:

- Parts of the majority opinion focus on the Flint River.
- A member suggested additional time should be given to those caught up in discovery to produce documents and material.

- It was mentioned that the Corps of Engineers is a central player in the *Florida v. Georgia* case but cannot be forced to participate in litigation through sovereign immunity.
- Mr. Allen offered that Georgia presented a good case on agricultural water use in Georgia but did not comment on Special Master Lancaster's opinion offered in his February 2017 report.
- A member suggested developing a summary of the litigation for Council members to use in their outreach efforts. [In follow-up to the meeting, EPD suggested that this meeting summary could be used for that purpose.]

### **USGS Georgia Groundwater Conditions Report**

Debbie Warner Gordon (USGS) gave an overview of the recently released Georgia groundwater conditions report. She demonstrated functionality and data resources available regarding groundwater conditions on the USGS website:

<https://www2.usgs.gov/water/southatlantic/ga/infodata/gwconditions/index.php>.

### **Floridan Aquifer Collaborative Engagement for Sustainability (FACETS)**

Dr. Wendy Graham (University of Florida) presented details on a large study funded by USDA and being conducted in conjunction with Albany State University, Auburn University and the University of Georgia. The project is focused on sustainable use of the Upper Floridan Aquifer in Florida and Georgia (slides available). Dr. Graham noted several members of the project's stakeholder team are also members of the Regional Water Councils and thanked them for their participation. The overall project goal is to ensure the economic sustainability of agriculture and silviculture in North Florida and South Georgia while protecting water quantity, quality, and habitat in the Upper Floridan Aquifer and the springs and rivers it feeds. The project team maintains an information website at <https://www.floridanwater.org>.

### **Next Steps**

Kristin led the Councils in a discussion relating to future joint Council meetings. Members suggested joint meetings are helpful but should only be called when topics are relevant across Council boundaries. Kristin thanked the Council members for their participation today and reminded members of the individual Council meeting schedule for the day. The joint council meeting was adjourned.

*Member attendance lists for the joint meeting are provided with the summaries for the individual Council meetings.*

## **Meeting Summary**

### **Lower Flint-Ochlockonee Regional Water Council Meeting**

**Georgia Southwestern State University – Americus, GA**

**August 30, 2018**

#### **Welcome, Introductions, Chairman's Discussion**

Lower Flint-Ochlockonee Chairman Richard Royal welcomed members, thanked everyone for their attendance and asked members and guests to introduce themselves. Mr. Royal asked the members to consider the meeting summary from December 11, 2017, for approval. *Following a motion by Vince Falcione and a second by Jimmy Champion, the meeting summary from the December 11, 2017 Lower Flint-Ochlockonee Council meeting was approved by consensus.*

Next, Mr. Royal reviewed the meeting agenda. *Following a motion by David Dixon and a second by Hank Jester, the meeting agenda was approved by consensus.*

#### **Follow-Up on Council Member Outreach**

Steve Simpson (B&V) provided an update on recent Council outreach including presentations by Council members at civic clubs and other regional meetings. He also reported that there was an exhibit booth on the regional water plans at the July Georgia Association of Water Professionals conference and a panel discussion on Regional Water Planning at the Georgia Association of Water Professionals quarterly executive luncheon meeting in August. Steve reminded the group of materials available to support the Council members in future outreach opportunities. In discussion, a number of Council members suggested expanding efforts to tell the story of agricultural conservation, metering and other implementation activities in the region.

#### **Updates from EPD**

Dr. Gail Cowie (EPD) provided the Council updates on several information items on behalf of EPD. Topics discussed included:

- **Seed grants and water quality grants:** A seed grant was awarded to UGA Stripling Irrigation Research Park for soil moisture sensors and irrigation scheduling. This grant application was supported by the Council, and Council member Calvin Perry is involved in the project. The Flint Soil & Water Conservation District is wrapping up a project on dynamic VRI under a previously issued seed grant. Casey Cox (Council member) is involved in this project. The seed grant program will be open for new applications this year, with the application period starting in September and applications due in

December. The Golden Triangle Resource Conservation and Development Council recently completed the development of an Aucilla River Watershed Management Plan with the support of a Section 319 grant. Two new Section 319 awards include a grant to Golden Triangle for a best management practice implementation in the Aycock Creek watershed and a grant to the Georgia Soil and Water Conservation Commission for best management practice implementation in the Chickasawhatchee Creek watershed.

- Lake Talquin TMDL: Lake Talquin is in Florida, but much of its watershed is in South Georgia. A draft TMDL for nitrogen and phosphorus was developed by Florida Department of Environmental Protection, and it is under revision following a legal challenge. Georgia EPD will be coordinating with stakeholders in the Ochlockonee watershed to develop a watershed management plan to address nutrient limits related to this TMDL, once it is final.
- Stormwater Permit Reissuances: EPD has reissued the NPDES general permit for stormwater discharges associated with industrial and construction activities and with municipal storm sewer systems. Reporting is now handled electronically for Industrial and Construction Stormwater permits via the Georgia EPD Online System (GEOS) for Permitting Compliance and Facility Information at the following link: <https://geos.epd.georgia.gov/GA/GEOS/Public/GovEnt/Shared/Pages/Main/Login.aspx> There is a public portal at that link where people can get information on the stormwater permits in a specific area.
- Draft Aquifer Storage and Recovery (ASR) guidance: Draft guidance on ASR permitting is available for review. A public meeting on the draft guidance will be held September 12 from 1-3 pm at the EPD Training Center in Atlanta. Public comments are due to EPD by September 21. Dr. Cowie reported that EPD does not have any current applications for ASR projects and is not aware of any projects under development but has developed the written guidance following an evaluation directed by House Resolution 1198.
- Agricultural Water Metering: Legislation passed in the 2018 General Assembly formally moved the agricultural water meter program to EPD, and the legislation requires EPD to contract for installation, repair, replacement, and reading of meters. The legislation also directed EPD to develop a priority system for metering. EPD has identified four priority basins for implementing new meter installations and repair and replacement of meters (Flint, Suwannee, Chattahoochee and Ochlockonee). In response to a Council member's question, Mark Masters (GWPPC) reported that field mapping of more than 4,700 center pivots in the Lower Flint Basin shows that over 85% are metered.

- Albany Sewer and Combined Sewer Overflow: EPD has issued a Notice of Violation to the City of Albany for a recent sewage spill, and enforcement actions are underway. Dr. Cowie reminded members that Albany operates on a Combined Sewer Overflow system under a permit that is set to expire in March 2019. The application for renewal is due to EPD six months prior to the expiration of the current permit. There will be an opportunity for public comment prior to permit renewal. [For more information on wastewater permits under consideration, please see the EPD Watershed Protection Branch's public announcements page: <https://epd.georgia.gov/watershed-protection-branch-public-announcements> and/or contact Ms. Nicki Dorsey by phone, (404) 463-1507, to request hard copy notifications.]

### **Report on Water Planning Website**

Steve Simpson (B&V) provided a brief demonstration of the new state water planning website: <https://waterplanning.georgia.gov>

### **Public Comment**

Cale Cloud (UGA Extension) and Nikki Dictson (Auburn University and Albany State GWPPC) introduced themselves. There were no other public comments.

### **Next Steps**

Mr. Royal suggested that in lieu of the next Council meeting the Council host an outreach meeting(s) for local elected officials and other leaders to update them on water planning activities and conservation efforts, with a focus on agriculture. Mr. Royal will appoint a subcommittee to work with the planning contractors to plan the outreach meeting, possibly in the January/February time frame. A member suggested that a news release would be needed in advance of the meeting to ensure media presence; another suggested that Council members should attend if possible. Mr. Royal thanked members for attending, and the meeting was adjourned.

### **Council Members Attending August 30, 2018 Meeting**

Richard Royal, Chairman	Hank Jester
John Heath	Steve Bailey
Connie Hobbs	David Dixon
Vince Falcione	George McIntosh
Casey Cox	Calvin Perry
Jimmy Champion	Huddy Hudgens

## **Meeting Summary**

### **Upper Flint Regional Water Council Meeting**

**Georgia Southwestern State University – Americus, GA**

**August 30, 2018**

#### **Welcome, Introductions, Chairman's Discussion**

Upper Flint Council Member Beth English welcomed members and thanked everyone for their attendance. Ms. English was standing in for Chairman Donald Chase, who could not attend the meeting. Ms. English asked the members to consider the meeting summary from January 12, 2018 for approval. *The Council approved the January 12, 2018 meeting summary by consensus.*

Next, Steve Simpson reviewed the meeting agenda. *The meeting agenda was approved by consensus.*

#### **Follow-Up on Council Member Outreach**

Steve Simpson (B&V) provided an update on recent Council outreach including presentations by Council members at civic clubs and other regional meetings. Beth English said that she presented an update on the planning process to the Dooly County Chamber of Commerce. Steve also reported that there was an exhibit booth on the regional water plans at the July Georgia Association of Water Professionals conference and a panel discussion on Regional Water Planning at the Georgia Association of Water Professionals quarterly executive luncheon meeting in August. Steve reminded the group of materials available to support the Council members in future outreach opportunities. Lamar Perlis will be making a presentation at the Cordele Rotary Club in September.

#### **Upper Flint Working Group Report**

Ben Emanuel (American Rivers) gave an update on the Upper Flint Working Group comprised of water utilities, non-profits and other water interests in the Piedmont portion of the Upper Flint watershed. Ben reported progress in collaboration on return flows, reservoir minimum releases, and drought resiliency planning. Slides from the presentation are available.

#### **Updates from EPD**

Jennifer Welte (EPD) provided the Council updates on a number of items on behalf of EPD (slides available). Topics discussed included:

- **Agricultural Water Metering**: Legislation passed in the 2018 General Assembly formally moved the agricultural water meter program to EPD, and the legislation requires EPD to

contract for installation, repair, replacement, and reading of meters. The legislation also directed EPD to develop a priority system for metering. EPD has identified four priority basins for implementing new meter installations and repair and replacement of meters (Flint, Suwannee, Chattahoochee and Ochlockonee).

- Triennial Review of Water Quality Standards: Georgia reviews and revises water quality standards every three years. In June, amendments to the state's water quality standards, based on the triennial review, included the following: clarification of the anti-degradation rule, inclusion of pH in definition of "natural conditions," and adoption of bacteria criteria for the protection of secondary contact recreation.
- Stormwater Permit Reissuances: EPD has reissued the NPDES general permit for stormwater discharges associated with industrial and construction activities and with municipal storm sewer systems. Reporting is now handled electronically for Industrial and Construction Stormwater permits via the Georgia EPD Online System (GEOS) for Permitting Compliance and Facility Information at the following link: <https://geos.epd.georgia.gov/GA/GEOS/Public/GovEnt/Shared/Pages/Main/Login.aspx>
- Seed grants and water quality grants: Two seed grants were recently funded in the region, including grants to UGA Stripling Irrigation Research Park and Two Rivers Resource Conservation and Development Council. The seed grant program will be open for new applications this year, with the application period starting in September and applications due in December.
- Draft Aquifer Storage and Recovery (ASR) guidance: Draft guidance on ASR permitting is available for review. A public meeting on the draft guidance will be held September 12 from 1-3 pm at the EPD Training Center in Atlanta. Public comments are due to EPD by September 21. Ms. Welte reported that EPD does not have any current applications for ASR projects and is not aware of any projects under development.

### **Report on Water Planning Website**

Steve Simpson (B&V) provided a brief demonstration of the new state water planning website (<https://waterplanning.georgia.gov>)

### **Public Comment**

Lance Renfrow (Two Rivers Resource Conservation and Development Council) gave a brief report on a seed grant project focused on DNA source tracking in the Ulcohatchee Creek (Crawford County) watershed. Preliminary testing results from one of six testing rounds

suggests that the highest fecal coliform content came from cattle. He reported that Two Rivers will apply for Section 319 funds to support BMP implementation in the watershed.

**Next Steps**

Steve Simpson reviewed opportunities for upcoming Council meetings, including coordinating meetings with local elected officials or others to improve Council outreach. Council members asked the planning contractors to work with the Chairman Chase to appoint a subcommittee to follow-up on outreach meetings to potentially be scheduled in January. Beth English briefly discussed next steps for recommending replacement appointments for open Council member seats. GA EPD was requested to provide a list of members identifying county and principal interest group to the council. Beth English thanked members for attending. The meeting was adjourned.

**Council Members Attending August 30, 2018 Meeting**

Beth English	Gene Brunson
Raines Jordan	Lamar Perlis
Brant Keller	Terrell Hudson
Randall Starling	Joel Wood
Michael Bowens	Larry Smith
Jack Holbrook	

**Meeting Summary**

**Middle Chattahoochee Regional Water Council Meeting**

**Georgia Southwestern State University – Americus, GA**

**August 30, 2018**

**Welcome, Introductions, Chairman's Discussion**

Middle Chattahoochee Chairman Steve Davis welcomed members and thanked everyone for their attendance. Kristin Rowles (GWPPC) invited Mr. Davis to open the floor to a motion to approve the meeting summary from March 28, 2018. A motion was made, seconded, and the meeting summary was approved by consensus. Kristin Rowles then reviewed the meeting agenda.

**Follow-Up on Council Member Outreach**

Kristin Rowles provided an update on Council outreach, including efforts to schedule presentations by Council members at civic clubs and other regional meetings. She reminded the group of materials available to support the Council members for outreach opportunities. Steve Davis said that he had made presentations about the Council's work to two groups in his area. Kristin noted that Harry Lange was in the process of scheduling an outreach presentation for the Harris County Commissioners. Gloria Weston-Smart said that information about the Council's work could be distributed through the Columbus public access TV stations. Kristin offered assistance in preparing materials to provide for this purpose and noted that soon we may have some video available, as well as slides.

**Workshop Planning – Drought Management**

Kristin said that she had talked with Mr. Davis about the possibility of planning the next Council meeting as a workshop for local governments and water systems about drought planning and management and compliance with state rules for drought management. She said this would be an opportunity to implement one of the Council's management practices (WS-5) regarding drought contingency planning, and it would support the Council in its outreach efforts. She asked the Council members for their feedback, and they generally supported the idea. Kristin will work with Mr. Davis, and possibly a committee of Council members, to plan for this meeting. The meeting is expected to be planned for January or February.

### **TriRivers Waterways Development Association Report**

Billy Turner reported to the Council on the current activities of the TriRivers Waterways Development Association. Billy is serving as the new executive director for the organization. Current issues discussed include a lack of channel in Apalachicola, a lock at Walter F. George Dam that is out of service, a lock at Andrews Dam that is partially inoperative, uncertain sustainable flow and quality in the lower Chattahoochee, and invasive weeds (hydrilla) in lower lakes. TriRivers is focused on improving navigation conditions in the ACF System. He reported on current projects and upcoming events, including an Annual Conference in October, and a leadership tour for the US Army Corps of Engineers in November. The slides from Mr. Turner's presentation are available.

### **Updates from EPD**

Christine Voudy (EPD) provided the Council updates on several information items on behalf of EPD. Topics discussed included:

- **Electronic Reporting**: The federal NPDES Electronic Reporting rule was finalized in October 2015. The rule replaces most paper-based reporting requirements with electronic reporting. The rule also requires states to share data electronically with EPA. Applicable electronic reporting requirements are being specified in NPDES permits issued by EPD. The eReporting rule sets forth two phases for implementation (2016 and 2020).
- **Water Quality Standards**: Georgia reviews and revises water quality standards every three years, and the most recent review was adopted by the DNR Board in June of this year. The review included multiple opportunities for public input. Based on the review, standards for cadmium, pH, and bacteria were updated and some water use classifications were revised, including a stretch of the Chattahoochee River below Atlanta. The use designation for this segment was upgraded from fishing to recreation. In addition, the DNR Board adopted changes to the state's narrative water quality standards in March 2018 to clarify that water quality criteria apply to all state waters and to clarify references to "designated uses."
- **Stormwater Permit Reissuances**: EPD has reissued the NPDES general permit for stormwater discharges associated with industrial and construction activities and with municipal storm sewer systems. Reporting is now handled electronically for Industrial and Construction Stormwater permits via the Georgia EPD Online System (GEOS) for Permitting Compliance and Facility Information at the following link: <https://geos.epd.georgia.gov/GA/GEOS/Public/GovEnt/Shared/Pages/Main/Login.aspx>

- Agricultural Water Metering: Legislation passed in the 2018 General Assembly formally moved the agricultural water meter program to EPD, and the legislation requires EPD to contract for installation, repair, replacement, and reading of meters. The legislation also directed EPD to develop a priority system for metering. EPD has identified four priority basins for implementing new meter installations and repair and replacement of meters (Flint, Suwannee, Chattahoochee and Ochlockonee).
- Draft Aquifer Storage and Recovery (ASR) guidance: Draft guidance on ASR permitting is available for review. A public meeting on the draft guidance will be held September 12 from 1-3pm at the EPD Training Center in Atlanta. Public comments are due to EPD by September 21.

### **Report on Water Planning Website**

Robert Osborne (B&V) provided a brief demonstration of the new state water planning website: <https://waterplanning.georgia.gov>. Robert encouraged the council to point the public to this website for information. Christine Voudy noted that the Middle Chattahoochee Council's part of the website can be customized to address Council's requests.

### **Public Comment**

Laura Schneider from the River Valley Regional Commission updated the council on the Regional Water Plan Seed Grant. The plan was executed last month and involves the Long Cane Creek Watershed in Troup County. It includes:

- Update of current Watershed Management Plan
- Collection of new data to apply for a grant in the future for BMP installations
- Focus on E. Coli and turbidity
- Beginning of DNA source tracking with one round received and a couple more to go
- One year of targeted water monitoring beginning in October

A public meeting on the project will be held in September.

### **Next Steps**

Kristin will work with Chairman Davis to plan the next meeting as an outreach workshop focused on drought management and she will follow up with Harry Lange regarding inviting the county commissioners. Kristin will also follow up with Gloria Weston-Smart about getting a video for the TV station. She encouraged members to continue seeking opportunities to promote outreach about the Council's work. Chairman Davis thanked everyone for their participation, and the meeting was adjourned.

**Council Members Attending August 30, 2018 Meeting**

Steve Davis, Chairman

Jimmy Thompson

Harry Lange, Vice Chairman

Gloria Weston-Smart

James Emery