

## PANEL DISCUSSION: AMENDING GEORGIA'S ENVIRONMENTAL PLANNING STANDARDS

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**REFERENCE:** *Proceedings of the 1995 Georgia Water Resources Conference*, held April 11 and 12, 1995, at The University of Georgia, Kathryn J. Hatcher, Editor, Carl Vinson Institute of Government, The University of Georgia, Athens, Georgia.

### Panel Discussions:

An EPD perspective on the dynamic nature of the rules for environmental planning criteria, *Napoleon Caldwell, Program Manager, and Clay Burdette, Principal Engineer, Water Resources Management Program, Georgia Environmental Protection Division, Atlanta, Georgia 30334.*

Has Growth Strategies resulted in improved protection of Georgia's water resources? *Michael Gleaton, Director, Office of Coordinated Planning, Georgia Department of Community Affairs, Atlanta, Georgia 30303.*

The Big Haynes Creek Watershed Plan experience, *Denise L. Schmidt, Principal Environmental Planner, Atlanta Regional Commission, Atlanta, Georgia 30327.*

The Part V Task Force: a consensus-based approach to amending Georgia's environmental planning standards, *Lisa J. Hollingsworth, P.G., AICP, Environmental Planner, Chattahoochee-Flint Regional Development Center, Franklin, Georgia 30217.*

**Introduction** The protection of Georgia's water resources is partially addressed through the Part V Environmental Planning Standards of the Georgia Planning Act of 1989. These Standards, which include water supply watersheds, groundwater recharge areas, wetlands, river corridors, and mountains protection, are promulgated in Department of Natural Resources (DNR) Rules, are administered by Department of Community Affairs (DCA), and are the responsibility of local governments. At this time, the apparent lack of local implementation of these criteria is becoming an issue of statewide concern.

The Georgia Planning Act of 1989 requires each local government to develop and adopt a Comprehensive Plan that meets prescribed minimum standards. DCA is the agency responsible for approving Comprehensive Plans. The minimum planning standards include criteria

for the protection of water resources, rules for which were developed by DNR. The Environmental Protection Division (EPD) is responsible for issuing withdrawal and treatment permits for water supply, and therefore has a vested interest in the protection of public drinking water sources. An inherent difficulty with the implementation of these standards stems from the division of responsibility between EPD and DCA, and questionable statutory authority in the law to require local governments to implement the actions addressed in their comprehensive plans. Accordingly, the local proactive approach to protecting water resources as envisioned in law and rule has not come to fruition in the initial five years of Planning Act implementation.

Recently, DCA and EPD have agreed that the current lack of implementation is to the long-term detriment of drinking water supplies. To address this issue, DCA and EPD are working with a Task Force of broad representation to identify alternatives that will improve local implementation of protection criteria for water resources. Since two problematic areas were water supply watersheds and groundwater recharge areas, the Task Force concentrated on these issues specifically. The alternatives to be identified and explored by the Task Force may include changes in policies and procedures at both the local and state level, changes in the DNR Rules, legislative remedy, and/or State-level incentives/disincentives to stimulate local implementation. The Task Force envisions that its recommendations will be presented to the Boards of DCA and DNR for consideration and appropriate action.

**EPD Perspective** With the passage of the Planning Act of 1989, the Environmental Protection Division of the Georgia Department of Natural Resources was charged with developing associated rules for environmental planning criteria that would guide local governments in the protection of water supply watersheds, groundwater recharge areas, and wetlands. These initial criteria were approved for implementation by the Board of Natural Resources after an extensive period of public review and comment, but have always been viewed as a set of guiding principles that could and should be altered when and if science and practical experiences indicated the

need for modification. While the entire set of EPD rules relating to the environmental planning criteria is of concern, most of the concern expressed thus far has been with respect to the water supply watershed protection criteria. These criteria currently require all governmentally-owned surface water intakes on watersheds of less than 100 square miles to have the highest level of protection, which consists of stream buffers and setbacks in addition to a watershed-wide impervious surface density not exceeding 25%. In instances when a reservoir is the water supply source, a reservoir management plan is required in addition to implementation of the criteria as indicated above. After the initial five years of attempted implementation of the criteria, especially the criteria for water supply watershed protection, the experiences gained by local governments, regional planning agencies, and DCA suggest that both the criteria themselves, as well as the manner in which these criteria are implemented, should perhaps be revisited if the Planning Act is to be effective in Georgia.

During the Fall of 1994, representatives of local governments and RDCs participated in a facilitated session regarding these issues. This group identified an extensive array of concerns associated with the EPD rules and their implementation. The concerns ran the gamut from a need to have stronger scientific bases for the criteria to the perceived implication of these criteria on local land use decisionmaking. In addition to the broad concerns identified at the workshop, conversations between associates of EPD, DCA, and various RDCs in the weeks preceding and following the workshop went further to reinforce the workshop consensus regarding the need to revisit portions of the rules and the implementation process. Direct experiences gained by EPD personnel involved in the first cooperative, multi-jurisdictional effort to aggressively apply the criteria for water supply watershed protection indelibly marked the Division's perspective on the need to continuously update the rules based upon the real world experiences of our local government stakeholders.

EPD is committed to participating in a jointly-defined process that will result in modifications of the rules as necessary to render them more effective and implementable. Such a process is now underway with the Division's full support and participation. Further, our view is that a strong set of rules, developed through a stakeholder involvement process, plays an integral part in growing national and local efforts to effectively address non-point source pollution, and the conduct of integrated river basin planning and management.

**Is Growth Strategies Working?** The Georgia Department of Community Affairs is responsible for approving local government comprehensive plans developed under the auspices of the Georgia Planning Act of 1989. DCA's approval of these plans hinges upon their compliance with Minimum Planning Standards and Procedures, which include the environmental planning criteria for protection of water supply watersheds, groundwater recharge areas, and other critical environmental resources as locally applicable. Under the Minimum Standards, DCA does not have approval authority over decisions made by local governments, but only reviews for thoroughness of the decisionmaking process followed in developing the comprehensive plan. Consequently, many local governments have received DCA approval of their plans despite the fact that they did not embrace (ie, intend to implement) the recommended resource protection measures contained in the environmental planning criteria. In fact, only about 18 percent of the local governments have indicated in their comprehensive plans that they intend to implement all of the protection measures recommended in the environmental planning criteria. This is a cause of concern, given the importance of these water resources to the future well-being of Georgia's citizens. DCA is looking to the Task Force to develop recommendations for refining the environmental planning criteria and/or the distribution of resource management responsibility among local governments, state agencies, and the regions so that more effective protection of these critical water resources can be achieved.

**Real-world experience** The Atlanta Regional Commission was the agency responsible for the preparation of the Big Haynes Creek Watershed Protection Study. This study examined alternatives for protecting Rockdale County's future water supply. Participants in the study included Rockdale, Gwinnett, Newton, and Walton Counties, and the Cities of Snellville, Grayson, and Loganville, as well as an impoundment authority and the local government which currently supplies water to Rockdale. The project team analyzed alternative scenarios for protecting water quality, including application of DNR minimum planning criteria for small water supply watersheds. An engineering consulting firm conducted stormwater runoff modeling in support of this analysis which concluded that the DNR criteria are not sufficient to protect the water supply. Work is currently underway to begin implementing recommended protection measures included in a watershed management plan drafted by the Project team.

This presentation will include a discussion of water quality issues related to the application of the DNR rules, as well as "post-plan" implementation issues associated with multi-jurisdictional watershed planning.

**The Task Force** In December, 1994, a Task Force was formed under DCA's Planning Advisory Council for the purpose of reviewing and improving the protection standards for water supply watersheds and groundwater recharge areas, as well as for defining State, local, and regional roles in water resource protection. The membership of this broad-based Task Force includes representation from Federal, State, local, and regional government, professional organizations, environmental organizations, the Planning Advisory Council, and others. The Task Force meets monthly, and has to date considered adequate task force representation, definition of a purpose and mission, and the benefits/drawbacks/impediments/opportunities provided by the current DNR rules. These issues were identified during a facilitated session of Regional Development Center staff, DCA staff, and EPD staff in October, 1994. The outcome of the Task Force is anticipated to include recommended changes in DNR rules, and in local/regional/state policies and procedures regarding the protection of water resources.

This presentation will include an explanation of the process and content of the Task Force's on-going work to date, including alternatives and pending recommendations. The presentation will also provide an open discussion among participants to exchange issues, ideas, and reactions to proposed Task Force recommendations.