

**Minutes of the Middle Chattahoochee Regional Water
And Sewer Authority Meeting Held on July 14th, 2020,
VIA: WWW.ZOOM.COM
Zoom ID: 967 3516 9821**

BOARD MEMBERS PRESENT: Vince R. Williams, J. Clark Boddie, Elizabeth Carr Hurst, Shayla J. Nealy and Laura Mullis

BOARD MEMBERS ABSENT: James Whitmore and Sonja Fillingame

Consultants Present: Dennis Davenport, Dan Post, Laura Benz and Andrea Gray

Others Present: None

Call To Order: Chairwoman Shayla J. Nealy called the meeting to order at 7:00 PM.

Approval Of The Minutes: A motion was made by Elizabeth Carr Hurst to approve the minutes of the June 09th, 2020 meeting, seconded by Vince R. Williams. A vote was taken, the motion passed unanimously.

New Business: None

Old Business: None

Reports:

Legal – Dennis Davenport updated the Board on the Legislature. The Authority’s new name is The Middle Chattahoochee Regional Water And Sewer Authority. And the Authority is no longer required to place adds in the local newspapers for the meetings.

Vince R. Williams made a motion to acquire and rename the online domain name to www.middlechattwaterandsewer.com at a cost of \$20.00 a year, seconded by Laura Mullis. A vote was taken, the motion passed unanimously.

Finance – Dan Post reviewed with the Board:

1. The June 2020 financial statement.
2. Requested approval for draw number 207 in the amount of \$5,626.78 from the construction account.

Vince R. Williams made a motion to approve draw number 207 in the amount of \$5,626.78 from the construction account seconded by Elizabeth Carr Hurst. A vote was taken, the motion passed unanimously.

Project Managers – Laura Benz and Andrea Gray reviewed with the Board:

See attached memorandum for details

1. Water Withdrawal Application Draft
 - a. District Audit
 - b. Draft Permit Public Notice/Comments
 - c. Treatability Analysis
 - d. SWAP
 - e. Next Steps
2. Mitigation
 - a. Site Specific Sites
 - b. Resale Of Mitigation Credits
 - c. Blue Creek
3. Other/MISC
 - d. Waters Of The US
4. Water Wars Litigation Update
5. Coweta Request to Amend District Plan

Executive Session: None

Vince R. Williams made a motion to adjourn the meeting, seconded by Elizabeth Carr Hurst. A vote was taken, the motion passed unanimously.

The meeting adjourned at 730 PM

Shayla J. Nealy, Chairwoman

August 11th, 2020

Date Minutes Approved by Board

MEMORANDUM

To: S. Fulton Municipal Regional Water & Sewer Authority Member Cities Councils
(Fairburn, Palmetto and Union City)

From: Laura Benz & Andrea Gray

Date: July 14, 2020

Re: S. Fulton Authority Project Update

Water Withdrawal Application/Process:

District Audits Complete: EPD issued “good faith” letters dated May 19, 2020 and May 20, 2020 to Union City, Fairburn and Palmetto acknowledging that they satisfied the requirements of the District Audits.

Draft Permit Public Notice/Comments: EPD issued notice of the draft surface water withdrawal permit on May 27, 2020 with the comment period expiring on June 29, 2020. Comments were received from the City of Atlanta and the Chattahoochee River Keeper. The Project Managers reviewed the comments and coordinated with EPD regarding the responses. Draft responses are attached hereto for the Authority’s consideration. EPD will finalize its responses upon receipt of the Authority’s responses and issue the final permit. Any timely challenge to the permit must be filed within 30-days and will be heard by an administrative law judge with the Office of State Administrative Hearings .

Treatability Analysis: An engineering report will be required as a part of the Water System Permit (a separate permit required to operate the system which is issued upon construction of the facilities).

SWAP: EPD provided additional revisions which are being incorporated to the SWAP documents. No additional revisions were made to the Authority SWAP. ARC will provide a final version once approved by EPD.

Next Steps: Coordinate with EPD regarding comments received, finalize and discuss timing of the engineering RFP for the preliminary engineering work and refine the budget and cost estimates accordingly and evaluate sources of funds including additional GEFA loans.

Compensatory Mitigation

Site Specific Sites: The closing has been modified to be on or before December 31, 2020 and the Authority has received its payment of \$5,000.00 for the extension.

Resale of Mitigation Credits:

Monastery: All credits have been sold or reserved. The Authority has received \$792,600.00 and will receive \$44,850 upon closing the remaining 2.30 reserved credits. Upon closing on the final credits, the Authority will have recouped its initial investment in the credits with an additional \$326, 970.00 of profit.

Blue Creek: Closing occurred on 271.57 credits with a check issued on July 8, 2020 in the amount of \$6,218.89. Reservations for 2,102.86 credits have been made for \$46,473.10 to the Authority. Several large projects in the basin are anticipated to reserve credits in the next couple of months.

Other/Miscellaneous

Waters of the US (WOTUS). The proposed final rule for the WOTUS was published in the federal register on Tuesday, April 21, 2020. The WOTUS rule will become effective on June 22, 2020. There have been multiple cases filed challenging the narrower definition of WOTUS claiming that it contradicts water law, Supreme Court precedent, and the EPA's own scientific findings. The request for a national injunction was denied leaving injunctions to be jurisdiction specific.

Waters Wars Litigation Update

As we reported in January, on December 11, 2019, Special Master Paul J. Kelly, Jr. issued his "Report of the Special Master" which concluded with him recommending that the Supreme Court not "grant Florida's request for a decree equitably apportioning the waters of the ACF Basin because the evidence has not shown harm to Florida caused by Georgia; the evidence has shown that Georgia's water use is reasonable; and the evidence has not shown that the benefits of apportionment would substantially outweigh the potential harms."

On January 27, 2020, the Supreme Court scheduled responses to the Report of the Special Master allowing 45 days for exceptions to the report, 30 days thereafter for replies and 30 days after replies for filing of sur-replies. Florida requested an extension which was granted and ultimately filed its Exceptions to Report of Special Master on April 13, 2020. Georgia did not file an exception because the report was in its favor. Georgia was to respond to Florida's Exceptions by June 12, 2020 and Florida's sur-reply is due July 13, 2020. The Court granted an extension and Georgia filed its response on June 26, 2020 with Florida's sur-reply now due July 27, 2020. Prior to the COVID-19 pandemic, oral arguments, if allowed, were expected to occur in the Fall of 2020. No scheduling orders have been issued.

Coweta – Request to Amend District Plan

The Coweta County WSA withdrew its request for the amendment prior to Board action to allow time to address comments received from the Middle Chattahoochee Regional Water Council, the City of Atlanta, the Chattahoochee Riverkeeper, and the State of Alabama. The primary objection was the large interbasin transfer to the Flint and the implications to energy costs, water quality and the potential for revisiting the Corps' allocation of Lake Lanier to meet metro water supply. Other concerns were the absence of a definitive withdrawal location and that the request was premature given existing water contracts. Coweta's proposal and the comments received in response thereto have influenced the comments received by the Authority on its water withdrawal permit. The Authority's permit history, due diligence efforts and agency approvals distinguish its position from Coweta's position.

South Fulton Municipal Regional Water & Sewer Authority Mitigation Credit Sales

updated 7-13-2020

Stream Credits from Blue Creek Mitigation Bank

Total Credits Purchased by Authority	108,532.55
Base Value Paid by Authority per credit	\$18.50
Total Investment	\$2,007,852.18
Royalty Amount	8%
Credits sold or reserved as of 7/13/2020	3,120.60
Money received as of 7/13/2020	\$22,205.17

<i>Purchaser Name</i>	<i>Stage</i>	<i>Number of Credits</i>	<i>Price Per Credit</i>	<i>Total Purchase Price</i>	<i>Refund at \$18.50/credit</i>	<i>Royalty at 8%</i>	<i>Total Revenue</i>	<i>Payment Received</i>	<i>Credit Release Sent to Corps</i>
Genesse Subdivision	Closed	629.91	\$35.00	\$22,046.85	\$	11,653.34	\$1,763.75	\$13,416.98	12/20/2019 Feb 2 2020
Fulton Industrial Park Phase 1	Closed	116.26	\$45.00	\$5,231.70	\$	2,150.81	\$418.54	\$2,569.30	12/20/2019 Feb 2 2020
Palmetto Industrial	Reserved	2102.86	\$40.00	\$84,114.40	\$	38,902.91	\$6,729.15	\$45,632.06	Pending Closing Pending Closing and Payment
Grove Park Stream Buffer Mitigation	Closed	271.57	\$55.00	\$14,936.35	\$	5,024.05	\$1,194.91	\$6,218.89	7/8/2020 Pending
Totals		3,120.60							
Balance of Credits Remaining		105,411.95							

Wetland Credits from Monastery of the Holy Spirit

Total Credits Purchased by Authority	42.54
Base Value Paid by Authority per credit	\$12,000.00
Total Investment	\$510,480.00
Royalty Amount if \$50K/credit or less	15%
Royalty Amount if over \$50K/credit	20%
Credits sold or reserved as of 7/13/2020	42.54
Money received as of 7/13/2020	\$792,600.00

<i>Purchaser Name</i>	<i>Stage</i>	<i>Number of Credits</i>	<i>Price Per Credit</i>	<i>Total Purchase Price</i>	<i>Refund at \$12,000/credit</i>	<i>Royalty at 15% or 20%</i>	<i>Total Revenue</i>	<i>Payment Received</i>	<i>Credit Release Sent to Corps</i>
SALA Motor	Withdrew		\$ 50,000.00	\$ -	\$ -	\$ -	\$ -		
Brandy Lane Realignment and Pipe Replacement	Closed	3.68	\$ 50,000.00	\$ 184,000.00	\$ 44,160.00	\$ 27,600.00	\$ 71,760.00	Paid	April 14 2020
Publix	Reserved	2.30	\$ 50,000.00	\$ 115,000.00	\$ 27,600.00	\$ 17,250.00	\$ 44,850.00	Credits Reserved	Pending closing and payment
Forsyth County	Closed	22.32	\$ 50,000.00	\$ 1,116,000.00	\$ 267,840.00	\$ 167,400.00	\$ 435,240.00	Paid	April 14 2020
City of Gainesville	Closed	8.96	\$ 50,000.00	\$ 448,000.00	\$ 107,520.00	\$ 67,200.00	\$ 174,720.00	Paid	April 14 2020
GDOT PI # 0008430	Closed	5.28	\$ 60,000.00	\$ 316,800.00	\$ 63,360.00	\$ 47,520.00	\$ 110,880.00	Paid	Pending closing and payment
DR Horton	Withdrew		\$ 50,000.00	\$ -	\$ -	\$ -	\$ -		
Totals		42.54			\$ 510,480.00	\$ 326,970.00	\$ 837,450.00		
Balance of Credits Remaining		0.00							

Middle Chattahoochee Regional Water & Sewer Authority

(formerly South Fulton Municipal Regional Water & Sewer Authority)

Draft Response to comments to revised water withdrawal application:

A. Chattahoochee Riverkeeper, June 29, 2020 Letter from Chris Manganiello, Water Policy Director

1. *CRK does not agree with EPD's assessment in Response #8 that this permit application and "current form of the project complies with the" current updated and relevant Plan.*

Response: The comments provided by the Riverkeeper indicate reference documents using footnotes however, do not cite sources.

The Cities have been in continuous coordination with EPD and the District and the agencies collectively determined the project did not warrant a modification to the Plan. Similarly, EPD completed the required audit for compliance with the District Plan and found the three cities to be substantially in compliance as evidenced in the letters dated May 19th and May 20, 2020. The direct withdrawal was a component of the contemplated reservoir, which individually results in less environmental impacts and only a component of the previously contemplated water strategy. Since this is a lesser component of a previously incorporated resource, the applicable agencies determined no modification of the Plan outside regular Plan updates is necessary.

The District and EPD have repeatedly concluded that the direct withdrawal from the Chattahoochee River which was originally proposed to supplement the Bear Creek Reservoir is analogous to a direct withdrawal because the source and location are the same and the withdrawal amount requested is slightly less. The storage component provided by the reservoir was eliminated due to adequate flows being provided by the operation of the ACF Control Manual and releases from Lake Lanier. The continued inclusion of the withdrawal in the Plan as a portion of the prior reservoir confirms the need for water supply for the three cities and why the withdrawal remained in the Plan while the Glades project was removed.

As circumstances evolved the Cities have modified their request to incorporate revisions. In 2008 EPD certified a need for water supply for the three cities as 16.44 MGD. In 2012 the three cities and the City of Atlanta entered into a Letter Agreement in which the parties agreed that Atlanta would continue to serve its existing retail customers within the municipal boundaries of the three cities. The modified withdrawal request reflects the removal of Atlanta's retail customers, updated population projections and a reduced certified per capita usage of 115 to 103 gpcd resulting in the 2065 need of 13.25 MGD.

The impact of COVID-19 is currently ongoing and unable to be determined at this time. To accommodate future uncertainty and conservatively allocate limited resources, EPD has taken a conservative approach by issuing a permit for a ten year term based on the Cities' needs for that

period which is only approximately half of the anticipated need of the overall planning period. This phased approach provides protective assurances to the State and the natural resources and will be applied to every permit eligible for renewal. The reduction in the proposed permit amount from the 2008 certification demonstrates the coordination between the Cities and EPD to accurately reflect the proposed modification to population growth and Atlanta retail customers. Population trends in the 10-years prior to COVID show the three cities have increased their share of population within Fulton County in addition to natural growth patterns (see Response to Atlanta Comment 3). It will be several years before it is possible to determine whether there was substantial population migration outside Atlanta as currently discussed in response to the pandemic and civil unrest.

Three Cities completed rate analysis to determine economic feasibility of the project and formed a partnership two decades ago in the interest of regional cooperation.

2. *EPD and the District should require the Cities to submit a Plan amendment request to the District because the current form of the project does not comply with the Plan.*

Response: The draft permit is for the Cities of Fairburn, Palmetto and Union City. The cities have been coordinating with the District throughout the permitting process and upon the finalization of the ACF water control manual were informed by EPD and the District that an amendment to the Plan was not necessary since the reduced quantity of water would be provided by the Chattahoochee River which was already contemplated as a portion of the Bear Creek Reservoir.

The proposed withdrawal “from the Chattahoochee River below Peachtree Creek” is listed as a footnote of the summary of planned Proposals of the Plan. The Plan further provides within the Summary of Needs in Appendix B that the “demand and capacity contemplated within the Plan are combined total demand and capacity for Fulton County as a whole. No attempt was made to analyze demand by individual service provider within Fulton County or to consider existing service areas and previous bonding commitments associated with the development of the existing infrastructure.” No providers are listed in Appendix B contrary to the assertions of the Riverkeeper.

The circumstances supporting an amendment to the Plan for other water providers are distinguishable from the Cities’ withdrawal request. To require a plan amendment, the District and/or EPD identify the modification as major based on a new source or the quantity contemplated. For Coweta County, the plan specifically contemplated the City of Atlanta supplying 10 MGD to Coweta County whereas Appendix B is silent regarding Atlanta and the three cities. Coweta currently proposes to withdraw 21.7 MGD from a new river withdrawal, doubling the size of the withdrawal contemplated in the Plan. The three cities are projected to have a need of 13.25 MGD in 2065, however the water withdrawal permit only authorizes 7.12 MGD annual average for a period of ten years. This 7.12 MGD is less than half of the 16.44 MGD that was contemplated to be withdrawn from the River to supplement the Bear Creek Reservoir, thus decreasing the intensity and quantity of water contemplated under the Plan while maintaining the same source and location of the withdrawal.

The Riverkeeper further identifies the City of Auburn amendment as evidence supporting an amendment, however the cities' request is distinguishable from the City of Auburn because Auburn requested a new source. It is also important to note that the withdrawal permit for the new source was issued on October 1, 2018 and the District Amendment was not requested until November 2018 and then completed in 2019, further evidencing that District Amendments are not a condition precedent to issuance of the water withdrawal permit.

After extensive coordination with the Cities and one another, EPD and the District both determined the Cities' withdrawal was within the scope contemplated by the Plan and therefore did not require an amendment. As shown by the City of Auburn, even if an amendment is required, it does not prohibit the water withdrawal permit from issuing prior to said amendment. The Plan provides "specific conditions for withdrawal and operation permits will be determined by GA EPD" (Appendix B). Therefore, the specific condition of the Chattahoochee River withdrawal for the three cities is within the boundaries of the specific conditions determined by EPD per the Plan.

3. *Cities have not met the requirements of Rules for Safe Drinking Water 391-3-5-.04 or provided acceptable certification that it cannot connect to Atlanta and the Cities and Atlanta should work out a contract.*

Response: A water system permit under the Rules for Safe Drinking Water 391-3-5-.04 is not a prerequisite to obtain a water withdrawal permit and CRK's comments are not applicable to EPD's review of the water withdrawal permit. Each City currently has a permit to operate a water system (Fairburn GA1210004; Palmetto GA1210008 and Union City GA 1210010). Nevertheless, the Cities have fully evaluated connecting to existing local governmentally owned and operated public water systems and determined that uniting to form their own water system is a preferred and necessary act based on cost, logistics and practicability. Palmetto is the nearest water system with an independent supply source however lacks sufficient infrastructure to meet its own needs let alone those of Union City and Fairburn. Palmetto's act in joining with Union City and Fairburn in this water withdrawal permit is certification of its inability to serve all three cities. Despite the fact that Atlanta is not the nearest local governmentally owned public water system, the Cities have also certified to EPD their inability to connect with Atlanta long-term and provided substantial documentation demonstrating its extensive efforts to communicate and work with Atlanta and Atlanta's unwillingness to contract or even engage in discussions over the past 20+ years in its January 30, 2020 letter to EPD Responding to Atlanta's comments (see Response to Atlanta Comment A Sections III and IV, Response to Comment B Sections II and III).

The Cities have documented that the connection to Atlanta is at times neither "functional or capable" of providing a current reliable water source let alone a "future reliable water source." Numerous boil water advisories, interruptions in service without notice and aging infrastructure all plague the current connections with Atlanta.

The ratepayers within the three Cities will benefit from having a new, reliable water system over which the Authority has managerial and operational control. The resource, the Chattahoochee River, will see negligible impacts given that it is the source of water for the Cities regardless of whether they are self-supplied or supplied by Atlanta. The only change is the withdrawal location.

The Cities are not able to indefinitely delay their water supply plans in hopes Atlanta will make good on its representations. EPD cannot force the parties to contract and the weight of evidence shows that the Cities made every effort to work with Atlanta before pursuing an independent withdrawal. Atlanta remains silent for decades only to insert itself when necessary to delay or cause unnecessary expense to the Cities in their pursuit of an independent water supply.

4. *Per capita is higher than Coweta's per capita of 60 gpcpd*

Response: The District Plan provides a baseline gallons per capita a day (gpcd) usage of 138 for Fulton County compared to 95 for Coweta. The three cities have a blended rate of 103 gpcd, reduced from the previous 115 gpcd as certified by EPD in 2017. The proposed 103 gpcd is approximately 25% less than the Fulton County rate and 5% less than the weighted average of 108 gpcd for the District. The certified 103 gpcd is within the District's recommended usage.

Comparison of the projected rates of Fulton and Coweta Counties clearly show that jurisdictions within Fulton County have anticipated higher water usage. It is important to note that the Middle Chattahoochee Regional Water Council objected to Coweta's proposed usage of 60 gpcd as being too low and difficult to obtain, thus prompting concerns that unanticipated impacts could occur to water resources when additional resources are needed to meet a more realistic water usage in correspondence submitted to the District dated May 13, 2020. The three cities have proposed a reasonable future water usage rate within the guidelines of the District Plan.

5. *Question for EPD – how is it going to evaluate interbasin transfer impacts that will increase vol by 33%*

Response – No impact is anticipated given that the discharge configuration will be unchanged. Currently, the wastewater returns of all sewer properties in the three cities flow through Fulton County's Camp Creek facility which releases treated wastewater just upstream of the Cities' proposed intake on the Chattahoochee River. Thus, the water which is supplied from the Chattahoochee River is returned thereto except for a small percentage of properties on septic systems within the Flint Basin. A full analysis of the interbasin transfer is included in the Interbasin Transfer Considerations Analysis which is a part of the Water Withdrawal Application submitted to EPD on December 5, 2018. The issuance of the requested water withdrawal will not result in any increase in the current anticipated interbasin transfer.

Further, EPD modeled the potential downstream impacts and determined that the Cities' withdrawal would not have substantial impacts to flows, aquatic habitat or recreation. This conclusion is supported by the October 4, 2019 Instream Flow Evaluation on the Chattahoochee River Memo by CCR Environmental, LLC which includes the supporting modeling performed by Schnabel Engineering. It is further supported by the January 14, 2020 updated study by Schnabel which expended its study of flows to the Whitesburg gage. See Exhibits 25 and 68 in the Cities' January 30, 2020 letter to Johanna Smith.

6. *No explanation for changes in low flow requirements*

Response – The change in low flow requirements is based on a site-specific study conducted by the Cities demonstrating that the proposed alternate flows would eliminate the need to participate in the River-Lake Information System and not result in significant downstream impacts to flows, aquatic habitat or recreation. EPD updated its Res Sim modeling to include the 2019 drought which shows only two days over the 73-year modeling period that the Cities would be partially without their full permitted withdrawal amount (13.25mgd) with shortages of 4.3 mgd (8 cfs) and 5.9 mgd (11 cfs) using the low flow requirements included in the initial draft water withdrawal permit. The Cities proposed the alternate flows documented in the second draft of the water withdrawal permit to eliminate the two deficits. In response, EPD requested the Cities model the downstream flow impacts from the withdrawal point to the Whitesburg gage and the impacts to aquatic habitat and recreation within 1 mile of the withdrawal point. Schnabel Engineering performed the flow modeling and concluded in its January 14, 2020 report that the alternate flows would result in a difference in flow depth of 0.03 ft or less (<1% of flow depth) and result in a 0.01 ft/second or less reduction in flow velocity. CCR Environmental, Inc. (“CCR”) conducted a field survey on September 4, 2019 on the reach of the Chattahoochee River between its confluence with Bear Creek downstream to its confluence with Dog River which spans approximately one mile. The assessment of aquatic habitat and recreation access is discussed in the report prepared by CCR dated October 4, 2019 and titled Instream Flow Evaluation. The report concludes that the proposed alternative nondepletable flow would not substantially adversely impact the native fish community or recreational opportunities in the study area given the absence of shallow riffles susceptible to changes in depth. In addition, the report concludes that the daily hydropower-driven fluctuations in flows dwarf the small change proposed by the Cities. No recreational access points were observed in the study area. Upon further consultation with DNR Wildlife Resources Division, EPD concluded that further study of the habitat beyond the one-mile reach was not necessary given that the greatest impacts are expected within the immediate area and would only decrease downstream.

EPD performed its own modeling and reviewed the CCR and Schnabel studies as well as consulted with Georgia Wildlife Resources Fisheries. Based on its concurrence with the studies, it adopted the alternate low flow requirements documented in the revised water withdrawal permit.

B. City of Atlanta, Letter received June 29, 2020, from Mikita Browning, Interim Commissioner of the Department of Watershed

1. *Summary of Comment: Atlanta is willing and able to enter a contract and the Cities are now unwilling to enter a contract*

Response: Atlanta’s substantial change in position regarding its alleged willingness to now cooperate with the Cities after 20+ years of actions, inactions and statements to the contrary is little more than a tactic to cause further delay and additional expense to the Cities’ efforts to secure their own reliable source of water. The Cities have fully documented Atlanta’s prior acts and

refusal to contract in addition to Atlanta's more recent failures to provide reliable water supply to the cities in its January 30, 2020 letter to Johanna Smith responding to Atlanta's comments. The Cities hereby incorporate by reference hereto those responses and supporting Exhibits in particular its responses and exhibits to Atlanta Comment A Sections III and IV, Comment B Sections II and III.

2. *Summary of Comment: Cities cannot obtain a Permit to Operate a Public Water System*
 - a. *Must evaluate connecting to an existing locally governmentally owned system*
 - b. *Must provide acceptable certification stating the reasons why the system cannot connect to an existing local governmentally owned water system*
 - c. *Must provide a written letter from the nearest governmentally owned water system denying request*
 - d. *Atlanta is the nearest governmentally owned water system*

Response: The issuance of a water withdrawal permit does not require a permit to operate a public water system as a precedent requirement for issuance under the law. The statement that the Cities will be unable to obtain a Permit to Operate a Public Water System is erroneous given that each City currently has a permit to operate a water system (Fairburn GA1210004; Palmetto GA1210008 and Union City GA 1210010).

3. *Summary of Comment: Atlanta alleges that the Cities' population projections are inflated, will impact the Water Wars and provides its own study by Stantec/SG Joint Venture which produced substantially lower projections*

Response: Atlanta's accusation that the certified population projection for the Cities will impact the "Water Wars" is unsupported. The State of Alabama has had multiple opportunities to provide comments regarding the Cities' project and has declined to do so. Alabama's comment letter to Coweta is not addressed to EPD or at all relevant to the Cities' water withdrawal permit.

Atlanta's accusation that the Cities' population projects are "inflated" is also unsupported. Population is the fundamental building block of establishing future system needs yet population projections constantly evolve. Utilities must base their long-term planning on projections made at a single point in time. Plans cannot constantly be in a state of flux, particularly for projects as complex as water supply. Water supply planning requires tremendous resources and years, more than 20 years in this case, to obtain the necessary permits.

EPD certified the 2065 need for the three-Cities' service areas at 13.25 mgd by letter dated September 13, 2017 after two years of coordination with the Cities and the Metro North Georgia Water Planning District. The certified population projections are based on EPD's thorough assessment of the professional judgment of a qualified demographer, Matt Hauer, the demographer that also prepared the population projections for the Governor's Office of Planning and Budget. The projections are both reasonable and supported by the growth trends in Fulton County. In its November 28, 2016 and June 13, 2017 letters to Bennett Weinstein, then Manager of the EPD

Water Supply Program, additional evidence was provided that the three Cities' percentage of population within Fulton County was expanding according to the share of local option sales tax proceeds which are based on population distribution and evidence of the increasing industrial and commercial development in the Cities. By letter dated June 8, 2017, at EPD's request, Matt Hauer expressly confirmed to EPD that the population of 131,700 was reasonable and consistent with his study. EPD also conducted numerous meetings with City representatives to assess current population growth trends including the increase in commercial and industrial development.

The population projections prepared by Stantec/SG Joint Venture are inconsistent with the current trends in population shifts within Fulton County and substantially underestimate the future population growth in the Cities. Correlating the growth rate of the Cities to that of Fulton County assumes that the Cities will grow in proportion to the County when historic trends from 2000 to 2010 show the three Cities gaining in population share within the County. In addition, the recent population projections do not accurately calculate the population growth by omitting exponential components as is customary. Instead the report multiplies the percent change per year by 46 years and then applies the percentage increase to the 2019 population for each city. It fails to apply the growth rate on an annual basis as required which dramatically lowers the projections presented in the report. The growth rate should be applied to the increasing annual populations. Additionally, mathematical errors in Tables 3 and 4 are apparent when the percent change per year column is multiplied by the applicable number of years to calculate the projected change. For example, in Table 4, Fulton County's 46-year growth rate is shown as 49.6% but should be 78.2% ($1.7\% \times 46$ years). These errors combined with the failure to apply the growth rate annually calls into question the validity of the projections.

EPD exercised reasonable judgment based on an expert demographer report and supporting evidence of growth trends in certifying the Cities' population as fully documented in the administrative record.



Keisha Lance Bottoms
MAYOR

CITY OF ATLANTA
DEPARTMENT OF WATERSHED MANAGEMENT
72 Marietta Street, NW
Atlanta, Georgia 30303

Mikita K. Browning
Interim COMMISSIONER

Via Electronic Mail

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**RE: Public Comment from City of Atlanta, Georgia
Draft Surface Water Withdrawal Permit
Cities of Fairburn, Palmetto and Union City
Permit # 060-1291-10**

Dear Mr. Zeng;

The City of Atlanta (“Atlanta”) is submitting this letter to provide public comments to the above-referenced Draft Permit to be issued to the cities of Fairburn, Palmetto and Union City, Georgia (“South Fulton Cities”) to withdraw surface water from the Chattahoochee River in the Chattahoochee River Basin for the purpose of municipal water supply (“Project”). The Draft Permit is dated May 27, 2020 and is a reissuance of the Draft Permit issued on February 25, 2019. Atlanta submitted detailed public comments regarding the February 25, 2019 Draft Permit and by reference, those comments are repeated and incorporated in this response to the current Draft Permit.

Atlanta has reviewed the South Fulton Cities’ January 30, 2020 response to comments submitted by the City of Atlanta, Atlanta Regional Commission and Chattahoochee Riverkeeper (South Fulton Response), which appear to support EPD’s May 27, 2020 Response to Comments to the Draft Permit issued on February 25, 2019 (EPD Response). Atlanta is particularly concerned with EPD’s apparent acceptance of the South Fulton Cities characterization of the underlying facts, including the reasons underlying the South Fulton Cities’ rejection of Atlanta’s existing, fully-permitted water capacity to provide the needed wholesale water supply to the

South Fulton Cities.¹ Atlanta has provided wholesale water to Fairburn and Union City since 1957 and has continued to do so despite Fairburn and Union City's unwillingness to enter into a long term contract. Despite the South Fulton Cities' protestations otherwise, this water supply is available and Atlanta remains willing and able to enter into a long term water supply contract with the South Fulton Cities. As such, this Permit should be denied.

In addition, even if the Draft Permit is issued, the South Fulton Cities are required to obtain a Permit to Operate a Public Water System under the Safe Drinking Water Act of 1977, O.C.G.A. 391-3-5, and the Georgia Rules for Safe Drinking Water, r. 391-3-5, which will require this issue to be revisited under a different regulatory standard, which the South Fulton Cities will not be able to satisfy. The South Fulton Cities will be required to "evaluate connecting to an existing locally governmentally owned system" and EPD is prohibited from issuing this permit "until the owner has provided acceptable certification to the Division outlining the reasons why the system cannot connect to an existing local governmentally owned system." GRR 391.3.5-.04(4) and (5). EPD Guidance provides that, before EPD can consider a water system development project, the permit applicant must provide a "written letter . . . from the nearest governmentally owned water system denying the owner's request for water service." *See EPD Water System Review and Permitting Process* (October 2016). Further, this document provides that if this and other mandatory information is not received within 90 days of commencement of phase I of the three phase permitting process, "no further consideration will be given for the water system development project." Atlanta is the "nearest governmentally owned water system." The South Fulton Cities cannot demonstrate that it has requested this service from Atlanta or that Atlanta has denied providing this service. In fact, Atlanta will continue to agree to provide water service to the South Fulton Cities and is ready to develop a long-term contract to do so.

Atlanta is also concerned with the inflated population projections leading to inflated rates for water withdrawal and potential impacts on "Water Wars" negotiations, as recently exemplified by the State of Alabama's concerns with Coweta County Water and Sewerage Authority's request for a water withdrawal permit². Chattahoochee Riverkeeper first raised this concern in its comments dated May 8, 2019. Chattahoochee Riverkeeper questioned the "astronomical" population projections presented in the 2017 Study by the Carl Vinson Institute of Government at the University of Georgia for the South Fulton Cities. The EPD Response does not address Chattahoochee Riverkeeper's concerns with the population projections but rather merely states that "EPD does not have the expertise to complete such detailed analysis internally and depends on the work of these professional demographers and sources for project evaluations on a consistent basis." This is not a sufficient response to valid concern.

Atlanta has solicited its own population study for the South Fulton Cities. The attached report prepared by Stantec/SG Joint Venture indicates that the Vinson Institutes projections are

1. In particular, the City of Atlanta takes exception to the South Fulton Cities claims of "unreliable service." The City of Atlanta responded quickly to the concerns and metrics reflect that the City of Atlanta meets or exceeds standard industry practices. The City of Atlanta consistently meets its monthly on-time service level agreements to address water infrastructure from inspection to resolution for all service areas.

² *Letter from J. Brain Atkins, Division Chief, Alabama Office of Water Resources to Metropolitan North Georgia Water Planning District* (May 15, 2020) (attached).

significantly higher than projections based on data presented and extrapolated using Census and the Governor's Office of Planning and Budget Information³. Specifically, Stantec/SG Joint Venture is "of the opinion that the water withdrawal need used by EPD to justify the water withdrawal amounts for the Three Cities is not justified by available data." Rather than eschew the responsibility to prepare an independent population analysis, EPD must conduct its own independent analysis to support the withdrawal rates. If the proposed rates cannot be supported, the rates must be revised to reflect realistic population projections.

In conclusion, Atlanta reiterates that the Draft Permit has been issued on the basis of mischaracterized information, inflated population projections and without the input of the City of Atlanta. The City of Atlanta can continue to satisfy the Authority's water needs to 2065 and beyond through existing infrastructure. For these and other reasons set forth herein, the City of Atlanta hereby requests the Draft Permit be denied.

Thank you for your consideration. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mikita Browning", is enclosed in a thin black rectangular border.

Mikita Browning
Interim Commissioner
Department of Watershed

³ *Stantec/SG Joint Venture Population Projections for Fairburn, Union City and Palmetto* (June 24, 2020) (attached).

OFFICE OF THE GOVERNOR

KAY IVEY
GOVERNOR



ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

KENNETH W. BOSWELL
DIRECTOR

STATE OF ALABAMA

May 15, 2020

Metropolitan North Georgia Water Planning District
Water Resource Management Plans
229 Peachstreet N.E.
Atlanta, Georgia 30303
comments@northgeorgiawater.com

VIA EMAIL

Re: *Proposed Amendment to MNGWPD's Water Resource Management Plan*

To whom it may concern:

The State of Alabama, through its Office of Water Resources, submits these comments on the amendment to the Metropolitan North Georgia Water Planning District's Water Resource Management Plan that was recently proposed by the Coweta County Water and Sewerage Authority. For the reasons below, the District should reject the CCWSA's proposed amendment.

First, the CCWSA's proposal – which seeks to pump water directly out of the Chattahoochee River into BT Brown Reservoir and then discharge some of that treated wastewater back into the Flint River Basin – will harm Alabama, as well Georgia. As you know, the Alabama/Georgia border south of West Point is delineated by the Chattahoochee River. Many state-line cities, businesses and individuals rely on a dependable flow of water coming down the river. The proposed interbasin transfer here will negatively impact these local communities in a number of ways. For example, reduced downstream flows will result in fewer releases being made for hydropower generation at the various dams on the river, ultimately leading to higher electricity costs. Likewise, reduced flow will impair water quality. Not only will that hurt the river's ecosystems and limit recreational opportunities, but it will make it more difficult for businesses with pollutant discharge permits to comply with those permits and attendant state water quality standards. These are just some of the adverse downstream effects – there are more – that would result if the CCWSA's proposal is approved.

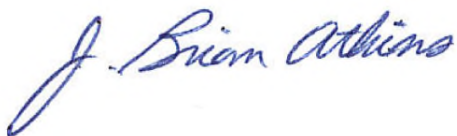
Second, the proposed interbasin transfer undermines the decision-making process that led the U.S. Army Corps of Engineers to adopting new operations for the

ACF River Basin in 2017. One important decision the Corps reached as part of that process was to allocate additional storage space in Lake Lanier (which is part of the Chattahoochee River Basin) for water supply to ensure that metro Atlanta's demands could be met. That decision was premised in part upon the Corps' assessment that, notwithstanding that allocation, sufficient water would still flow downstream such that the impact on hydropower, the environment and other criteria would be minimal. The CCWSA's proposal, if adopted, would call that assessment into question. Had the Corps accounted for the interbasin transfer, its determination very well may have been different, and the allocation may never have been approved. Thus, in the event that the District approves CCWSA's proposal, the Corps' allocation of storage space at Lake Lanier will need to be revisited. More specifically, the storage space allocated to Georgia's direct withdrawals from Lake Lanier will need to be diminished by an amount that offsets the CCWSA's withdrawal from the Chattahoochee and interbasin transfer into the Flint.

Third, in addition to revisiting the allocation at Lake Lanier, the Corps will need to reconsider whether it has to make additional releases from Lanier and West Point Lakes to ensure that minimum flows are met downstream. Under the Corps' current operations, minimum flows must be maintained below Jim Woodruff Reservoir (as measured at the gage near Blountstown, FL). Any additional water removed from the Chattahoochee River during a drought of record would require additional releases, which may be drawn from either Lanier or West Point or a combination of the two.

Finally, these comments are based in part on the attached report in which Alabama has attempted to quantify the impact to downstream river flows and reservoir levels that would result if the CCWSA's proposal is approved.

Sincerely,



J. Brian Atkins
Division Chief
Alabama Officer of Water Resources

JBA/jn

cc: Governor Kay Ivey
Kenneth W. Boswell, ADECA Director

Attachment

Analysis of the Proposed Chattahoochee River Withdrawal in Coweta County

May 2020

This analysis was conducted using data from the application to the MNGWPD for revision of the Coweta County water plan. To evaluate river and reservoir impacts DSS files from the 2014 ACF Corps of Engineers study were accessed to obtain actual flows and elevations from 2007, the drought of record. Because the Coweta County report presented data for 2050 and 2070, this analysis computes the impact of those proposed withdrawals should a drought of record reoccur.

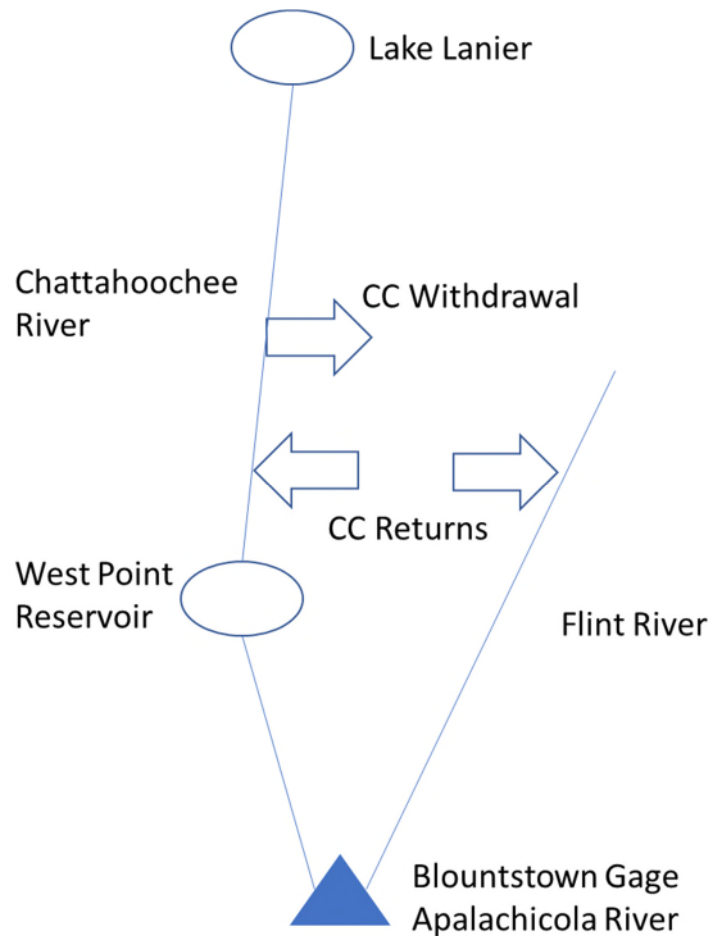


Figure 1 Schematic Diagram of the ACF River System Related to this Analysis

Since portions of Coweta County water are returned through sewer systems to both the Flint and Chattahoochee Rivers some estimate of future returns is needed. Though not a lot of information is provided as to future systems an assumption was made here that the same percentages from today would apply in the future.

Estimating Return Flows From Appendix B Coweta County - Wastewater				
	<i>Notes: There is no change in the Draft Amendment</i>			
	<i>Wastewater numbers taken from the tables are 2050 Scenario 2</i>			
	<i>Withdrawal numbers taken from amended table monthly 2050</i>			
	<i>All values in mgd</i>			
(a)	Sewered Needs		13.4	
(b)	Septic Flows		6.4	
(c)	Total wastewater		19.8	
(d)	Plant Capacity in Flint		13.5	
(e)	Plant Capacity in the Chattahoochee		18.4	
(f)	Total Capacity		31.9	
(g)	Total peak month withdrawal		37.1	
(h)	Withdrawal returned to river (a/g)		36.1%	
(i)	Sewered capacity in Flint (d/f)		42.3%	
(j)	Sewered capacity in Chattahoochee (e/f)		57.7%	
(k)	% of withdrawal assumed to be returned to the Flint (h*i)		15.3%	
(l)	% of withdrawal assumed to be returned to the Chattahoochee (h*j)		20.8%	

Table 1 Return Flows

During the drought of record in 2007, both Lanier and West Point were drawn down and the minimum flow was being discharged into the Apalachicola as data from the Blountstown Gage shows. Arguably the drought lasted considerably longer, which would show even greater

impacts from the proposed withdrawal.

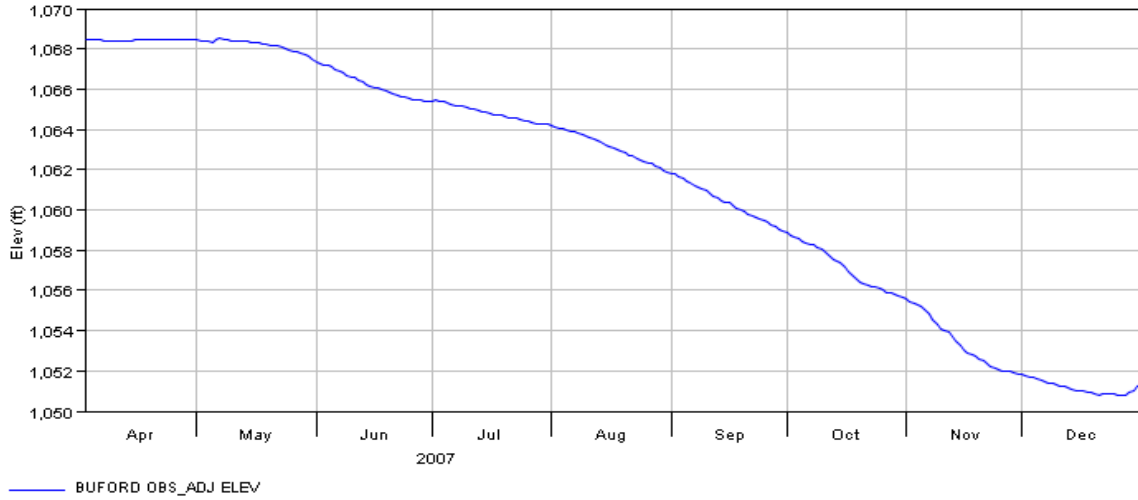


Figure 2 Lake Lanier Elevations 2007



Figure 3 West Point Elevations 2007

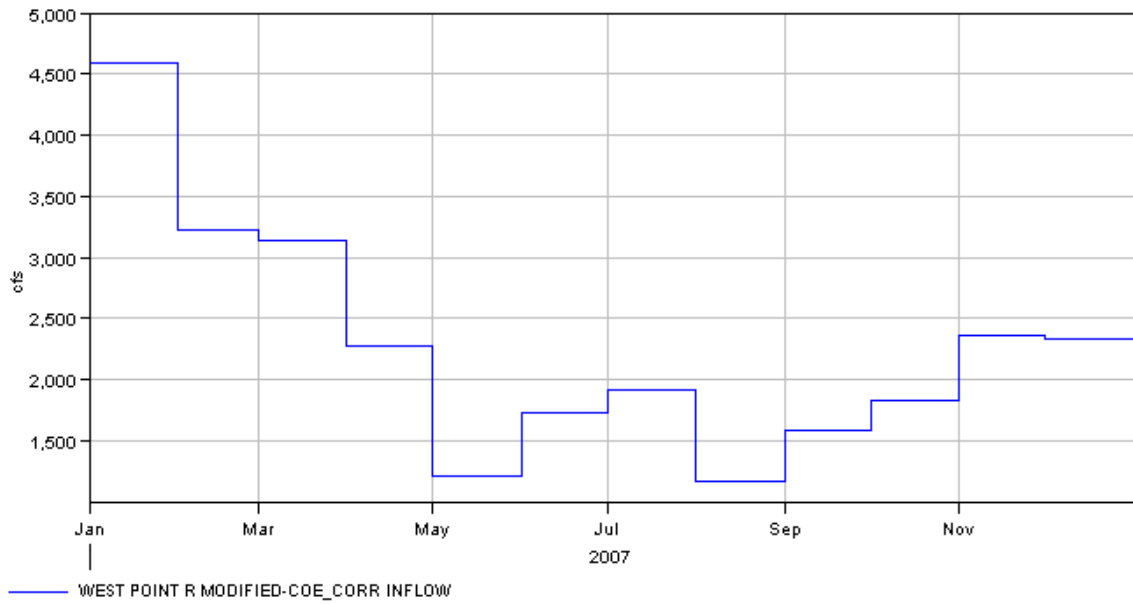


Figure 4 West Point Inflow By Month 2007

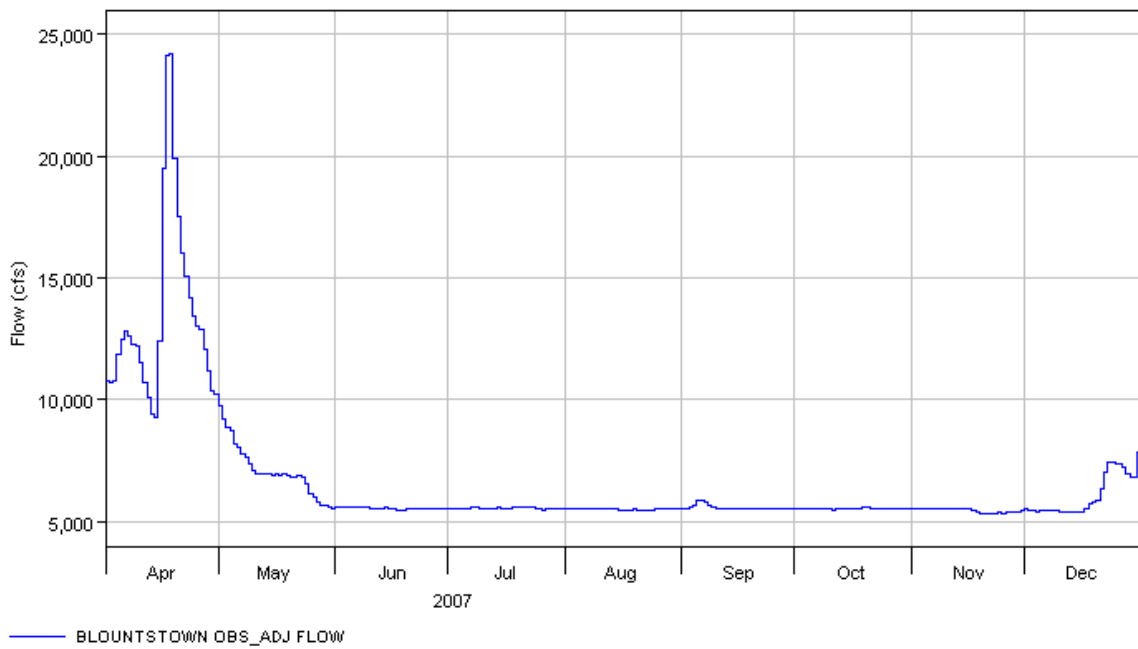


Figure 5 Flows at Blountstown, FL 2007

Impact of projected withdrawals on River Flow							
						2050	2070
Projected Chattahoochee withdrawals						21.3 mgd	47.4 mgd
<i>Note: There are no existing permitted withdrawals</i>							
	Withdrawal					-21.3 mgd	-47.4 mgd
	Return					4.4 mgd	9.9 mgd
Net Change in Chattahoochee River Flows in mgd						-16.9 mgd	-37.5 mgd
Net Change in Chattahoochee River Flows in cfs						-26.1 cfs	-58.1 cfs
August 2007 West Point Inflow						1163 cfs	1163 cfs
% reduction of inflow into West Point Reservoir						-2.2%	-5.0%

Table 2 Flow impact of withdrawals during drought of record

Under the Corps' current operating plan minimum flows must be maintained below Jim Woodruff Reservoir (as measured at Blountstown). Any additional water removed from the river during the drought of record would require additional reservoir releases. That might be drawn from Lanier or West Point or a combination of the two. The estimated amounts are shown in Table 3.

Estimated drop in Reservoirs to maintain Blountstown Flow							
						3.3 mgd	7.2 mgd
	Return						
Net Change in Flint River Flows in cfs						5.0 cfs	11.2 cfs
Net Change in Chattahoochee River Flows in cfs						-26.1 cfs	-58.1 cfs
Net Change in Flow at Blountstown						-21.1 cfs	-46.9 cfs
Loss from June 2007 thru November 2007			183 days			(3,853) cfs-days	(8,574) cfs-days
Storage between 1051 and 1052 at Lanier			14,923 cfs-days				
Drop in Lanier to maintain Blountstown flow						0.26 feet	0.57 feet
Storage between 621 and 622 at West Point			8,268 cfs-days				
Drop in West point to maintain Blountstown flow						0.47 feet	1.04 feet
Note: cfs/mgd		1.5473					

Table 3 Potential Additional Draw in Reservoirs



Stantec/SG Joint Venture
229 Peachtree Street NE, Suite 1900
Atlanta, GA 30303
TEL 770 493 0450 | FAX 770 493 0457

June 24, 2020

Roger Bhandari
City of Atlanta Department of Law
55 Trinity Avenue, Suite 5000
Atlanta, GA 30303

Re: Population Projections for Fairburn, Palmetto and Union City
Water Withdrawal Permit Public Comments to Georgia EPD

Mr. Bhandari,

The Stantec/SG Contracting, Joint Venture is pleased to provide the attached Population Projections for Fairburn, Palmetto and Union City (collectively termed the Three Cities). The projections are provided in support of the City's public comments to the Georgia Environmental Protection Division (EPD) for the draft issuance of a water withdrawal permit to the Three Cities.

Please advise if you have questions or require additional information.

Regards,

A handwritten signature in blue ink, appearing to read "Sharon Matthews", is positioned above the printed name and title.

Sharon Matthews
Program Manager

Encl: Population Projections for Fairburn, Palmetto and Union City

cc: Mikita K. Browning, Interim Commissioner
PMST Correspondence

**Population Demand Projections
For Fairburn, Palmetto and Union City's Draft Water Withdrawal Permit
June 24, 2020**

Executive Summary

On March 6, 2019, the Georgia Division Natural Resources Environmental Protection Division (EPD) issued a Draft Permit for a Water Withdrawal Permit for Public Comment. The draft permit, if issued, the Cities of Fairburn, Palmetto and Union City (the Three Cities) to withdraw water from the Chattahoochee River. Multiple public comments were received during the public comment period.

Subsequent, EPD issued a second draft permit and is currently accepting public comments. The City of Atlanta has asked the Stantec/SG Joint Venture to review the population projections for the Three Cities that were submitted as part of the initial permit application for submittal during this public comment period. This report summarizes this review.

The City of Fairburn and the City of Union City are both wholesale customers of the City of Atlanta. There are also multiple city residents who are retail customers of the City of Atlanta within formerly unincorporated areas of Fulton County that were subsequently annexed into each of the cities, including in the City of Palmetto. The Three Cities' permit application submitted in justification of the need to withdraw water from the Chattahoochee River included population projections by the Carl Vinson Institute of Government, The University of Georgia, (Vinson Institute).

As part of the Stantec/SG Joint Venture review of the Vinson Institute population projections, independent population projections were extrapolated based on the most recent U.S. Census population estimates to the years 2050 and 2065. The intermediate projections to the year 2050 were completed to compare population projection validity for the extrapolation projection to the 2015 county population projections for Fulton County by the Governor's Office of Planning and Budget (2015 OPB projections).

For the Fulton County projections, the year 2050 Census extrapolation projection of 1,634,612, is 0.2% higher than the 2015 OPB projected total of 1,631,265. This finding appears to indicate the extrapolated projection methodology is an appropriate projection methodology.

For the Three Cities projections, the year 2065 Census extrapolation projects 87,671. This projection is 35.3% lower than the Vinson Institute's projections of 135,444, of which

is the lowest of their projections. Since the extrapolated projection methodology aligned with the Fulton County projection, it appears the extrapolation methodology is similarly appropriate for the Three Cities projections.

Based on the results of the population projection review, it is Stantec/SG Joint Venture's conclusion that the Vinson Institute population projections are much higher than reasonable for the Three Cities. The much higher population projections are compounded by the use of high per capita water consumption amounts that do not account for ongoing per capita reductions due to water conservation initiatives within the City of Atlanta's water service area.

Consequently, the Stantec/SG Joint Venture is of the opinion that the water demand need used by EPD to justify the water withdrawal amounts for the Three Cities is not justified by available data.

Background

On March 6, 2019, the EPD issued a Draft Permit for a Water Withdrawal Permit for Public Comment. If issued, the permit will allow the Cities of Fairburn, Palmetto and Union City to withdraw water from the Chattahoochee River. Withdrawals would be limited to a maximum 24-hour withdrawal of 11.40 million gallons per day (mgd); a monthly average withdrawal of 8.55 mgd, and an annual average withdrawal of 7.12 mgd.

Multiple public comments were received disputing the issuance of the proposed permit, including from the State of Alabama, the Chattahoochee Riverkeeper, the City of Atlanta, and others. EPD reissued the Draft Permit for Public Comment on May 27, 2020, with comments due June 29, 2020.

The City of Fairburn and the City of Union City are both wholesale customers of the City of Atlanta. Both cities have multiple city residents who are retail customers of the City of Atlanta within formerly unincorporated areas of Fulton County that were subsequently annexed into each of the cities.

One of the many objections cited by the City of Atlanta as part of the initial public comments related to the population projections and per capita water use projections used to justify the need for a separate water withdrawal. The Stantec/SG Joint Venture was asked to review the population projections for Fairburn, Palmetto and Union City (the Three Cities). This report summarizes the Stantec/SG Joint Venture review.

The Three Cities' application included population projections by the Carl Vinson Institute of Government, The University of Georgia, (Vinson Institute) as described below.

Carl Vinson Institute of Government Population Projections

The Carl Vinson Institute of Government, The University of Georgia, (Vinson Institute) issued a November 5, 2015, Final Report, describing the methodology used to produce projections for the resident populations of the Cities of Fairburn, Palmetto and Union City for the period from 2010 through 2065.

The Vinson Institute methodology used was consistent with the methodology used in generating the 2015 county population projections for the Governor’s Office of Planning and Budget (2015 OPB projections). Exact application of the methodology was not possible due to the limited census data available for cities as opposed to counties. The Vinson Institute Final Report also contained a number of cautions related to use of certain assumptions about future events that may or may not occur, related to the inherent limitations of population projections in general, and related to knowledge of the procedures and assumptions detailed in their Final Report.

The Vinson Institute projections are shown in Table 1.

Table 1. Vinson Institute Projections for Union City, Fairburn and Palmetto in 2065

Methodology	2065 Population Projection
Housing Unit Method	135,444
Shift-Share Method	156,140
Hamilton-Perry	327,957
Average	139,847

The Vinson Institute indicated the Shift-Share Method was “probably the most accurate for sub-county projections over long-term projection horizons.” This was based on three factors:

- The Hamilton-Perry method is rarely the most accurate over long projection horizons and is used primarily for shorter-term projections. Further, the Hamilton-Perry method is unconstrained to a higher geography and thus might not allow for an adequate summation of all sub-county areas to a previously projected county population.
- The Housing Unit method has the same shortcomings as the Hamilton-Perry method as being unconstrained to a higher geography projection.

- The Shift-Share method is constructed in a constrained manner to higher geographies so the projection of sub-county areas will always sum to the total of its member geography, which for the Three Cities, means they will never over or under project the total for Fulton County.

Population Projections Based on Current U.S. Census Bureau Estimates

In their public comments for the original Draft Permit issuance, a concern noted by the Chattahoochee Riverkeepers was the projected growth for the Three Cities being much higher than the Georgia Governor’s Office of Planning and Budget’s projected population for Fulton County. The Chattahoochee Riverkeepers noted Fulton County’s population was projected to increase by 55% in 2050 versus the 209% projected increase for the Three Cities.

The current U.S. Census Bureau’s populations estimates were reviewed to determine current population increase trends. This data, presented in Table 2, was first projected through the year 2050 rather than 2065 to compare Fulton County projections total to the Georgia Governor’s Office of Planning and Budget projections. As shown in Table 3, assuming another 31 years of growth (from 2019 to 2050) at the current estimated percent per year increase from current census estimates, Fulton County’s population would total 1,634,612, which aligns to the Georgia Governor’s Office of Planning and Budget’s projected total of 1,631,265.

Table 2. U.S. Census Bureau Fulton County Population Estimates

Entity	April 1, 2010 Estimates Base	July 1, 2019 Estimates	% Change, April 1, 2010 to July 1, 2019	% Change Per Year
Fulton County	920,581	1,063,937	15.6	1.7
Fairburn, City of	13,100	16,768	28.0	3.1
Palmetto, City of ¹	4,488	4,761	6.1	0.7
Union City, City of	19,317	22,399	16.0	1.8
Three Cities Total	36,905	43,928	19.0	2.1
Three Cities Total as a Percent of Fulton County	4.0%	4.1%		

¹ City of Palmetto recently incorporated. Data from Wikipedia rather than U.S. Census Bureau.

Table 3. Current Population Per Year Increases Projected to 2050

Entity	% Change Per Year	Projected Change for 31 Years to 2050	Projected Year 2050 Populations
Fulton County	1.7	53.6	1,634,612
Fairburn, City of	3.1	96.4	32,940
Palmetto, City of	0.7	21.0	5,759
Union City, City of	1.8	55.0	34,709
Three City Total	2.1		73,407

Next, the current percent change per year was projected for the full 46 years to the Year 2065 to compare to the Vinson Institute projected population totals for the Three Cities. As shown in Table 4, Fulton County is projected to total 1,910,754 while the Three Cities will total 87,671, a significant decrease than the Vinson Institute’s projections, the lowest of which is 135,444.

Table 4. Current Population Per Year Increases Projected to 2065

Entity	% Change Per Year	Projected Change for 46 Years to 2055	Projected Year 2065 Populations
Fulton County	1.7	49.6	1,910,754
Fairburn, City of	3.1	143.1	40,765
Palmetto, City of	0.7	31.1	6,241
Union City, City of	1.8	81.5	40,665
Three City Total	2.1		87,671

Conclusions

The Stantec/SG Joint Venture population projections extrapolate the most recent U.S. Census population estimates to the years 2050 and 2065. For the Fulton County projections, the year 2050 Census extrapolation projection of 1,634,612, aligns closely at 0.2% points higher, than the 2015 OPB projected total of 1,631,265.

For the Three Cities projections, the year 2065 Census extrapolation projects 87,671. This is 35.3% points lower than the lowest of the Vinson Institute’s projections of 135,444 (Housing Unit Method).

In our opinion, the water withdrawal amounts supported by EPD are much too high. This is attributed to the following facts.

- The Vinson Institute's population projections are extremely high.
- The per capita water consumption amounts used are too high. These amounts fail to account for ongoing per capita reductions due to water conservation initiatives.

Using these high numbers to calculate the water demand compounds the error. Therefore, the demand number presented should not be used by EPD to justify the water withdrawal amounts for the Three Cities.



Keeping Watch Over Our Waters

3 Puritan Mill 916 Joseph E. Lowery Blvd. Atlanta, GA 30318 404.352.9828 Fax 404.352.9828 www.chattahoochee.org

June 29, 2020

Wei Zeng, Ph.D., Manager
Water Supply Program
Watershed Protection Branch
Georgia Environmental Protection Division
2 Martin Luther King Jr. Dr., S.E.
East Floyd Towers, Suite 1152
Atlanta, Georgia 30334

Submitted via email to: Wei.Zeng@dnr.ga.gov

RE: Notice of Draft Surface Water Withdrawal Permit – Cities of Fairburn, Palmetto, and Union City – May 27, 2020

Dear Dr. Zeng,

Chattahoochee Riverkeeper thanks the Georgia Environmental Protection Division for the opportunity to submit these comments regarding a revised Draft Surface Water Withdrawal Permit for the Cities of Fairburn, Palmetto, and Union City (Cities) dated May 27, 2020.

Established in 1994, Chattahoochee Riverkeeper (CRK) is an environmental advocacy and education organization with more than 10,000 members dedicated to making the Chattahoochee River a sustainable resource for the five million people who depend on it. Our mission is to advocate and secure the protection and stewardship of the Chattahoochee River, its lakes, tributaries, and watershed, in order to restore and preserve their ecological health for the people and wildlife that depend on one of the Southeast's hardest working rivers.

Chattahoochee Riverkeeper (CRK) is pleased to see the Georgia Environmental Protection Division (EPD):

- ❖ Recognize that current permit holders and water suppliers, including members of and communities within the Metropolitan North Georgia Water Planning District, are currently not complying with a basic legal requirement of the Georgia Water Stewardship Act (2010) to develop a water loss control program. CRK is pleased to see this requirement included in Special Condition #19.

- ❖ Consider “resiliency” in some capacity during the surface water withdrawal application process when assessing need for the water requested, the availability of the water requested and the potential impacts of the water on downstream users.
- ❖ Remove language and conditions referencing the River-Lake Information System and the U.S. Army Corps of Engineer’s Water Control Manual.

Chattahoochee Riverkeeper submitted a comment letter on the first draft of this permit on May 8, 2019. In addition to concerns addressed in that comment letter, CRK continues to have concerns with this application, interprets this water withdrawal as un-needed, and believes the application is non-conforming with the Metropolitan North Georgia Water Planning District’s *Water Resource Management Plan* (Plan) due to the following 6 reasons:

1. CRK does not agree with EPD’s assessment in Response #8 that this permit application and “current form of the project complies with the” current updated and relevant Plan.¹

While the Metropolitan North Georgia Water Planning District (District) does reference Bear Creek reservoir in the *Water Resource Management Plan* (Plan), the District does not offer explicit support for any proposed reservoir or an alternative in the Plan.²

For example, in the Plan, the District explains that the proposed Glades Reservoir project was removed from the plan because it was no longer considered a “water supply reservoir.”³ The District’s decision to remove Glades Reservoir was based on former EPD Director Jud Turner’s determination a year earlier in 2016 that the Glades Reservoir in Hall County was “no longer part of any strategy to meet the water supply needs of the State” as a result of revised population and demand “projections.”⁴

Shortly before Director Turner made this public conclusion, the Cities’ Bear Creek Reservoir project had stalled out due to a non-conforming mitigation plan. Given these procedural concerns, Georgia’s revised population projections and the Great Recession’s negative impact on economic growth, the Savannah District, U.S. Army Corps of Engineers administratively withdrew the Bear Creek Reservoir’s Clean Water Act Section 404 permit application on September 16, 2015.⁵

Given this context, it is no wonder that the Plan’s inclusion of Bear Creek is not an explicit recommendation or endorsement of Bear Creek as a water supply source. Rather, the District stated what was obvious at the time:

The Bear Creek Reservoir, in South Fulton County, is currently under local consideration, but it is not permitted (as of June 2017). If it is permitted and constructed, it would be the main water supply source for the Palmetto, Union City and Fairburn communities in South Fulton County. Union City and Fairburn are currently supplied with water from the City of

Atlanta and Palmetto has its own limited supply. Both the reservoir and the City of Atlanta water supply source are within the Chattahoochee River basin. If the reservoir and supporting WTP are constructed, this new reservoir will decrease the need for water supplied from the Chattahoochee River by the City of Atlanta, but will increase pumping water from the Chattahoochee River south of Peachtree Creek for storage in the Bear Creek Reservoir.⁶

To call the District's above statement about the proposed Bear Creek reservoir a "contemplation of an alternative water source for the South Fulton Cities" that is analogous to a proposed direct withdrawal from the Chattahoochee River stretches the meaning and intent of regional water resources planning.⁷

Given the Great Recession's known historic effect on economic development and water supply planning, and the current COVID-19 conditions and their unknown effects on water supply operations, investment and planning, it is highly probable that the region's current public health and economic conditions will arrest future population growth and the need for this new water withdrawal. As further acknowledgement of previous exaggerated proposals, it is also worth noting that the draft permit's proposed withdrawal of Chattahoochee River raw water is 11.4 MGD (13.25 MGD in 2065), which is more than 30 percent less in volume than the proposed Bear Creek Reservoir's withdrawal of 16.4 MGD as noted in the District Plan. Again, the proposed direct withdrawal is not the same or equivalent with a proposed reservoir.

CRK does not believe the proposed project will result in beneficial leveraging of economics of scale that can benefit the region's rate payers or reflects the spirit of regional water planning.

2. EPD and the District should require the Cities to submit a Plan amendment request to the District because the current form of the project does not comply with the Plan.

The Cities, the South Fulton Municipal Regional Water and Sewer Authority, and a future Chattahoochee River withdrawal and water treatment plant (WTP) are not specifically included in the District Plan's Appendix B County Level Summaries, or detailed in the Summary of Planned Sources, Summary of Needs or Phasing Plan for Fulton County. Why is the South Fulton Municipal Regional Water and Sewer Authority—which has existed for two decades—not directly named in the Plan? The District only references the proposed Bear Creek Reservoir in a footnote vaguely echoing #1 above that Bear Creek "would supplement and offset water supply needs for Fulton County," but does not identify the "Local Water Provider," entities that will benefit or any specific facilities.⁸

In stark contrast, in 2018, EPD "identified that the City of Auburn should ask for an amendment" to the District's Plan when applying for new water withdrawal permits for a new water supply and quarry project. The City of Auburn—located in Barrow County and a sliver

of Gwinnett County—proceeded with a major amendment of Appendix B despite the fact that the new raw water storage project—which is located outside of the District—affected only “111 customers along five city streets” inside the District.⁹ The District amendment was approved in 2019.

Additionally, EPD and the District are currently requiring the Coweta County Water and Sewer Authority (CCWSA) to navigate through the major amendment process so as to alter proposed withdrawal levels and relevant footnotes in Appendix B.¹⁰ CCWSA’s water supply is diversified, with about half of its supply purchased from other utilities plus an emergency interconnection with the City of Atlanta. CCWSA has long planned for a withdrawal from the Chattahoochee River basin, as clearly articulated in the Plan.

For consistency purposes and fairness to all District members, existing permit holders and future permit applicants, EPD and the District should require the Cities to submit a Plan amendment request.

3. Regarding Response #4: The Cities do not appear to have met the requirements of Rules for Safe Drinking Water 319-3-5-.04.(4) and (5). The Cities do not appear to have fully evaluated “connecting to an existing local governmentally owned and operated public water system” operated by the City of Atlanta. It is not clear that the Cities have “provided acceptable certification” to EPD “outlining the reasons why” the Cities cannot maintain a connection to the City of Atlanta’s public water system. The Cities and the City of Atlanta can negotiate a Service Delivery Strategy and contract. The lack of a contract is the result of an absence of negotiations and not due to the lack of a functional and capable connection to “a reliable future water source.” It seems that the parties have backed themselves into a corner, not unlike the states of Alabama, Florida and Georgia who have been embroiled in a transboundary water conflict for decades: with a legacy of broken-trust, neither appears willing to negotiate, leaving the resource and rate payers to suffer.
4. Regarding Comment and Response #11: CRK wishes to point out that one District community member—the Coweta County Water and Sewer Authority (CCWSA) projects a significantly lower per capita usage than the Cities. In an April 15, 2020 request for a major amendment to the District’s *Plan*, the CCWSA anticipates a future demand projection of 60 gallons per capita per day (in combined residential and non-residential use) in 50 years based on the Water Research Foundation’s report titled *Residential End Users of Water, Version 2 Executive Report*. The Cities would do well to consider this resource to improve future water demand.¹¹
5. Regarding Comment and Response #13: How is EPD evaluating the effects on the Chattahoochee River (donor) basin and Flint River (recipient) basin of an interbasin transfer (IBT) that will increase in volume by 33 percent as anticipated by the applicant?

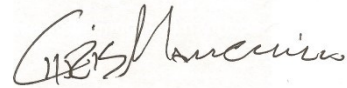
6. Regarding Special Condition #16: In Table 1, CRK observes a change in the “Monthly low flow requirements on Chattahoochee River immediately downstream of the Authority’s intake location” in this Draft Permit when compared with the March 6, 2019 Draft Permit. Nearly every single monthly low flow protection threshold metric has gone down, meaning that withdrawals will be allowed at even lower flows than contemplated in first Draft Permit. While some of the changes amount to a single cubic-foot-per-second (cfs), other changes are of a magnitude of more than 100 cfs. How does EPD explain the changes in the monthly low flow requirements from the initial draft permit to this draft permit?

Conclusion

Chattahoochee Riverkeeper continues to have concerns with this application and interprets this water withdrawal as un-needed. Furthermore, the application is non-conforming with the Metropolitan North Georgia Water Planning District’s *Water Resource Management Plan* (Plan) because the permit application and “current form of the project” does not comply with the current updated and relevant Plan. Finally, EPD has failed to require the Cities to submit a Plan amendment request to the District.

If you have any questions, please contact me directly.

Sincerely,



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