

**Minutes of the Middle Chattahoochee Regional Water
And Sewer Authority Meeting Held on November 10th, 2020,
Zoom ID: 825 1575 3823
Passcode 807720**

BOARD MEMBERS PRESENT: Vince R. Williams, Sonja Fillingame, Shayla J. Nealy, Elizabeth Carr Hurst, Laura Mullis and James Whitmore

BOARD MEMBERS ABSENT: J. Clark Boddie

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

Others Present: Mark Smith and Paula Days

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 October 13th, 2020 meeting, seconded by Vince R. Williams. A vote was taken, the motion passed unanimously.

A motion was made by James Whitmore to approve the minutes of the October 13th, 2020 Executive Session, seconded by Vince R. Williams. A vote was taken, the motion passed unanimously.

New Business: None

Old Business: None

Reports:

Legal – Dennis Davenport stated that he has nothing to report this month

Finance – Dan Post reviewed with the Board:

1. The October 2020 financial statement.
2. Requested approval for draw number 211 in the amount of \$12,193.21 from the construction account.

Vince R. Williams made a motion to approve draw number 211 in the amount of \$12,193.21 from the construction account seconded by James Whitmore. 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 Loss control program needed by each city before 1/28/2021
2. Engineering RFP

Elizabeth Carr Hurst made a motion for the attorney for the Authority and 2 consultants review of the general services contract with Krebs and the task order, seconded by Vince R. Williams. A vote was taken, the motion passed unanimously.

3. Compensatory Mitigation:
 - a. Resale Of Mitigation Credits
4. Other/MISC:
 - a. GEFA Loan Modification
 - b. North Metropolitan Water Planning District
 - c. Websites
 - d. Financial Consultant
 - e. Waters Of The US (WOTUS)
5. Water Wars Litigation Update
6. Reservoir Land

Executive Session: None

Vince R. Williams made a motion to have a called meeting upon the project managers delivery of a completed review of the contract, seconded by Sonja Fillingame. A vote was taken, the motion passed unanimously.

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

The meeting adjourned at 7:27 PM

Shayla J. Nealy, Chairwoman

December 08th, 2020

Date Minutes Approved by Board

MEMORANDUM

To: Middle Chattahoochee Regional Water & Sewer Authority Member Cities Councils (Fairburn, Palmetto and Union City)

From: Laura Benz & Andrea Gray

Date: November 10, 2020 meeting

Re: Middle Chattahoochee Authority Project Update

Water Withdrawal Application/Process:

Water withdrawal permit: As a condition of the permit, each City must have a water lost control program established within six (6) months of permit issuance, January 28, 2021. Email reminders were sent out November 1st reminding each of the three Cities' utility Directors of the required program deadline. Monthly reminders will continue through January 2021.

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).

RFP: The Authority selected Krebs Engineering as the provider for preliminary engineering services. A proposed contract will be presented to the Authority at its November 10th meeting for consideration and approval to initiate services. AECOM representatives requested a debriefing meeting to understand how it may improve its response to proposals in the future. The meeting was held Friday, November 6, 2020.

Next Steps: Complete the contracting process to initiate engineering services with Krebs, refine the budget and cost estimates accordingly and evaluate sources of funds including additional GEFA loans.

Compensatory Mitigation

Mulberry Creek Site in Harris County, Georgia (41.04 acres): The Banker has requested to close prior to the Mitigation Banking Instrument being approved and authorized his counsel to begin preparing closing documents. The draft documents will be presented at the November or December meeting for your consideration to assure closing occurs prior to December 31, 2020.

White Sulphur Creek Site in Meriwether County, Georgia (31.03 acres): Continue to pursue possible sale of easement.

Credits reserved for Authority needs: The Authority is holding credits it purchased from the Chattahoochee Mitigation Bank (4,495 stream and 3.74 wetland credits), pending final determination of any impacts associated with the direct withdrawal, associated infrastructure and distribution pipelines.

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: There are 14,780.41 stream credits currently reserved for \$36,676.99 due to the Authority upon closing the transactions.

Other/Miscellaneous

GEFA Loan Modification. GEFA is in the process of preparing a Loan Modification to reflect the Authority's new name and requested an updated project schedule. GEFA understands that an updated schedule will be provided upon completion of the preliminary engineering and any schedule provided at this time will be an estimate until the engineering study is complete.

North Metropolitan Water Planning District. Proposed revisions to the Water Resource Management Plan amendments are attached. Comments will be received during the 30-day public notice period ending on November 12, 2020 via email to Comments@northgeorgiawater.com or via letter to Water Resource Management Plans, 229 Peachtree Street N.E., Suite 100, Atlanta, Georgia 30303. The District's Governing Board will consider the proposed amendments during the December 2, 2020 Board Meeting.

Potable Reuse Guidelines: Georgia EPD issued the attached Public Notice and Indirect Potable Reuse Guidelines document for public comment. The District forwarded the notice and requested feedback. A public meeting will be held on Zoom **December 9, 2020 at 2:00 p.m.** and comments are due by the close of business on **December 18, 2020**. Additional information is included in the attached announcement and can be found: <https://epd.georgia.gov/indirect-potable-reuse>

The Guidance has been developed to (1) help applicants navigate through the regulatory complexity of a potential IPR project, (2) help the appropriate programs within EPD coordinate with each other, and (3) streamline the regulatory process. This guidance is based on existing laws and regulations and provides a framework to shepherd applicants for **new or modified drinking water, surface water withdrawal, and wastewater discharge permits** through existing permitting processes if the request may affect an existing or currently proposed facility.

Website. The Authority's new website is www.middlechattwaterandsewer.com.

Financial Consultant: Raymond James will require updated cost estimates from the selected engineers to refine its assessment.

Waters of the US (WOTUS). The proposed final rule for the WOTUS was published in the federal register on Tuesday, April 21, 2020 and became effective on June 22, 2020. Multiple cases have been 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. The only state where an injunction is currently effective is Colorado. Additional guidance for implementing the rule is expected in the next few months.

Waters Wars Litigation Update

The Supreme Court issued an order on October 6, 2020 confirming that oral arguments will be heard in the matter however has not set a date at this time. The Court has also extended its order to hear arguments by telephone through the end of the calendar year.

Reservoir Land

Per the Fulton County Tax Assessor records, the Authority owns 430.21 acres comprised of 11 parcels. Approximately 396.61 acres were purchased from Oracle Fulton Land, LLC (ie Carl Bouckaert) and 33.6 acres were purchased from other property owners. The terms of the Bouckaert repurchase option and right of first refusal are governed by the MOU dated September 20, 2010.

Per the terms of the MOU, Carl Bouckaert had the option to repurchase the property purchased from him if the Authority failed to commence construction of the Reservoir by July 1, 2020, so long as he provided written notice of his intent to do so. No written notice was received, which allows the Authority the ability to market the property for sale if it should choose to do so. Bouckaert has a right of first refusal for a period of ten years, until July 1, 2030. Recently, the Chattahoochee RiverLands trail project released its planned location which shows the preferred alignment going through the Authority property. This proposal could greatly impact the marketability and value of the land and is attached for your file.

Following the Preliminary Engineering study, the Authority should be able to determine how much land it needs to reserve to accommodate the direct withdrawal and associated water treatment plant and other infrastructure. Once determined, the Authority may consider selling all or a portion of the remaining property, however easements for the dam breach zone and 150' buffer area will likely not be marketable since the Authority does not hold the underlying land. Nothing shall prevent the Authority from granting easements, covenants, licenses, leases or other interests in the property or parts thereof as permitted by the Agreement. Below is a summary of the property rights the Authority is likely to retain as identified in the previously distributed August 14, 2019 memorandum:

- Water withdrawal intake property (1.0 acre)
- Water treatment plant property (18.0 acres)
- Access road to dam (60 ft construction; 40 ft permanent) to access near withdrawal
- 2 x 50' pipeline easements
- Access to water treatment plant site (non-exclusive 60' wide easement)
- Water withdrawal pipeline and access easement (50' wide easement from water withdrawal intake land to old reservoir site) (note: there will need to be a pipeline through the reservoir area to provide a connection between the withdrawal and the treatment site since the original concept was to have the pipeline at the base of the dam and then at the upper end of the reservoir adjacent to the treatment plant)

South Fulton Municipal Regional Water & Sewer Authority Mitigation Credit Sales

updated 10-13--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 8/11/2020	15,798.15
Money received as of 8/11/2020	\$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</i>	<i>Total Revenue</i>	<i>Payment Received</i>	<i>Credit Release Sent to Corps</i>	
Genesee 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	30-Jul-20
Carroll County Water Authority	Reserved	12330.36	\$55.00	\$678,169.80	\$	228,111.66	\$54,253.58	\$282,365.24	Pending Closing	Pending Closing and Payment
Bear Creek	Reserved	347.19	\$65.00	\$22,567.35	\$	6,423.02	\$2,256.74	\$8,679.69		
Totals		15,798.15								
Balance of Credits Remaining		92,734.40								

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 8/11/2020	42.54
Money received as of 8/11/2020	\$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>
SAIA 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	30-Jul-20
DR Horton	Withdrew		\$ 50,000.00	\$ -	\$ -	\$ -	\$ -		
Totals		42.54			\$ 510,480.00	\$ 326,970.00	\$ 837,450.00		
Balance of Credits Remaining		0.00							

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**GENERAL SERVICES AGREEMENT
BETWEEN
KREBS ENGINEERING, INC.
AND
MIDDLE CHATTACHOOCHEE REGIONAL WATER & SEWER AUTHORITY**

This Agreement dated the _____ day of _____, 20__, between Krebs Engineering, Inc. ("Krebs") and Middle Chattahoochee Regional Water & Sewer Authority ("Client").

RECITALS

The Client and Krebs desire to enter into a general agreement for the provision of professional engineering and related services, and establish a framework for Krebs to provide those services.

AGREEMENT

The Client and Krebs hereby agree this General Services Agreement ("Agreement") establishes the terms, conditions, and arrangements for Krebs to provide professional engineering services.

ARTICLE 1 – TASK ORDERS

Task Orders will be negotiated and executed between the Client and Krebs. Upon execution, a Task Order and this Agreement will function as a single integrated instrument of understanding between the Client and Krebs. Task Orders will be consecutively numbered and include: (1) a description of the services to be provided, (2) the compensation to be paid, and (3) any modification of the terms of this Agreement which are deemed appropriate for the provision of the services described in the specific Task Order. Such modifications in the Agreement will only apply to the specific Task Order. In the event of conflicts between the terms in a Task Order and this Agreement, the provisions in the Task Order will prevail.

ARTICLE 2 – SCOPE OF SERVICES

Section 2.1 – Specific Services Provided

Task Orders will include a detailed description of the services and deliverables Krebs will provide to Client.

Section 2.2 – Services Not Provided

Krebs will not provide the services listed below unless specifically included in the Task Order.

2.2.1 – Materials Testing

Materials Testing services include, but are not limited to: Mill, shop and laboratory testing for metallurgical, chemical, and physical characteristics of materials, coatings, welds, and manufactured/fabricated articles or equipment.

2.2.2 – Miscellaneous Surveys/Assessments/Studies

Miscellaneous Surveys/Assessments/Studies services include, but are not limited to: Surveys/assessments/studies related to cultural or historical artifacts or remains, endangered animal or vegetative species, wetland delineation or identification, population or economic status, traffic volumes, environmental conditions, or preparation of environmental impact statements.

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2.2.3 – Geotechnical Investigations

Geotechnical investigations include, but are not limited to: Soils or rock sampling and borings, geological or geotechnical studies, laboratory tests or analyses concerning soils or geotechnical conditions, and establishing acceptable soil bearing pressures.

2.2.4 – Property Surveying

Property surveying services include, but are not limited to: Property records research, easement records research, title records research, field surveys of property/boundary lines, field surveys of existing or proposed easements, preparation of property or easement plats, and preparation of property or easement descriptions. Property surveying services do not include topographic surveys necessary for engineering studies, engineering designs, and preparation of plans and specifications of improvements which are part of the scope of services.

2.2.5 – Litigation Services

Litigation services include, but are not limited to: Preparation for or appearances before courts or boards on litigation related to the work, except when related to negligent errors and/or omissions by Krebs.

ARTICLE 3 - BASIS OF COMPENSATION

Compensation paid to Krebs by the Client for services rendered will be as described in each Task Order and will be determined using lump sum basis and/or time charge basis as described below.

Section 3.1 – Lump Sum Basis

Lump sum based compensation will be a fixed fee which includes labor costs, overhead costs, direct job expenses, subconsultant expenses, and profit.

Section 3.2 – Time Charge Basis

Time charge based compensation will be computed using the Krebs Standard Hourly Billing Rates/Charges (Hourly Rate) in effect at the time services are rendered plus direct job expenses and subconsultant expenses.

Section 3.3 – Direct Job Expenses

Direct job expenses are expenses accrued by Krebs during performance of the services, other than expenses related to wages. Direct job expenses may include, but not be limited to, travel and subsistence allowances paid to Krebs employees, costs for document reproduction, municipal and county recording fees, and mailing and shipping costs. Direct job expense items will be billed at cost plus 15 percent (1.15 multiplier).

Section 3.4 – Subconsultant Expenses

Subconsultant expenses are fees paid to professionals and specialized firms that provide assistance required by Krebs for the completion of the services. Subconsultant expenses will be billed at cost plus 15 percent (1.15 multiplier).

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Section 3.5 - Payment for Services

Krebs will periodically furnish the Client invoices which will include an itemized statement of costs and charges for completed portions of the scope of services. The Client will review and approve invoices at its regularly scheduled meetings held the second Tuesday of each month. For invoices to be considered at a regular meeting, they must be submitted to the Client on the first day of the month in which the meeting will be held. Client will remit payment to Krebs within thirty (30) days of ~~receipt~~approval of invoice.

ARTICLE 4 – GENERAL TERMS AND CONDITIONS

Section 4.1 - Designated Representatives

The Client and Krebs will respectively designate in each Task Order a person to act as the designated representative of the Client and Krebs in matters relating to the performance of professional services under the respective Task Orders.

Section 4.2 –Client Responsibilities

4.2.1 – Access

The Client will arrange for and make all provisions necessary for Krebs' access to and entrance upon all public and private property as may be required to enable Krebs to perform the scope of services.

4.2.2 – Permit/Review Fees

The Client will pay all permit and review fees required by agencies which have jurisdiction concerning the work related to Krebs' scope of services.

4.2.3 – Advertisement Costs

The Client will pay all costs associated with placing "Advertisements for Bids" or other required notices in newspapers, construction journals, or other media outlets.

4.2.4 – Materials/Product Tests

The Client will pay all costs associated with tests of the components of its facilities as may be reasonably required for Krebs to perform the scope of services.

4.2.5 – Provide Information

The Client will provide to Krebs all information in its possession that may be related to the scope of services.

Section 4.3 – Insurance

Krebs will maintain insurance coverage for Workman's Compensation, General Comprehensive Liability, Automobile Liability, and Professional Liability, with the following minimum amounts:

- Workers' Compensation: The Firm shall be required at all times during the term of this agreement to subscribe and comply with the Workers' Compensation laws of the State of Georgia and to save WASA harmless from any and all liability from or under said act.
- Commercial General Liability
 - Each Occurrence: \$1 million

Middle Chattahoochee Regional Water & Sewer Authority

GSA Contract

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- Personal and Advertising Injury Limit: \$1 million
- General Aggregate Limit: \$2 million
- Products/completed Operations Aggregate Limit: \$2 million

- Automobile Liability: Combined Single Limit of \$1 million
- Professional Liability: \$2 million

When requested, Krebs will furnish a copy of the certification of coverage.

Section 4.4 – Indemnification

Krebs shall indemnify and hold the Client harmless from any claims or damages resulting from negligent acts, errors, omissions, or breach of duty by Krebs in the performance of the scope of services.

Section 4.5 - Subconsultants/Assistants

Krebs has the right to contract subconsultants or assistants deemed by Krebs to be proper in the performance of the scope of services, and the services of said subconsultants or assistants are to be paid for by Krebs.

Section 4.6 – Applicable Laws

Krebs will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of Krebs. Krebs hereby agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Section 4.7 – Legal Services

The Client agrees to furnish legal services required in connection with the work which is the subject of this agreement as it represents the interest of the Client. Krebs will provide legal services in connection with the work which is the subject of this agreement as it represents the interest of Krebs.

Section 4.8 – Safety

Krebs will not act as safety engineers for the Client, nor will they be responsible for establishing safety practices or prescribing safety measures for the Client's contractors. The presence of Krebs' personnel at the site of the work does not imply approval or acceptance of the Contractor's means or methods of construction or the Contractor's safety practices.

Section 4.9 - Record Drawings

Record Drawings of constructed work will consist of revisions to design drawings, and will have been prepared based upon information compiled from Krebs' records of the work, the Client's records of the work, and information provided by the Contractor. Record Drawings are intended to be reference material for the Client's own purposes. Record Drawings are not represented as exact documentation of every detail of the constructed work, but rather they will be the result of Krebs' concerted efforts to compile and incorporate information about the completed work which

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Krebs had in its possession at the time the Record Drawings were prepared. Krebs will prepare Record Drawings when included in the scope of services of a Task Order.

Section 4.10 – Changes in Completed Work

Should the Client direct Krebs to make changes to the work product which both the Client and Krebs agree had been substantially completed, or if the Client orders redesign or modification of plans, specifications, or permits which have been approved by jurisdictional agencies, the effort expended and costs incurred by Krebs to comply with the Client's directives will be considered to have resulted from changes in completed work. If such changes in completed work occur, the Client and Krebs will negotiate an equitable adjustment in: (1) the project schedule, (2) the fees paid to Krebs, and (3) the reimbursement of direct costs incurred by Krebs, attributable to said changes.

Section 4.11 – Changes in Scope of Services

The Client may direct Krebs to increase or decrease the scope of services included in this Agreement or any subsequent Task Order. When such change in the scope of services is directed, the Client and Krebs will negotiate an equitable adjustment in: (1) the project schedule, (2) the fees paid to Krebs, and (3) the reimbursement of direct costs incurred by Krebs, attributable to the said change in the scope of services.

Section 4.12 – Ownership/Use of Documents

All reports, plans, specifications or other deliverables prepared by Krebs and provided to the Client in connection with providing the scope of services will be produced specifically for use in fulfilling the terms of the scope of services. Reports or other memoranda will be for reporting information to the Client as described in the scope of services, and/or plans and specifications will be for the construction of improvements by the Client as described in the scope of services. Payment of fees by the Client to Krebs entitles the Client to use said documents as its property for the documentation of information and/or construction of facilities which are the subject of the scope of services. The Client hereby agrees that the documents will be used for no purpose other than as stated herein above, and Krebs will not be held responsible for claims or damages resulting from any unauthorized use of the documents.

Section 4.13 - Termination

The Client or Krebs shall have the right to terminate this Agreement and/or any subsequent Task Order regardless of cause provided: (1) written notice of decision to terminate is delivered to the other party by certified mail, and (2) not less than ten (10) days is allowed for consultation between the Client and Krebs before the termination becomes effective.

If termination is effected for convenience by either party, Krebs will provide to the Client all data, drawings, specifications, reports, estimates, summaries and such other information and materials accumulated by Krebs in the performance of services and the Client will pay Krebs for all services completed and expenses incurred or accrued through the date the notice of intent to terminate is delivered. Such payment to Krebs shall be an equitable adjustment of the fee described in this Agreement and/or subsequent Task Orders based upon the services completed but no amount will be allowed for anticipated profit on unperformed services.

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If termination is effected by the Client due to substantial failure by Krebs to fulfill its obligations under this Agreement and/or subsequent Task Orders through ~~no fault of the Client~~, the adjustment in fee may be further adjusted to the extent of any additional costs occasioned to the Client by reason of Krebs' default. If after termination it is determined Krebs had not so failed, the Client will pay to Krebs the additional costs previously withheld as being attributable to Krebs' alleged default.

The Client may take over the work and prosecute the same to completion by agreement with another party or otherwise. Any work taken over by the Client will be completed at the Client's risk, and the Client will hold Krebs harmless from all claims and damages arising out of improper use of Krebs' work.

Client's election to terminate or take over the work shall be without prejudice to any of Client's rights or remedies by law.

Section 4.14 – Severability

If any judicial proceeding declares a provision of this Agreement to be invalid, illegal, or unenforceable, the remainder of the Agreement will continue to be binding upon the Client and Krebs.

Section 4.15 – Agreement and Amendments

This Agreement and any subsequent Task Orders constitute the entire agreement between the Client and Krebs and supersede all prior written or oral understandings. This Agreement and any subsequent Task Orders may only be amended, supplemented, modified, or canceled by written instrument mutually agreed upon and executed between the Client and Krebs.

Section 4.16 – Non-Assignment

Assignment of this Agreement and any subsequent Task Orders shall not be authorized without prior written consent of Client.

Section 4.17 - Force Majeure:

Neither party shall be deemed to be in breach of the contract to the extent that performance of its obligations is delayed, restricted, or prevented by reason of any act of God, natural disaster, act of government, or any other act or condition beyond the reasonable control of the party in question.

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Section 4.18 - Governing Law:

This agreement shall be governed in accordance with the laws of the State of Georgia. The parties agree to submit to the jurisdiction in Georgia, and further agree that any cause of action arising under this agreement shall be required to be brought in a court of competent jurisdiction in Fulton County, Georgia.

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EXECUTION

The Client and Krebs have caused their respective duly authorized representatives to execute and attest this Agreement effective on the date first written above.

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[Signatures on following Page]

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CLIENT
Middle Chattahoochee Regional Water &
Sewer Authority
BY: ATTESTED
BY:

Type name and title of person signing

KREBS ENGINEERING, INC.
BY: ATTESTED
BY:

Mark A. Smith, P.E.

Middle Chattahoochee Regional Water & Sewer Authority

Task Order No. 20058

Dated the _____ day of _____ 20__

Preliminary Engineering for Water System Improvements

This Task Order shall become part of the General Services Agreement between the **Middle Chattahoochee Regional Water & Sewer Authority** ("Client") and Krebs Engineering, Inc. ("Krebs") dated _____, 20_____.

SECTION 1 - PROJECT DESCRIPTION

The Client will construct, own and operate a new wholesale water system that will include a phased raw water withdrawal, treatment and distribution system to connect with the existing infrastructure of its three member cities, Fairburn, Palmetto and Union City. These improvements will include:

1. Raw Water Intake and Pump Station on the Chattahoochee River
2. Water Treatment Facility – Phase I capacity of 6 million gallons per day (MGD) with later phase for build-out of 13.25 MGD.
3. Distribution System to member cities and water tank storage

The Client received a need letter from Georgia EPD of 13.25 MGD for its 50 year needs. On July 27, 2020 Georgia EPD issued a water withdrawal permit from the Chattahoochee River for an annual average of 7.12 MGD to meet the Client's 10 year needs. Preliminary engineering work to site the general locations of the infrastructure was completed during the permitting process.

The purpose of the Preliminary Engineering work in this Task Order is to develop a conceptual design layout and associated refined project schedule and budget.

SECTION 2 - SCOPE OF SERVICES

The scope of services to be provided by Krebs shall incorporate hereto the Krebs October 7, 2020 response to the Client's RFP dated September 8, 2020 which shall include but not be exclusive to the following items:

Section 2.1 - Preliminary Engineering Services

1. Develop sizing and a conceptual layout of all infrastructure including:
 - Raw water intake and pumping station on the Chattahoochee River sufficient to withdraw the permitted limits.
 - Water treatment plant facilities with an initial treatment capacity of 6 MGD.
 - Finished water transmission mains from the water treatment plant to one connection point with each of the member cities. This will include:
 - Preliminary route investigations and route confirmation.
 - Project route maps from GIS data and other publicly available information for use in project planning.

- Preliminary investigation to confirm the route and which side of the road is proposed for the new waterline.
 - Provide preliminary siting location for water storage tank.
2. Develop a cost estimate to design and construct the above-listed infrastructure and estimates for the cost of operation and maintenance of the project
 3. Develop a design/construction schedule to design, acquire property, and construct the above-listed infrastructure.
 4. Develop an assessment of water system staffing and operational needs.
 5. Develop a Preliminary Engineering Report to summarize items 1-4 above and to include the results of the field reconnaissance and other preliminary considerations, and a conceptual route recommendation for review and approval by the Client.
 6. Attend a meeting with the Client to review the Preliminary Engineering Report.
 7. Develop 30% design drawings for permitting and construction of the proposed system in accordance with State of Georgia standards and requirements, as described under Item 2.2 (Deliverables) below.
 8. Develop 30% specifications for permitting and construction of the proposed system in accordance with State of Georgia standards and requirements.

Section 2.2 - Deliverables

1. Preliminary Engineering Report
2. 30% Design Drawings – Krebs will provide 30% design drawings that include the following:
 - Site plans and conceptual plan/section drawings for raw water intake, pump station, and water treatment facilities.
 - Architectural Design Concept – Conceptual floor plan for water treatment facility, admin/lab building, and a rendering of the new building (front elevation view).
 - Piping routes/maps (plan view, using available GIS data) with easement requirements.
 - Water storage tank site plan and elevation/section view (conceptual).
 - Standard construction details.
3. 30% Specifications.

SECTION 3 - COMPENSATION

Compensation paid to Krebs for completing the scope of services included in this Task Order will be the as follows:

Section 3.1 - Lump Sum Fee

A lump sum fee of One Hundred and Ninety-Six Thousand dollars (\$196,000) will be paid to Krebs as compensation for Preliminary Engineering Services described in Sections 2.1 and 2.2.

SECTION 4 - DESIGNATED REPRESENTATIVES

Section 4.1 - Client Representative

Name
Address
Office Phone
Cell Phone
Email

Section 4.2 - Krebs Representative

Mark A. Smith, P.E.
2100 River Haven Drive, Suite 100
Birmingham, AL 35244
Office: 205-987-7411
Cell: 205-612-1078
Email: mark.smith@krebseng.com

SECTION 5 - EXECUTION

This Task Order, including all attachments and addenda, constitutes the entire Task Order between the Client and Krebs, and supersedes all prior written or oral understandings. The Client and Krebs have caused their duly authorized representatives to execute and attest this Task Order effective on the date first written above.

MIDDLE CHATTAHOOCHEE
REGIONAL WATER & SEWER
AUTHORITY

ATTESTED

BY:

BY:

(Type Name & Title of Person
Signing)

KREBS ENGINEERING, INC.
BY:

ATTESTED
BY:

Mark A. Smith, P.E.
Senior Associate

Middle Chattahoochee Regional Water and Sewer Authority

October 16, 2020

Krebs Engineering
Mark A. Smith, P.E.
2100 River Haven Drive, Suite 100
Birmingham, AL 35244

Re: Letter of Award and Notice to Proceed
Middle Chattahoochee Regional Water & Sewer Authority – Request for
Proposals for Preliminary Engineering Services

Dear Mr. Smith:

This letter constitutes confirmation of the Middle Chattahoochee Regional Water & Sewer Authority's (the "Authority") email notification on Wednesday, October 14, 2020 of award to Krebs Engineering of the Preliminary Engineering Services Contract for its direct withdrawal project. This letter also constitutes a Notice to Proceed to you contingent on execution of a Contract for Services between the Authority and Krebs Engineering including the scope and price made part of the September 9, 2020 RFP and Krebs Engineering's October 7, 2020 response.

Please signify your acceptance of this award by executing this letter in the space indicated below.

MIDDLE CHATTAHOOCHEE REGIONAL
WATER & SEWER AUTHORITY

KREBS ENGINEERING, INC.
BY:

Mark A. Smith, P.E.
Senior Associate

Date



Indirect Potable Reuse Guidance Document

September 2020

Draft Version 1.0

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1. Overview

Georgia's water resources are finite, and as the state's population continues to grow, their capacities will be stressed. Some portions of the state already operate under water resources constraints. Local governments and industries are faced with finding new options to meet increasing water demands and limited assimilative capacity, many times within geographical limitations. As entities across the state continue to expand and build new operations, coordination among potable surface water intakes and wastewater discharges to promote safe, healthy water reuse practices becomes both inevitable and a viable option for improving water resource resiliency.

The Georgia Environmental Protection Division (EPD) manages surface water resources in the state by closely coordinating the allocation of water with the protection of the water quality of rivers and lakes. EPD uses multiple mechanisms to achieve this coordination: water withdrawal permitting, water conservation, water reuse, and wastewater discharge permitting. The concept of water reuse not only fits within Georgia's comprehensive water management strategy, it is a consideration that traverses these key water management mechanisms and is a critical element of ensuring the long-term stewardship of Georgia's water resources.

EPD's stated mission is to pursue a sustainable environment that provides a foundation for a vibrant economy and healthy communities. It seeks to harness the benefits of surface water supply augmentation while protecting human health and safety and sees environmental stewardship, protection of human health, and economic vitality as compatible and mutually beneficial goals. EPD currently coordinates internally to achieve a comprehensive review of applicable projects; however, in order to formalize this internal process for review of projects with implications for neighboring entities, EPD has created this guidance document for certain new or expanded facilities classified as indirect potable reuse (IPR). The guidance outlines EPD's practices to fairly and consistently enforce laws, rules, and policies, while providing process transparency to stakeholders.

1.1 Indirect Potable Reuse Background

According to the US Environmental Protection Agency (USEPA), indirect potable reuse (IPR) is defined as the augmentation of a drinking water source with reclaimed water, followed by an environmental buffer that precedes drinking water treatment (USEPA 2012). Several different combinations of wastewater and drinking water interactions can be considered IPR. Figure 1 below displays a generic surface water IPR configuration, recognizing that specific situations are dependent upon state and local regulatory factors, as well as geographic considerations.

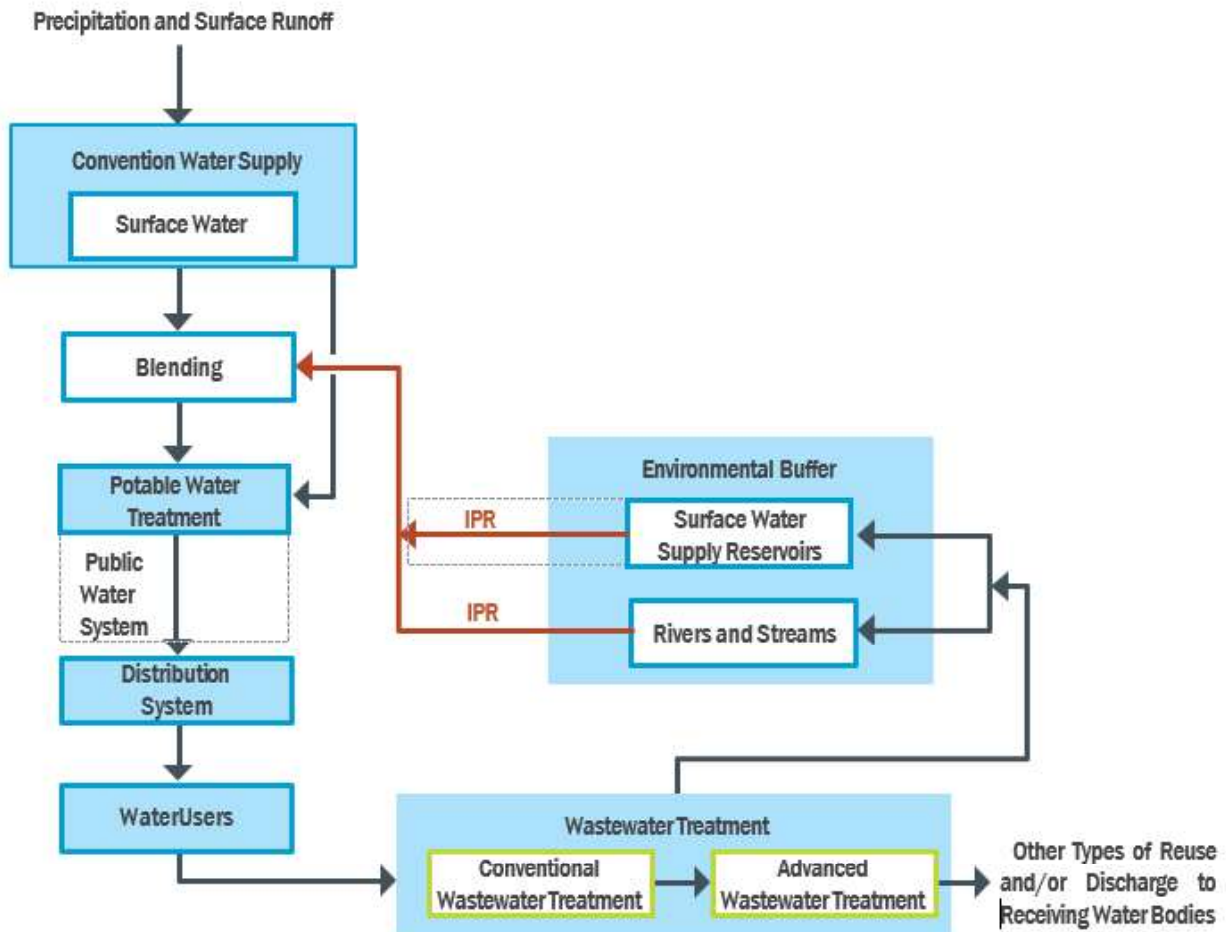


Figure 1. Indirect Potable Reuse Approaches

The term IPR implies the proactive decision by a utility to discharge or encourage discharge of highly treated reclaimed water into surface water supply that augments the yield of that source for drinking water supply. This guidance document would automatically apply in such cases. In some cases, however, separate entities may control the discharge and the withdrawal in an IPR situation. Without the specified intent to augment the water supply, these cases can be classified as “de facto” reuse. De facto reuse refers to a situation in which the discharge of treated wastewater into a surface water body by one entity impacts downstream drinking water sources of another entity. Occurrence of de facto reuse is often driven by the proximity of multiple entities, the limited availability and yield of alternate sources, or the high cost of developing alternate water sources. Note that the majority of IPR instances in Georgia would be classified as de facto reuse. Though not driven by one single entity, these instances would be considered to be IPR because the State of Georgia intentionally manages resources across the State and conducts planning based on this management. The following sections of this guidance reflect this reality. Additional information on various permutations of IPR scenarios can be found in the USEPA Compendium on Potable Reuse (USEPA 2017).

1.2 Applicability and Approach

This integrated permitting guidance or IPR guidance outlined in the following sections is intended to shepherd applicants for **new or modified** drinking water, surface water withdrawal, and wastewater discharge permits through existing permitting processes if the request may affect an existing or currently proposed facility. This includes activities initiated by an entity to augment its own water supply using potable reuse principles. Note, however, that these guidelines for IPR in Georgia are based on existing

laws and regulations that may change in the future. If regulatory changes should occur, this document will be updated to be consistent with those changes.

Because this guidance applies only to **new or modified** permit requests, any applicable permitting scenario falls into one of the following categories:

1. Existing wastewater discharge and new drinking water intake downstream;
2. Existing drinking water plant intake (withdrawal permit) and new wastewater discharge upstream;
3. Existing drinking water plant and existing wastewater discharge, and modification of one or both facilities; or
4. New drinking water intake/plant AND new wastewater discharge

In each scenario, the *party initiating the change to the existing configuration* (i.e., a change in withdrawal or discharge) has the starting responsibility for ensuring protection of human health and the environment. This may include consideration of, but not be limited to, the following elements: treatment technologies and limitations, coordination among multiple entities, and public engagement.

Criteria to determine whether a permitting scenario involving two or more entities qualifies as IPR are provided in Section 3 of this guidance document. The identification of an IPR scenario involves a combination of the physical location of a wastewater discharge in relation to any relevant drinking water intake(s), the cumulative instream waste concentration (IWC) at the drinking water intake(s), and the contribution of a wastewater discharge to this cumulative IWC at the downstream drinking water intake(s). The IWC is calculated using the permitted flow contribution of a discharge to the receiving water at the drinking water intake location under low flow conditions (7Q10 or minimum flow protection thresholds contained in the applicable water withdrawal permit). According to USEPA, 7Q10 is defined as the lowest 7-day average flow that occurs (on average) once every 10 years. Cumulative IWC is calculated by adding the IWCs contributed by all upstream wastewater sources.

The IPR classification resulting from use of this methodology, based on low flow conditions as described above, conservatively captures permitting scenarios that would benefit from the additional considerations outlined in this document. In all cases, including those in which an IPR request is submitted by an entity with the intention of using its discharge to augment its own water supply, EPD reserves the right to only approve projects that adequately protect human health and the environment. Section 4 outlines additional requirements and considerations for projects that meet the IPR criteria outlined in Section 3. The additional information provided by these requirements will enable EPD to make informed decisions and ensure its responsibilities are upheld.

2. EPD's Existing Frameworks and Permits Required

Laws, rules, and policies relevant to IPR are currently implemented within five different programs within EPD: the Water Supply, Drinking Water, Watershed Planning and Monitoring, Wastewater Regulatory, and Watershed Compliance Programs. The first four of these programs regulate relevant permitting processes while the Watershed Compliance Program regulates coordination actions among facilities in the event of a spill or permit violations. The regulatory framework of each program is based on the authorities outlined in State laws, rules, and policies. An overview of these existing regulatory structures and programs is provided to understand how the elements that comprise IPR scenarios are currently evaluated and highlight coordination among them, including for compliance purposes. Additionally, a section has been provided to demonstrate how these existing structures handle contaminants suspected to be present in drinking water for which regulatory standards have not been established.

2.1 Water Supply Program

The Water Supply Program interfaces with IPR considerations through surface water withdrawal permitting. Surface water withdrawal permits from EPD are required as part of the Georgia Water Quality Control Act for entities that intend to withdraw, divert, or impound more than 100,000 gallons of surface water per day on a monthly average from waters of the State. In accordance with the Act, EPD issues surface water withdrawal permits under the following conditions:

- Sufficient water is present to support water quality and aquatic life while providing for the requested withdrawal;
- Withdrawal is reasonably necessary to meet the applicant's needs;
- The Permit “shall not have unreasonably adverse effects upon other water uses in the area”

2.1.1 Relevant Federal and State Regulations and Guidelines

In addition to the requirements outlined in the Water Quality Control Act (O.C.G.A. §12-5-20), surface water withdrawal permits comply with the surface water withdrawal provisions of the Georgia Rules for Water Quality Control (Ga. Comp. R. & Reg. r. 391-3-6-.07), Georgia Rules for Environmental Planning Criteria (Ga. Comp. R. & Reg. r. 391-3-16), and Rules for Public Water Systems to Improve Water Supply Efficiency (Ga. Comp. R. & Reg. r. 391-3-33). Note that some aspects of the Rules for Environmental Planning Criteria are implemented through the Comprehensive Planning Process required by the Georgia Department of Community Affairs (DCA). Information required for submission of a complete water withdrawal application package is directly related to the provisions included in these Rules, though not all provisions apply in every case. An overview of required information and application processing procedures for new and modified permit applications is presented in the following section.

2.1.2 Permitting Process

The permitting process for new and modified surface water withdrawal permits evaluates three main elements: availability of the requested water, need for the requested water, and impact to downstream users. Distinctive steps define this process: Application Evaluation, Draft Permit Finalization, Public Notice, and Final Permit Recommendation. Note that necessary coordination for an IPR scenario, with the Drinking Water, Wastewater Regulatory, and Watershed Planning and Monitoring Programs (WPMP), occurs during the Application Evaluation portion of the surface water withdrawal permit application process. This programmatic overlap is indicated by the green box in the schematic below. Further details outlining the coordination required between the Water Supply Program and other relevant programs are provided in a Coordination Matrix provided in Attachment 1. Note that EPD initiates all steps of this process except “Application Evaluation,” which is initiated by the applicant. Permit application forms and associated permitting resources for Surface Water Withdrawals are currently found on EPD’s website, here: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/water-withdrawal-permitting-forms>.

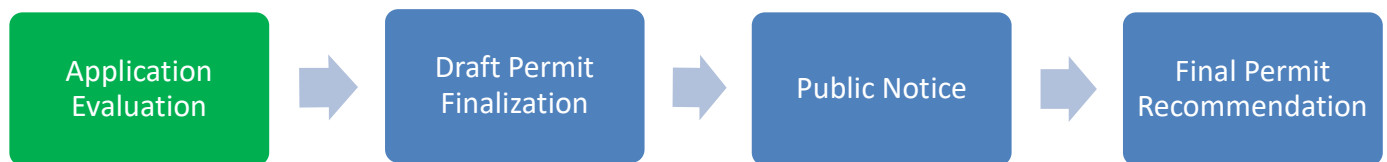


Figure 2. Surface Water Withdrawal Permitting Process

2.1.2.1 Application Evaluation

An applicant must first submit a complete application package to Georgia EPD to apply for a new or modified surface water withdrawal permit. The Surface Water Unit reaches out to other EPD programs in the Watershed Protection Branch for coordination during this stage of the process. Procedures for internal EPD coordination ensure that each permit application is evaluated for how it might interact with other branch permits according to the location and resource impacted. When necessary, this coordination extends to other EPD branches as well. In accordance with the Georgia Rules for Water Quality Control (391-3-6-.07(4)(b)), all surface water withdrawal applications must include the following elements:

1) General Information

General information regarding the applicant and the water withdrawal request must be submitted as presented in the application form. This information must include the amount of water requested, the use of the requested water, and the place of use. The exact location of the water withdrawal would be requested here, which would enable EPD to determine the intake location's relationship to existing discharge and intake locations for IPR determination.

2) Documentation / Justification of Need

For municipal applications, this documentation must include current and projected populations, descriptions of interconnections with other systems, current and projected water use, compliance with the appropriate Regional Water Plan, and long-range planning considerations, including the effects of water conservation and efficiency practices. For other types of applications, documentation will include current and projected water use, industrial processes (if applicable), and long-range planning considerations. These materials allow EPD to evaluate the need for the requested water, one of the key tenets described above.

3) Current and Future Water Supplies

Required documents must describe all available existing water supply sources and describe the availability of current supplies to meet current and future unmet demands. This information supplements documentation provided in #2 above to evaluate the need for the requested water.

4) Current and Future Water Use

Required documents must consider consumptive losses, the effects of water conservation actions, and emergency measures for droughts and accommodating peak daily demand in drought situations. This information supplements documentation provided in #2 above to evaluate the need for the requested water.

5) Current and Future System Water Management Information

Required documents must include information on water efficiency and conservation goals and implementation, as well as compliance with DCA Comprehensive Plans (for municipal applications). This information also ties into long-range planning considerations and need for the requested water (referenced in #2 above).

6) Interbasin Transfers

Documentation must acknowledge any interbasin transfers and adequately track them, if already in place. Data may be used in future determinations for the State Water Plan or to prepare annual interbasin transfer reports.

7) Water and Wastewater Planning

Required documentation includes existing and planned permitted capacities of applicant's water and wastewater treatment facilities and associated project design criteria. Note that further coordination with the Drinking Water and Wastewater Regulatory Programs may be required if the information provided differs substantially from the amount of water requested.

8) Water Conservation Plan

The plan must include documentation about current and planned water conservation and water loss control activities in the system, as well as system management, relevant policies or ordinances to achieve these ends, and education programs. The plan must also discuss any reuse or water recycling programs in place or planned. Guidance is included with the Water Withdrawal Permit Application found on EPD's website, here: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/water-withdrawal-permitting-forms>

9) Drought Contingency Plan

The plan must include alternative system and resource management strategies to be implemented under drought conditions that may severely reduce the availability of the resource. The plan must be consistent with the Georgia Rules for Drought Management (Ga. Comp. R. & Reg. r. 391-3-30) as well. Documentation provided must incorporate low flow protection (including mitigation of downstream impacts), storage available (including safe yield for reservoirs), drought indicators, water use priorities, and the conditions that put certain priority systems into effect. Guidance is included with the Water Withdrawal Permit Application found on EPD's website, here: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/water-withdrawal-permitting-forms>

2.1.2.2 Draft Permit Finalization

Only once EPD has determined that the applicant has met all application requirements and that the request does not place undue burden on the surface water resource or other users will a surface water withdrawal permit be drafted. This draft permit is sent to the applicant, who must then approve the permit before moving forward with the permitting process.

2.1.2.3 Public Notice

Once approved by the applicant, all new and modified surface water withdrawal permits undergo a 30-day public notice period. The draft permit is posted on EPD's website and comments are accepted for 30 days. This part of the process allows for input from both the public and any drinking water or wastewater facilities that may be impacted by the proposed project in an IPR scenario. A public hearing may be held if the Director of EPD finds a significant degree of public interest in a draft permit. In addition, if a new interbasin transfer is involved, a notice of the draft permit shall be circulated by at least one of the following means: publication in one or more newspapers of general circulation in the area which would be affected by such issuance; posting on the applicant's website(s); or distribution to interested parties by email or other mechanisms. Section 4.3.1 describes impacts to this process for projects classified as IPR.

2.1.2.4 Final Permit Recommendation

After 30 days, if comments have been received, EPD considers them in the evaluation of the final permit and issues an official response. If the applicant has agreed with the draft permit, and there are no significant public comments, the Director issues a final permit that complies with all applicable laws, rules, and policies.

2.2 Drinking Water Program

The Drinking Water Program interacts with IPR considerations during an applicant's request to obtain a new permit to operate a public water system (drinking water permit) or a permit modification to increase the capacity of a water treatment plant. The regulatory requirements for these actions are specified in the Georgia Rules for Safe Drinking Water (Ga. Comp. R. & Reg. r. 391-3-5) and EPD Minimum Standards for Public Water Systems. In accordance with the Rule, "[N]o person shall erect, construct, or operate a public water system, nor undertake substantial enlargements, extensions, additions, modifications, renovations or repairs to any public water system, including storage, distribution, purification, or treatment components, without having first secured the Division's approval of: the source of water supply; the means and methods of treating, purifying, storing and distributing said water; and obtaining a permit to operate a public water system." In practice, compliance with this Rule indicates the following:

- Public water systems (PWS) shall have an approved drinking water permit;
- Public water systems are required to submit engineering documents (ED) and other information to support the issuance of requested drinking water permits;
- New public water systems, increases in raw water treatment capacity, and water treatment plant improvements require EPD approval prior to construction or operation;
- Source Water Assessment Plans (SWAPs) must be developed in accordance with EPD's requirements in order to identify potential pollution sources and their impacts; and
- Source Water Quality (SWQ) "must be of such quality that with reasonable treatment it will meet the maximum contaminant levels (MCLs) of the Georgia Rules for Safe Drinking Water"

2.2.1 Relevant Federal and State Regulations and Guidelines

The Georgia Safe Drinking Water Act (O.C.G.A. §12-5-170) carries out the purposes and requirements of the Federal Safe Drinking Water Act. In addition to the requirements outlined in the Georgia Safe Drinking Water Act, drinking water permits comply with the provisions of the Georgia Rules for Safe Drinking Water (Ga. Comp. R. & Reg. r. 391-3-5) and Rules for Public Water Systems to Improve Water Supply Efficiency (Ga. Comp. R. & Reg. r. 391-3-33). Information required for submission of a complete application package is directly related to the provisions included in these Rules, though not all provisions apply in every case. An overview of required information and application processing procedures for new and modified permit applications is presented the following section.

2.2.2 Permitting Process

The steps for submission of a permit application and supporting documents to obtain a drinking water permit, as well as the relevant regulatory citations, are shown in the approval process diagram below (Figure 3). All steps are required in order to obtain a new or modified drinking water permit. These steps comply with the Georgia Rules for Safe Drinking Water and EPD's Minimum Standards for Public Water Systems and are outlined on EPD's website, here: <https://epd.georgia.gov/watershed-protection-branch/drinking-water>. Permit application forms and associated permitting resources are also found on EPD's website, here: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/drinking-water-forms>. In an IPR scenario, the Drinking Water Program coordinates internally with the Water Supply Program, Wastewater Regulatory Program, and WPMP during the initial three steps of the permitting process (SWAP, SWQ, & ED). This coordination is indicated by the green boxes below. Further details outlining the coordination required between the Drinking Water Program and other relevant programs are provided in a Coordination Matrix provided in Attachment 1. Note that the applicant initiates all steps of this process except "Issuance of a Permit to Operate a Public Water System."

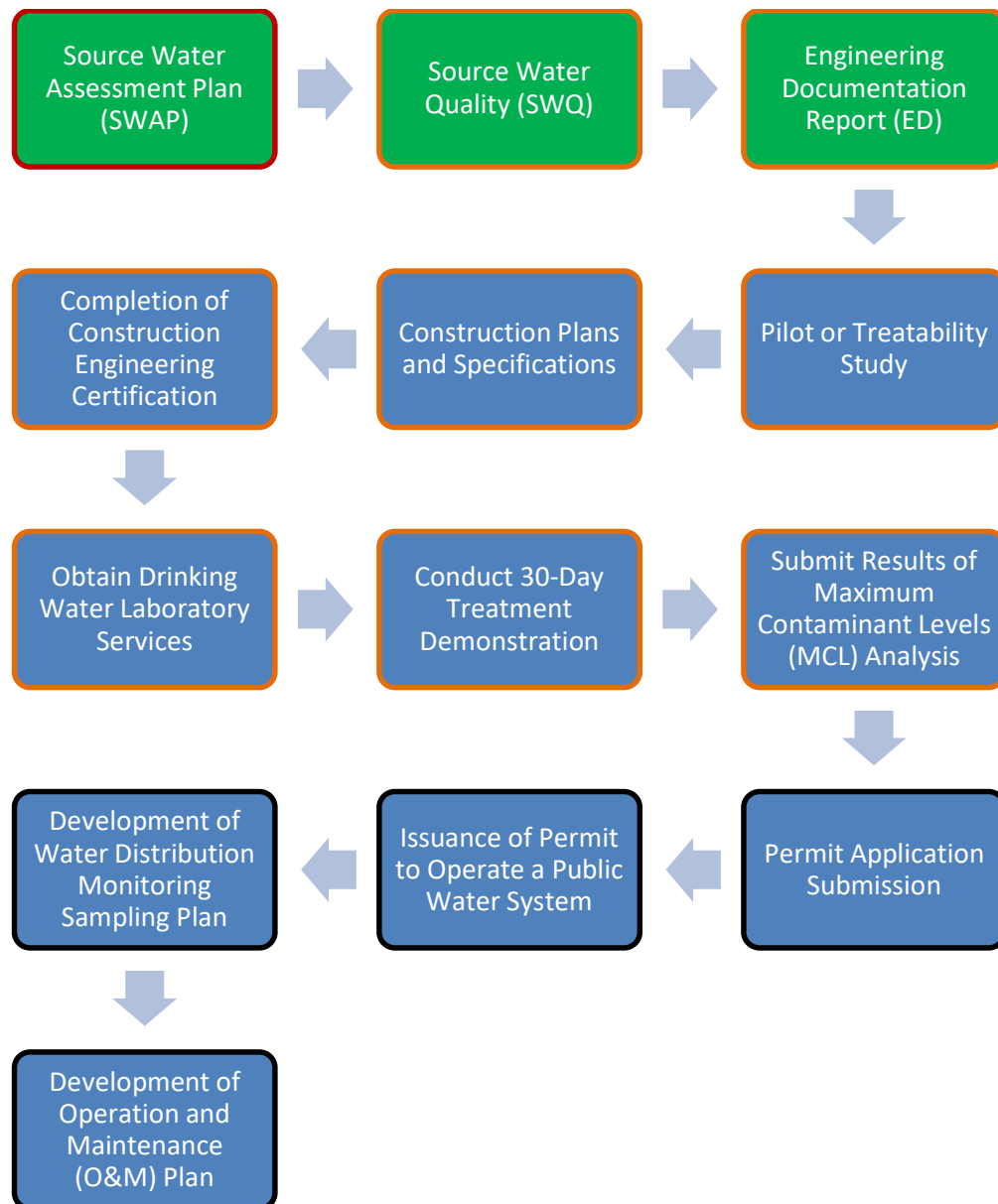


Figure 3. Drinking Water Permitting Approval Process

2.2.2.1 Permit Application & Engineering Documentation Review

Figure 3 above describes the individual steps involved in obtaining approval for a new or modified drinking water permit. EPD reviews the documents submitted for each of the steps, including engineering documents, and notifies the PWS within 90 days of any missing information and compliance with the requirements in the Georgia Rules for Safe Drinking Water (Ga. Comp. R. & Reg. r. 391-3-5) and the EPD Minimum Standards for Public Water Systems. These steps, however, can be grouped into three main categories: Source Water Assessment (red border), Engineering Document Approval (orange border), and Permit Application/Supporting Documents (black border). The steps included in each group are indicated by the colored borders of the boxes in Figure 3.

1) Source Water Assessment (Red Border)

For any proposed new surface water intake or changed source water, a SWAP must be prepared in accordance with 391-3-5-.42 of the Georgia Rules for Safe Drinking Water. EPD’s Source Water Assessment Unit, the unit responsible for review and approval of these plans, can be reached at

(404) 463-1511 for more information. The SWAP must be updated every 10 years, and these updates may not coincide with permit renewal. A SWAP must also be updated for any requested increase in water withdrawal.

2) Engineering Document Approval (Orange Border)

The applicant shall conduct Source Water Quality Analysis in accordance with 391-3-5-.06 of the Georgia Rules for Safe Drinking Water and submit the results along with an engineering report. The engineering report should describe how the plant has been designed to treat the characterized source water to comply with MCLs. In some cases, an applicant may submit a Pilot Study, Treatability Study Plan, or an Alternative Plan in lieu of pilot study plan as outlined in 391-3-5-.09 of the Rules. The applicant shall also submit construction plans and specifications in accordance with 391-3-5-.05 of the Rules and “Part 1, Section 1.2.1 - Plans and Specifications” of the latest edition of EPD’s Minimum Standards for Public Water Systems. The plans and specifications must reflect the approved plant design in the engineering report. After construction is completed, the applicant must submit an engineer’s certification signed by a registered professional engineer stating that construction was completed in accordance with the approved construction plans and specifications. At this point, the applicant must also provide Drinking Water Laboratory Services information in accordance with 391-3-5-.29 of the Rules. EPD then performs a site visit to confirm the information in the engineer’s certification. Finally, in accordance with 391-3-5-.14 of the Rules, the applicant conducts an in-plant demonstration or start-up study to treat water for a period of 30 days. This period serves as a trial run to prove the viability of the plant and its ability to treat source water to meet MCLs.

3) Permit Application and Supporting Documents (Black Border)

After construction certification, plant certification, and confirmation that the plant can produce finished water that meets MCLs, the applicant must complete, sign, and send to EPD an Application for a Permit to Operate a Public Water System in accordance with 391-3-5-.17 of the Rules. The applicant must also submit a Distribution Water Sampling Plan, including a Stage 2 Disinfectant By-Product (DBP) Monitoring Plan, and an Operation and Maintenance (O&M) Plan (in accordance with 391-3-5-.21, 391-3-5-.24, 391-3-5-.10, 391-3-5-.14, and 391-3-5-.23 of the Rules).

2.2.2.2 Final Permit Recommendation

After the applicant has satisfied each requirement outlined in Figure 3 above, EPD will send an approval letter to the PWS that includes the next step in the approval process. Once the Director has issued the final drinking water permit, the PWS must review the information in the Georgia Drinking Water Watch Database and follow the compliance sampling schedule. The permitted PWS is ultimately required to comply with both primary and secondary MCLs for finished water once the permit is issued.

2.3 Watershed Planning and Monitoring Program

The WPMP, as required under the Federal Clean Water Act (Federal Act), establishes water quality standards (WQS). WQS include specification of designated uses, water quality criteria to protect those designated uses, and an Antidegradation Policy. The purposes and intent of the State’s WQS are as follows:

- Provide enhancement of water quality and the prevention of pollution;
- Protect the public health and welfare in accordance with the public interest for drinking water supplies;
- Conserve fish, wildlife, and other beneficial aquatic life;
- Protect agricultural, industrial, recreational, and other reasonable and necessary uses; and

- Maintain and improve the biological integrity of the waters of the State.

WQS require that all waters be free from toxic substances discharged from municipalities, industries, or other sources, that produce turbidity, color, odor, or other objectionable conditions in amounts, concentrations, or combinations that are harmful to humans. WQS also require that all waters be free from turbidity that results in a substantial visual contrast in a water body due to a man-made activity.

2.3.1 Relevant Federal and State Regulations and Guidelines

EPD adopts, promulgates, modifies, amends, and repeals rules and regulations necessary for the control and management of water pollutants and surface water use to protect the environment and health of humans, animals, or aquatic life in accordance with the Georgia Water Quality Control Act (O.C.G.A. §12-5-23). In turn, the Georgia Rules for Water Quality Control (Ga. Comp. R. & Reg. r. 391-3-6) carry out the purposes and requirements of the Federal Act (Sections 301, 302, 303, 304(e), 306, 307, 402, and 405). EPD applies the WQS, limitations, and prohibitions necessary to achieve the purposes of said sections of the Federal Act.

2.3.2 Permitting Process

The WPMP does not issue permits, but it performs the water quality modeling and analysis necessary to determine appropriate wasteload allocations (WLAs) for wastewater point source discharges to protect the designated use of the receiving water body. The WLAs establish the water quality-based effluent discharge limits found in wastewater discharge permits (See Section 2.4.2). These limitations, standards, or prohibitions are based upon an assessment to protect the designated uses of the waterbody, including human health and aquatic life. Details outlining the internal EPD coordination required between the WPMP and other relevant EPD Watershed Protection programs are provided in a Coordination Matrix provided in Attachment 1.

Discharge limits protect instream water quality standards by ensuring, as required, that all waters be free from toxic substances discharged from municipalities, industries, or other sources, in amounts, concentrations, or combinations that are harmful to humans and/or aquatic life.

2.4 Wastewater Regulatory Program

The Wastewater Regulatory Program interacts with IPR considerations through the issuance of National Pollutant Discharge Elimination System (NPDES) permits. NPDES permits are required as part of the Federal Act and Georgia Water Quality Control Act (O.C.G.A. §12-5-23) for entities that intend to discharge into waters of the State from a point source. In accordance with the Act, EPD issues NPDES permits to protect instream water quality standards under the following conditions:

- Any person discharging or proposing to discharge into the waters of the State any pollutant from a point source, including those defined in the Georgia Rules for Water Quality Control (Ga. Comp. R. & Reg. r. 391-3-6-.06(2)), under any of the circumstances described in the Georgia Water Quality Control Act (O.C.G.A. §12-5-30(a)), shall obtain a permit from the EPD to make such discharge.
- Effluent limitations are required to ensure compliance with applicable State water quality standards, including those to prohibit the discharge of toxic pollutants in toxic amounts.

2.4.1 Relevant Federal and State Regulations and Guidelines

The Georgia Water Quality Control Act (O.C.G.A. §12-5-20) carries out the purposes and requirements of the Federal Act and amendments. In addition to the requirements outlined in the Georgia Water Quality Control Act, NPDES permits comply with the provisions of the Georgia Rules for Water Quality Control (Ga. Comp. R. & Reg. r. 391-3-6). Information required for submission of a complete application package is directly related to the provisions included in these Rules, though not all provisions

apply in every case. An overview of required information and application processing procedures for new and modified permit applications is presented in the following section.

2.4.2 Permitting Process

The permitting processes for **new and modified** individual wastewater discharge permits (NPDES permits) have consistent requirements for municipal (domestic) and industrial (non-domestic) facilities with few exceptions. The full process is outlined as follows with any differences in applicability noted: WLA Request, Antidegradation Analysis, Environmental Information Document (EID) (domestic only), Design Development Report (DDR) (domestic only), Draft Permit, 30-day Public Notice, USEPA Review (major domestic and non-domestic discharges only), Public Hearing (if requested) and Final Permit Recommendation. Concurrently, any new and expanded domestic discharge permits require completion of a Watershed Assessment and Watershed Protection Plan (WA / WPP). Note that necessary internal EPD coordination for an IPR scenario with the Water Supply Program, Drinking Water Program, and WPMP occurs during the WLA Request, Antidegradation Analysis, EID (domestic only), and WA / WPP portions of the wastewater discharge permit application process. This programmatic overlap is indicated by the green boxes in the schematic below. The party initiating each action is also indicated in each box. Further details outlining the coordination required between the Wastewater Regulatory Program and other relevant programs are provided in the Coordination Matrix (Attachment 1). Also note the submittal of plans and specifications for review and approval, construction, and EPD operability inspection is only required for domestic facilities. Permit application forms are completed online through GEOS and associated permitting resources for NPDES permitting are currently found on EPD’s website, here: <https://epd.georgia.gov/watershed-protection-branch/wastewater/wastewater-discharge-permitting-technical-review-process>.

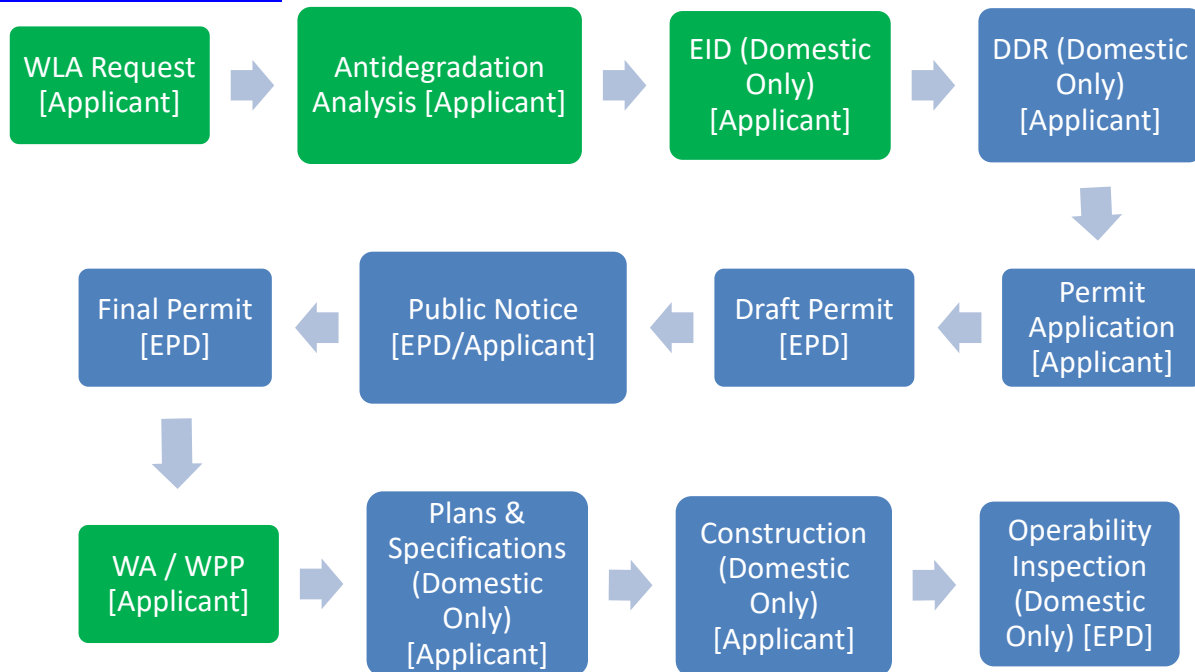


Figure 4. Wastewater Discharge Permitting Process

2.4.2.1 Wasteload Allocation (WLA) Request

All new or modified individual domestic and non-domestic discharges require the development of a WLA. The WLA provides the water quality-based effluent limits to which a permittee must adhere, and these limits are reflected in the NPDES permit. These water quality-based effluent limits are determined using available monitoring data, flow data, and water quality modeling. They also consider

the potential impacts of a discharge under low flow conditions on downstream users. This is a point of internal EPD coordination between WPMP, the Wastewater Regulatory, Water Supply, and Drinking Water Programs.

2.4.2.2 *Antidegradation Analysis*

All new or expanding domestic and non-domestic discharges require the submission of an Antidegradation Analysis. This analysis must contain a socioeconomic demonstration and alternatives analysis to justify the necessity of lowering local water quality to accommodate important economic or social development in the area in which the water is located. The report must consider technical feasibility and economic viability for any practicable alternatives considered that may result in degradation of water quality. This is a point of coordination between the Wastewater Regulatory Program and Water Supply Program.

2.4.2.3 *Environmental Information Document (Domestic Only)*

Submission of an EID is required for all new or expanding domestic discharges only. The purpose of the EID is to document the awareness of the owner, designer, and public to all potential environmental impacts resulting from the construction of any new, upgraded, or expanded wastewater treatment facilities. The EID is a concise document that adequately discusses the environmental impacts of the proposed project. As part of the EID process, a local government must conduct at least one public meeting. In the context of IPR, relevant requirements of an EID consist of Water Resources, Water Supply, and associated Water Quality. Appropriate supporting documentation may include:

- Evaluation of whether the proposed action will have the potential for decreasing either the quality or quantity of water available for water supply;
- The approximate location of all water supply intakes on water bodies adjacent to the project. Due to the confidential nature of water supply intake locations, note that EPD assistance may be necessary to obtain this information;
- Determination of whether the water body is listed or proposed to be listed on Georgia's 305(b)/303(d) lists, if it has an existing or is proposed to have a Total Maximum Daily Load (TMDL), or an evaluation has been completed documenting whether the proposed project improves or maintains water quality or allows the stream to be delisted;
- A copy of the section of Georgia's Integrated 305(b)/303(d) Report that addresses the water bodies adjacent to the project; and
- Determination of whether the receiving stream is supporting or non-supporting its designated use.

This is a point of internal EPD coordination among the Wastewater Regulatory Program, WPMP, Water Supply Program, and Drinking Water Program.

2.4.2.4 *DDR (Domestic Only)*

The DDR provides the basis of the design for the wastewater treatment plant, including any assumptions of influent characteristics, technologies to be used in the design of the facility, and associated calculations confirming their ability to adequately treat the wastewater for discharge. The design must ensure the proposed discharge meets the limits established in the WLA. IPR-related elements of the DDR may include:

- Indication of whether the existing facility is complying with its existing wastewater permit, and/or is under an EPD consent order, administrative order and/or sewer ban;

- Discussion of the type of wastewater to be treated. Indication of the percentage of non-domestic (commercial and industrial) and domestic wastewater. Indication of the types of industries present in the community that would be generating wastewater that would be disposed at this facility (regardless of size);
- Discussion of the wastewater treatment alternatives evaluated;
- Discussion of design influent and effluent wastewater characteristics, specifically:
 - Flow – average daily and peak
 - Parameters – Biochemical oxygen demand (BOD_{5-day}), total suspended solids (TSS), total nitrogen (TN), ammonia (NH₃-N), total Kjeldahl nitrogen (TKN), nitrites, nitrates, phosphorous, dissolved oxygen (DO), pH, temperature, fecal coliform/*E. coli*/enterococci, total residual chlorine, and any known parameters from industrial users
- Description of the selected wastewater treatment processes, including redundancy, operating conditions for design, operational flexibility, and ability to bypass treatment units if necessary; and
- Description of ability to operate or respond under emergency conditions, including loss of power, freezing, or over-heating.

2.4.2.5 Permit Application

EPD evaluates both municipal domestic and non-domestic new or modified discharge requests using permit applications in an electronic format. The permit application captures the following information: type of discharge, receiving waterbody, wastewater treatment facility components, effluent characterizations, and information regarding industrial and hazardous waste users (domestic only).

2.4.2.6 Draft Permit

Once the Antidegradation Analysis, EID (if applicable), DDR (if applicable) and permit application have been determined to be complete and adequate and all relevant considerations addressed, EPD will draft an NPDES permit. The effluent limits in the permit reflect those calculated in the WLA and reasonable potential analysis. In all cases, domestic permits will include, at a minimum, secondary treatment standards or more stringent limits based on technologies employed, and in some cases, industrial permits may also include technology-based effluent limits from the applicable federal Effluent Limit Guidelines (ELGs). In all cases, the conditions of the permit must comply with all applicable TMDLs or other considerations relevant to the nature of the discharge, including IPR. This draft permit is sent to the applicant and placed on public notice.

2.4.2.7 Public Notice

All new and modified individual domestic and non-domestic discharge NPDES permits undergo a 30-day public notice period. This part of the process allows for input from both the public and any other entities that may be affected by the proposed project in an IPR scenario. Additionally, major discharge permits must be reviewed by the USEPA. A public hearing may be held if the Director of EPD finds a significant degree of public interest in a draft permit. Section 4.3.1 describes impacts on this process for projects classified as IPR.

2.4.2.8 Final Permit Recommendation

After 30 days, if comments have been received, EPD considers them in the evaluation of the final permit and issues an official response. EPD also considers any comments provided by USEPA, if applicable. If there are no significant public comments, the Director issues a final permit that complies with all applicable laws, rules, and policies.

2.4.2.9 Watershed Assessment / Watershed Protection Plan

Concurrently with the permitting process, any new or expanding individual municipal (domestic) dischargers must complete a Watershed Assessment (WA) and Watershed Protection Plan (WPP). The goal of the WA/WPP process is to provide a means of restoring and protecting the waters and associated biological communities within a permittee's watershed assessment area. The watershed assessment area consists of the permittee's sanitary sewer service area and jurisdictional watersheds. The applicant must complete water quality sampling as part of the WA. The results of this analysis may be provided to the Drinking Water Program as a point of coordination in an IPR scenario. A WPP addresses water quality issues identified in the WA and provides tools to ensure the future protection of the water resources and biological communities.

The WPP is developed and formally adopted by the permittee and applies to all portions of the permittee's watershed assessment area. The WPP describes watershed protection strategies that will be used by the permittee to restore and protect water quality and maintain the biological integrity of the waters within its watershed assessment area, which is mainly accomplished through the implementation of Best Management Practices (BMPs). The WPP should identify and adopt specific BMPs to ensure that Georgia water quality standards are met. These BMPs should be enforceable through ordinances or some other method (i.e., new development plans, stormwater management plans, green space programs, etc.).

2.4.2.10 Plans & Specifications & Construction

For municipal and domestic facilities, after the Director issues a final NPDES permit, the applicant must submit plans and specifications reflecting the elements of the approved DDR. Construction can commence in accordance with the plans after EPD has concurred with them.

2.4.2.11 Operability Inspection

The final step in the NPDES permitting process for new and modified facilities is an operability inspection of the plant. EPD completes an inspection, comparing the constructed facility to the approved plans and specifications. Upon a successful inspection, EPD transmits a letter to the permittee authorizing operability of the treatment plant for discharge in accordance with the issued permit.

2.5 Watershed Compliance Program

Currently, the two primary mechanisms that ensure coordination among permitted facilities are compliance with the Emergency Action Rule (Ga. Comp. R. & Reg. r. 391-3-6-.05) and public comment periods for proposed permitting actions. The Water Supply and Wastewater Regulatory Programs manage public comment periods for their respective permitting actions, as described in Sections 2.1 and 2.4, while the Watershed Compliance Program and Emergency Response Team ensure compliance with the Emergency Action Rule (O.C.G.A. §12-14-1) and regulation of "Oil or Hazardous Material Spills or Releases" (O.C.G.A. §12-14-1).

The Emergency Action Rule applies in cases involving discharge of, "any toxic or taste and color producing substance(s), or any other substance which would endanger downstream users of waters of the State or would damage property." In all cases, the entity responsible for the discharge must notify EPD in person or by telephone of the location and nature of the discharge, and "take all reasonable and necessary steps to prevent injury to property and downstream users of said water." The Emergency Action Rule outlines notification, reporting, and mitigation requirements in all applicable cases. Figure 5 below displays notification procedures for various types of releases and spills. Note that different types of notification are required for "spills" and wastewater NPDES permit non-compliance, as described below.

The following sections outline procedures for spills and major spills, as well as wastewater NPDES permit non-compliance.

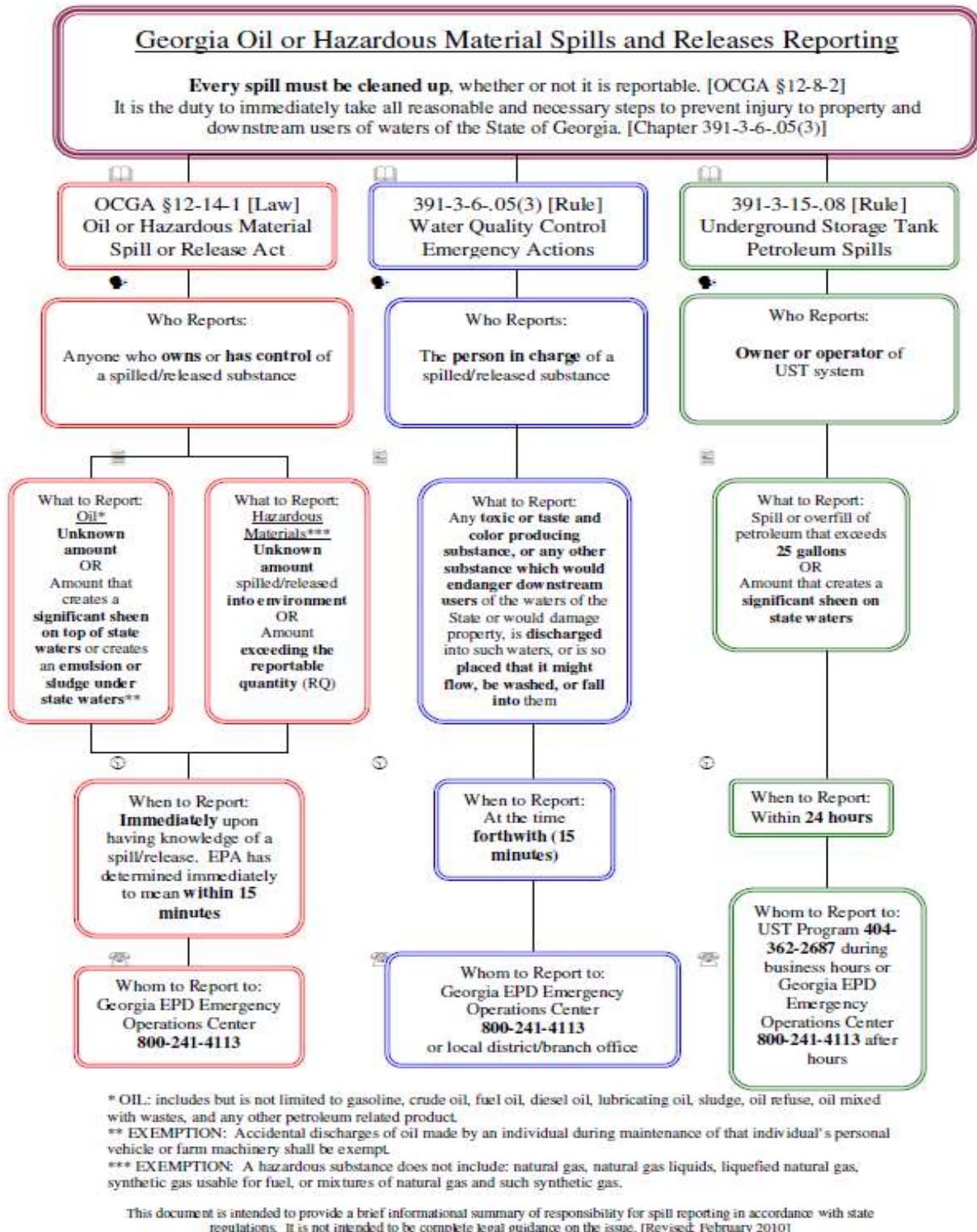


Figure 5. Reporting Procedures for Spills and Releases

2.5.1 Spills and Major Spills Procedures

In the context of the Emergency Action Rule, a spill means any discharge of raw sewage by a publicly owned treatment works (POTW) to waters of the State, and a “major spill” is:

1. This discharge of pollutants into the waters of the State by a POTW that exceeds the weekly average permitted effluent limit for biochemical oxygen demand (5-day) or total suspended solids by 50 percent or greater for any one day, provided that the effluent discharge concentration is equal to or greater than 25 mg/L for biochemical oxygen demand or total suspended solids.
2. Any discharge of raw sewage that (1) is in excess of 10,000 gallons or (2) results in water quality violations in the waters of the State.

When a spill occurs, the party responsible for the POTW must undertake notification procedures. When a major spill occurs, the party responsible for the POTW must undertake both notification and monitoring procedures. Detailed requirements are discussed in the following sections.

2.5.1.1 Notification Procedures (Spills and Major Spills)

The responsible party must notify multiple parties within specified timeframes. All notifications must include: the date of the spill, its location and cause, estimated volume discharged, name of receiving waters, and corrective action taken to mitigate or reduce the adverse effects of the spill. The owner of a POTW must notify the following affected parties within the following timeframes:

Immediately (within 15 minutes)

- EPD (in person or by telephone; spill or major spill). Note that in an IPR scenario, EPD would in turn notify all involved IPR entities immediately as well.
- Local health department(s) for the area(s) affected by the incident, including any areas containing a facility related to the POTW in an IPR scenario (spill or major spill).
- Post notices as close as possible to where the spill occurred and entered State waters and along portions of the waterway affected by the incident (i.e. at bridge crossings, trails, boat ramps, recreational areas, and other points of public access). These must remain posted for at least 7 days after the spill or major spill has ceased (spill or major spill).

Within 24 Hours

- Every county, municipality, or other public agency whose public water supply is within a distance of 20 miles downstream (major spill only).
- Local media (spill or major spill).

Within 5 Days

- EPD (written report, may be submitted electronically; spill or major spill)

Within 7 Days

- Publish notice of the major spill in the legal organ, or newspaper of record, of the County where the incident occurred (major spill only). This notice may be published electronically or in the hardcopy of the newspaper.

2.5.1.2 Monitoring Procedures (Major Spills Only)

The owner of the POTW must also immediately establish a monitoring program of the waters affected by the major spill or by consistently exceeding an effluent limit, for at least one year. The monitoring must be at the expense of the POTW and include at least one upstream sampling point as well as sufficient downstream locations to accurately characterize the impact of the major spill or exceedance in question. At minimum, monitoring must include:

- Dissolved Oxygen (DO);
- Fecal coliform or *E. coli* bacteria, or enterococci (depending on the designated use of the receiving stream);
- pH;
- Temperature.

EPD may determine the monitoring and reporting frequency and the need to monitor additional parameters. The results of the monitoring will be provided by the POTW owner to EPD and all downstream public agencies using the affected waters as a source of public water supply.

Note that EPD's Emergency Response Team responds to emergency releases of oil and hazardous substances, as well as spills and major spills occurring outside of business hours. The team contacts the EPD Watershed Compliance Program to ensure adequate coordination occurs with affected wastewater NPDES and drinking water facilities in the event of an emergency or non-permit related release.

2.5.2 Permit Non-Compliance Procedures

If a permittee does not or cannot comply with any effluent limit specified in its NPDES permit, it must provide EPD with an oral report within 24 hours from the time the permittee becomes aware of the circumstances, followed by a written report within five days. The written description, which may be submitted electronically, must contain the following:

- A description of the non-compliance and its cause; and
- The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

2.6 Unregulated Contaminants

As stated in the beginning of the document, these guidelines for IPR in Georgia are based on existing laws and regulations, and they will be updated to be consistent with any future changes in these areas. Sections 2.1 through 2.5 describe the regulatory framework that exists to address specific contaminants; however, other contaminants exist that are suspected to be present in drinking water for which regulatory standards have not been established. The regulatory framework described above captures unregulated contaminants by effectively managing general risks to water quality in two principal ways: Unregulated Contaminant Monitoring Rule compliance and compliance with state narrative water quality standards.

2.6.1 Unregulated Contaminant Monitoring Rule

The Unregulated Contaminant Monitoring Rule (UCMR) requires collection of data for contaminants that are suspected to be present in drinking water and do not have health-based standards specified under the Safe Drinking Water Act (SDWA). USEPA uses the results to determine whether to regulate certain contaminants in the interest of protecting public health (USEPA 2019 [<https://www.epa.gov/dwucmr/learn-about-unregulated-contaminant-monitoring-rule>]). All public water systems serving more than 10,000 people (i.e., large systems) and representative public water systems serving 10,000 or fewer people (i.e., small systems) in Georgia monitor no more than 30 unregulated contaminants approximately every 5 years. USEPA identifies potential contaminants for monitoring using the following sources:

- Previous evaluations as part of an existing prioritization processes;
- Current research on occurrence and health effect risk factors; and
- Extensive health effects evaluations, typically performed by the USEPA Office of Water's Office of Science and Technology.

USEPA then ranks contaminants according to health effect risk factors and the probability of occurrence to determine that monitoring will be required. The results of this monitoring, if warranted, may lead to the eventual creation of health-based regulatory limits for certain contaminants. Steps toward this end will include updates to health advisory values for the contaminant of concern, development of MCLs, and for USEPA to propose a regulatory determination, which provides the opportunity for public

comment. These results also serve to inform drinking water systems how to adjust operations to reduce or eliminate occurrences of these contaminants in their finished water.

Thirty-three constituents have been detected in UCMR samples since 1988. The incorporation of these results into the IPR consideration process is described in Section 4.1.

Unregulated compounds may move through USEPA's evaluation process toward regulation under the SDWA. This serves as a reminder that while these IPR guidelines focus on current regulatory requirements, those requirements may change: contaminants that are unregulated presently may become regulated in the future and adequately characterizing effluent (for wastewater projects) and source water (for drinking water projects) is in the best interest of the permittee and public, especially in an IPR scenario.

2.6.2 Narrative Water Quality Standards

Georgia establishes WQS "to provide enhancement of water quality and prevention of pollution; to protect the public health or welfare in accordance with the public interest for drinking water supplies, conservation of fish, wildlife, and other beneficial aquatic life, and...other reasonable and necessary uses to maintain and improve the biological integrity of waters of the State" (Ga. Comp. R. & Reg. r. 391-3-6-.03). EPD enforces WQS in accordance with general criteria for all waters as well as the specific water use classification and designation of a surface water body.

The following narrative criteria are necessary and applicable to all waters of the State:

- All waters shall be free from materials associated with municipal or domestic sewage, industrial waste or any other waste which will settle to form sludge deposits that become putrescent, unsightly or otherwise objectionable.
- All waters shall be free from oil, scum and floating debris associated with municipal or domestic sewage, industrial waste or other discharges in amounts sufficient to be unsightly or to interfere with legitimate water uses.
- All waters shall be free from material related to municipal, industrial or other discharges which produce turbidity, color, odor or other objectionable conditions which interfere with legitimate water uses.
- Turbidity. The following standard is in addition to the narrative turbidity standard in 391-3-6-.03(5)(c) above: All waters shall be free from turbidity which results in a substantial visual contrast in a water body due to a man-made activity. The upstream appearance of a body of water shall be as observed at a point immediately upstream of a turbidity-causing man-made activity. That upstream appearance shall be compared to a point which is located sufficiently downstream from the activity so as to provide an appropriate mixing zone. For land disturbing activities, proper design, installation, and maintenance of best management practices and compliance with issued permits shall constitute compliance with 391-3-6-.03(5)(d) of the Rules.
- All waters shall be free from toxic, corrosive, acidic and caustic substances discharged from municipalities, industries or other sources, such as nonpoint sources, in amounts, concentrations or combinations which are harmful to humans, animals or aquatic life.

Though unregulated contaminants do not have MCLs or numerical WQS, their regulation may occur through compliance with the above narrative criteria. As in the UCMR case above, EPD strongly encourages permittees to adequately characterize effluent or source water, as applicable.

3. IPR Determination

As stated previously, this guidance applies only to new and modified individual permit requests that fall into one of four specific permitting scenarios. Therefore, any new or expanded surface water withdrawal, drinking water, or wastewater discharge request would qualify for further EPD review to determine whether an IPR permitting scenario exists and this guidance applies. Note that as described in Section 1.1, any IPR request submitted by an entity with the intention of using its discharge to augment its own water supply would automatically be considered IPR and this guidance would apply. Qualification using the criteria in the following sections is not necessary. In all cases, EPD reserves the right to only approve projects that adequately protect human health and the environment. The following section outlines the decision criteria used by EPD to identify a potential IPR scenario in which at least two entities are involved. Figure 6 provides a summary of these criteria.

3.1 Initial Screening Criteria

As described in Section 1.2, the identification of an IPR scenario considers the physical locations of wastewater discharge(s) in relation to any relevant drinking water intake(s), the cumulative instream waste concentration (IWC) at the drinking water intake(s), and the contribution of a wastewater discharge to this cumulative IWC at the downstream drinking water intake(s). The IWC is calculated using the permitted flow contribution of a discharge to the receiving water at the drinking water intake location under low flow conditions. The IPR classification resulting from use of this methodology, which uses low flow conditions, conservatively captures permitting scenarios that would benefit from the additional considerations outlined in this document.

In most cases, identifying facilities within 20 river miles of one another will capture all possible IPR scenarios; however, evaluation of wastewater facility IWC contributions and cumulative IWC at the drinking water intake are required to confirm whether this guidance applies. Due to the confidential nature of drinking water intake locations, EPD will calculate the cumulative IWC for a proposed project and notify the applicant whether this guidance applies. See Section 4.2 for further details on notification timelines and procedures.

Exceptions to these criteria include the following scenarios:

- Any facilities within 1 river mile of one another will be considered direct potable reuse (DPR) and this guidance would not apply. A proposed DPR project will require special consideration and coordination between the applicant and EPD.
- Drinking water intake located on Federal reservoir or on a large reservoir, whose ratio of storage area to intake drainage area is 400 ac-ft/mi² or greater.
- Federal reservoir or reservoir whose ratio of storage volume to intake drainage area is 400 ac-ft/mi² or greater located between the relevant wastewater discharge and drinking water intake.

These exceptions consider the ability of large reservoirs, including Federal reservoirs and those with substantial storage capacity, to dilute wastewater contributions to de minimis levels. Currently, reservoirs that qualify for this exemption include:

Lake Allatoona	Lake Nottely
Bear Creek Reservoir	Lake Oconee
Lake Blue Ridge	Lake Petit
Carters Lake	Richard B. Russell Lake
Cedar Creek Reservoir	Rush Creek Reservoir
Lake Chatuge	Lake Seminole (Jim Woodruff Dam)
Clarks Hill Lake	Shoal Creek Reservoir

Lake Harding (Bartlett's Ferry Dam)
Lake Hartwell
Horton Creek Reservoir
J.W. Smith Reservoir
Lake Jackson
Lake Sidney Lanier
Long Branch Reservoir

Lake Sinclair
Still Branch Reservoir
Town Creek Reservoir
Upper Towaliga River
Upper Williams Lake (Cornish Creek Reservoir/Lake Varner)
Walter F. George Lake
West Point Lake
Yargo Lake (Marbury Creek NRCS #24)

See Figure 6 on the following page for the IPR Determination Decision Tree.

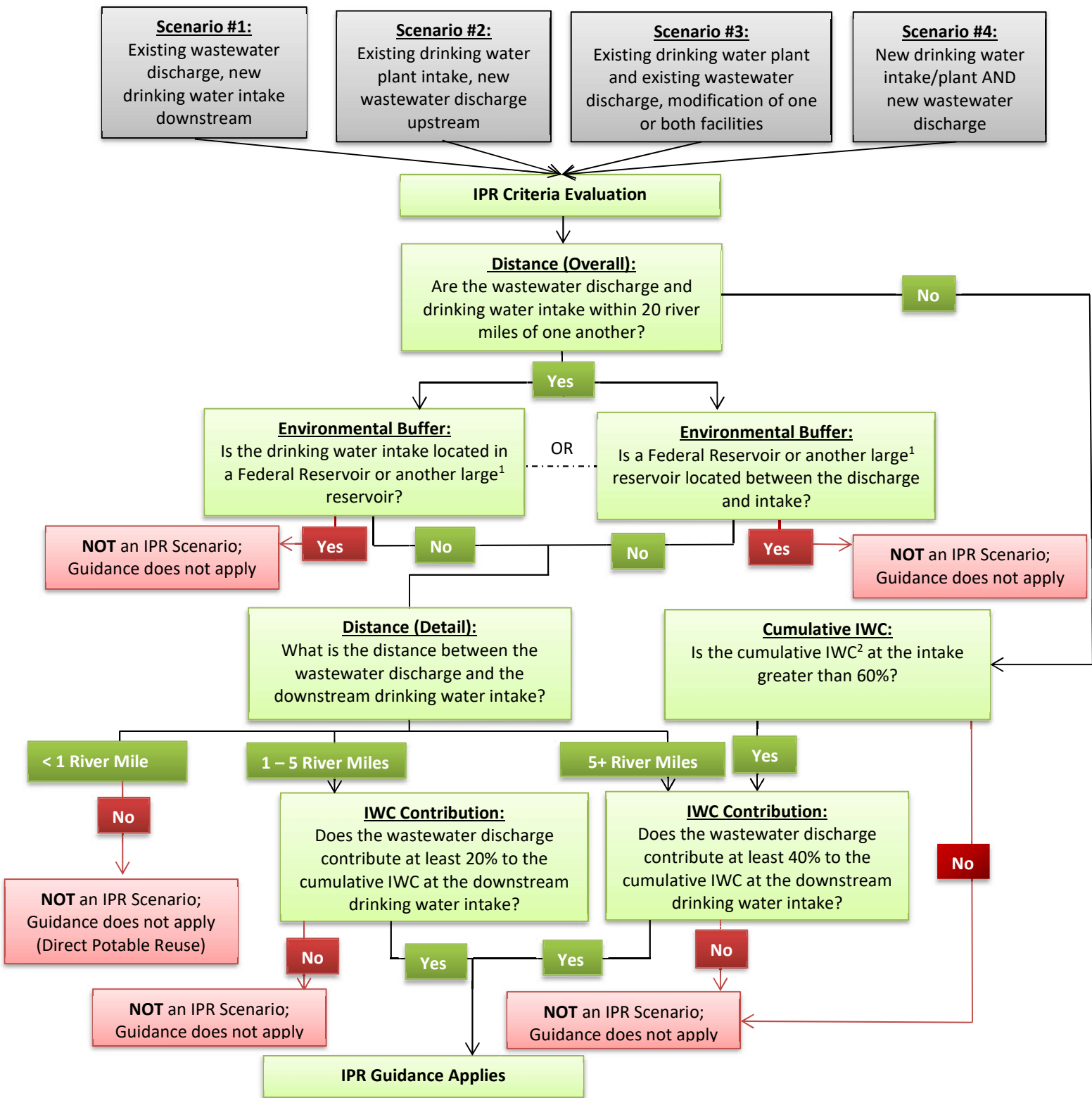


Figure 6. IPR Determination Decision Tree

¹Large reservoirs have a ratio of storage vol. to intake drainage area of 400 ac-ft/mi² or greater

²Cumulative IWC considers discharging facilities up to 20 river miles upstream of an intake or up to the headwaters of a river basin

3.2 Instream Waste Concentration

As described in Section 3.1, evaluation of wastewater facility IWC contributions and cumulative IWC at the drinking water intake are required to confirm whether this guidance applies. Within this criterion, four possibilities exist, depending on the relative locations of the applicable facilities. This IPR Guidance applies in each of the following scenarios:

- An entity is pursuing IPR to intentionally augment its water supply using its own wastewater discharge;
- The cumulative IWC under 7Q10 conditions at the drinking water intake is greater than 60% when two or more entities are involved;
- A wastewater facility contributes >20 % to IWC at drinking water intake **AND** there are between 1 and 5 river miles between facilities (two or more entities involved);
- A wastewater facility contributes >40 % to IWC at drinking water intake **AND** there are greater than 5 river miles between facilities (two or more entities involved).

If none of these situations applies, the IPR Guidance does not apply and the scenario is not considered to be IPR.

4. IPR Considerations

Classifying a proposal as IPR is the first step in determining that additional considerations may be necessary to ensure a successful and effective project. These additional considerations, which integrate into the existing EPD processes explained previously, include: Technology, Entity Coordination, and Public Education.

4.1 Technology

For both drinking water and wastewater treatment facilities, adequate treatment technologies must be used to produce water that meets MCLs and protects WQS, respectively. Classification as IPR does not change these requirements, which are evaluated through EPD's existing permitting processes described in Section 2. The IPR classification process recognizes that neighboring facilities may impact one another's ability to meet these requirements; therefore, consideration of neighboring facilities in an IPR scenario should occur when choosing treatment technologies for both drinking water and wastewater projects.

4.1.1 Drinking Water Projects

For new or modified drinking water projects classified as IPR, treatment technologies should consider the potential presence of both regulated and unregulated contaminants resulting from the proximity of upstream dischargers. As Section 2.6.1 explains, the presence of contaminants with human health effects in Georgia water systems is evaluated on a regular basis through compliance with existing MCLs and the UCMR. Over time, UCMR data may result in additional regulatory requirements in the form of MCLs; therefore, a proposed IPR intake/drinking water project benefits from a thorough evaluation of source water quality before finalizing an intake location. Such an evaluation offers the ability to make informed decisions to maximize efficiency and cost-effectiveness of treatment to comply with existing regulations and assurance of the protection of human health despite variable conditions.

To enable appropriate consideration of any regulated and unregulated contaminants contributed by upstream dischargers in an IPR scenario, a drinking water IPR project will require additional internal EPD coordination between the Water Supply and Drinking Water Programs for issuance of their respective permits, as well as the consideration of additional water quality data. The SWAP produced as part of the

drinking water design and permitting process must consider the presence of all permitted upstream discharges and their characteristics as evidenced by monitoring data. If available, monitoring results for unregulated contaminants from these wastewater facilities must be considered. Additionally, the Source Water Quality Analysis conducted must include additional chemicals beyond those normally required. These include 54 chemicals with primary or secondary MCLs that do not have water quality standards and any chemicals detected in any UCMR monitoring results from the state of Georgia since 1988. Additional constituents to be monitored in an IPR scenario are listed in Table 1. Furthermore, issuance of a new or modified surface water withdrawal permit in an IPR scenario will be coordinated with the results of the SWAP and Source Water Quality Analysis. In lieu of a final permit, a letter confirming the allocation of requested water may be issued for planning purposes and require periodic renewal until the Drinking Water Program's process, which addresses water quality issues, has been completed. At that point, both permits will be issued simultaneously. A surface water withdrawal permit will conversely require compliance with all Drinking Water Program requirements before operation under the permit. Such a permit would also specify that failure to comply with these requirements would result in revocation of the permit.

Table 1. Additional Chemical Monitoring Required for IPR Projects

1,1,1-trichloroethane	Fluoride 1,2
1,1-dichloroethane (1,2-dichloroethane)	Foaming Agents
1,4-dioxane	Glyphosate
2,4,5-TP (Silvex)	Haloacetic Acids (HAA5)*
Alachlor	Haloacetic Acids (HAA6Br)*
Aluminum	Iron
Anatoxin-a	Lindane
Asbestos	Manganese
Atrazine	Molybdenum
Barium	Monochlorobenzene
Benzene	MTBE
Beryllium	Nitrate
Bromate	Nitrite
Bromochloromethane (Halon 1011)	NDMA (nitrosodimethylamine)
Bromodichloromethane	o-Dichlorobenzene
Bromoform	Odor
Carbofuran	Oxamyl (Vydate)
Chloramines	para-Dichlorobenzene
Chlorate	Perchlorate
Chloride	PFBS (perfluorobutanesulfonic acid)
Chlorine	PFHpA (perfluoroheptanoic acid)
Chlorine Dioxide	PFOA (perfluorooctanoic acid)
Chlorite	PFOS (perfluorooctanesulfonic acid)
Chlorobenzene	Picloram
Chloroform	Polychlorinated biphenyls (PCBs)
Chromium-6	Silver
Chromium (Total)	Simazine
Cis-1,2-Dichloroethylene	Strontium
Cobalt	Styrene
Color	Sulfate
Corrosivity	Total Coliform
Dalapon	Total Dissolved Solids
Di(2-ethylhexyl) adipate	Total trihalomethanes (TTHM)
Di(2-ethylhexyl) phthalate	Trichloroethylene

Dibromochloromethane	Turbidity
Dibromochloropropane (DBCP)	Vanadium
Dichloromethane	Xylenes (total)
Dinoseb	
Diquat	
Endothall	
Ethylene Dibromide (EDB)	
Fluoride	

*Figure 7 shows breakdown of relationships among HAA Groups

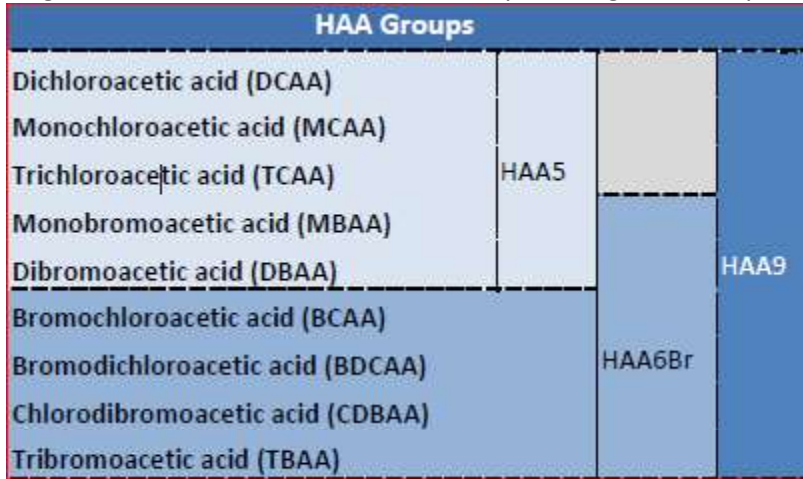


Figure 7. HAA Group Relationships

4.1.2 Wastewater Projects

Water quality based effluent discharge limits for wastewater NPDES projects are determined based on WLAs and reasonable potential analyses. WLAs generally consider contaminants known to impact human health and aquatic life; reasonable potential analyses consider other relevant chemicals, such as metals and organics. For drinking water projects, a thorough evaluation of discharge water quality, including all contaminants believed to be present, enables a permittee to make informed decisions to maximize efficiency and cost-effectiveness of treatment for compliance with existing regulations, and to assure protection of human health and the environment despite variable conditions.

As a result, proposed wastewater IPR projects must submit monitoring data for the constituents listed in Table 1 along with the application for a new or modified discharge. EPD will evaluate the results to determine whether the requested discharge can be granted. If approved, EPD will also share the results with any related downstream users in the IPR scenario. The effluent limits resulting from these analyses will likely require advanced treatment to achieve compliance with the wastewater NPDES permit.

Furthermore, the configurations of downstream water supply and drinking water infrastructure may influence the considerations in an issued WLA or permit limits. A proposed IPR wastewater project upstream of a drinking water reservoir, for example, may include an appropriate phosphorus limit, an ammonia limit, and a nitrate limit to minimize algal growth. The nitrate limit will be protective of the 10 mg/L MCL required at the downstream drinking water facility under low flow conditions.

4.2 Entity Coordination

As mentioned in Section 1, rivers, streams, and lakes in many parts of Georgia are both primary sources of drinking water supply and primary points of discharge for treated wastewater. In some cases where these facilities would be classified as IPR, both the drinking water and wastewater systems are managed by the same entity; however, in other cases, multiple entities may withdraw drinking water and/or discharge wastewater along a given stretch of a river, stream, or lake. The State laws and rules described in Section 2 currently regulate drinking water supply and drinking water treatment, as well as wastewater treatment and disposal/reuse in order to protect public health and the environment, regardless of political boundaries, entity ownership, or wastewater type (i.e. domestic or non-domestic).

Coordination among all involved entities in an IPR scenario is necessary to ensure any potential impacts are addressed. In addition to ensuring protection of human health, secondary benefits of coordination among entities, both domestic and non-domestic, include:

- Ability for entities to share joint messages relating to public outreach/communications regarding IPR;
- Streamlined completion of permit modifications to enhance hazard mitigation, emergency capabilities, or resilience partnerships;
- Streamlined completion of permit modifications to enhance resource planning as it relates to surrounding water and wastewater permittees; and
- Sharing of training initiatives and partnerships developed as a result of IPR implementation.

Due to the confidential nature of drinking water intakes, EPD is the only organization with comprehensive information regarding the proximity and details of drinking water withdrawals and wastewater discharges; therefore, EPD holds primary responsibility for ensuring coordination among different programs and entities.

The primary points of overlap in EPD's existing permitting processes are shown in Attachment 1. Note that the *party initiating the change to the existing configuration* (i.e., a change in withdrawal or discharge) has the starting responsibility for ensuring protection of human health and the environment. EPD will notify applicants and other affected facilities of their IPR status to ensure all necessary considerations are included as part of the permitting process, regardless of the type of project. Permit conditions may be added in the applicable permit by EPD to allow implementation of the actions outlined in the following sections.

4.2.1 Drinking Water Projects

For a drinking water project classified as IPR, EPD will notify the applicant within 20 days of application receipt and of its IPR status. EPD will also notify the affected associated wastewater facility or facilities of the proposed project and potential IPR impacts within 20 days of application receipt. Within 30 days of EPD's notification of the potential IPR project, both entities (drinking water and wastewater facilities) must provide contact information to EPD for those individuals responsible for IPR coordination. EPD will then coordinate with the associated upstream wastewater discharger to ensure update of the wastewater facility's spill notification SOP to consider the project triggering the IPR scenario. In the event of a spill, EPD would ensure that any downstream IPR facilities are notified immediately.

4.2.2 Wastewater Projects

For a wastewater facility project classified as IPR, EPD will notify the applicant within 20 days of application receipt of its IPR status. EPD will also notify the affected associated drinking water facility of the proposed project and potential IPR impacts within 20 days of application receipt. Within 30 days of

EPD's notification of the potential IPR project, both entities (drinking water and wastewater facilities) must provide contact information to EPD for those individuals responsible for IPR coordination. As discussed in Section 4.1, the wastewater facility should provide accurate information about the quality of its effluent to EPD as part of the permitting process. The information will help to inform the type of effluent limits the wastewater facility will need to meet upon issuance of the requested permit.

4.3 Public Engagement and Education

How proponents of IPR projects communicate with their customers, community, and stakeholders about water reuse is a critical factor in the success of project implementation. Pursuit of an IPR project requires transparent public notification as part of the permitting process, as outlined below in Section 4.3.1.

Outreach should offer authentic engagement and public involvement opportunities and respond to the specific concerns of local people and decision makers. Model communication strategies and outreach materials focused on the development of domestic or municipal projects are available in *Phase II Model Communication Plans for Increasing Awareness and Fostering Acceptance of Direct Potable Reuse* (Millan et al. 2015), *The Water Reuse Roadmap* (WEF 2018), and through the Water Reuse Association at <http://WateReuse.org>.

4.3.1 IPR Permitting Public Notice Requirements

In order to ensure public outreach, applicants with projects classified as IPR must specify this designation in the appropriate public notice documents as required by the applicable permitting process. In addition, a public hearing must occur in an area convenient to both the project location and affected area within 45 days of public notice. The public notice should advertise the public hearing, and the hearing must address this aspect of the specific project. EPD will attend the public hearing and undertake the responsibilities outlined in the following section. Section 4.3.2 describes the roles of the applicant and EPD in the public education process.

4.3.2 Roles in Public Education

EPD will make educational materials about IPR in general available online for public awareness. EPD will also participate in the required public meeting to offer detailed information about the applicable permitting process and coordination occurring due to the project's classification as IPR. This may include monitoring data, water quality or water quantity analysis results, proposed permit limits, specific location information, internal coordination conducted, and any other pertinent information. EPD will also clarify the next steps in the regulatory process, should the project move forward.

The applicant should seek to achieve productive public engagement during the required public meeting. Completion and implementation of a strategic communication plan can be helpful for the applicant to achieve productive public engagement. EPD recommends that the initiating party in an IPR scenario develop such a plan in advance of the required public hearing to aid in messaging and communication. The plan should enable communication of the details of the project, as well as its benefits to stakeholders. The GAWP Reuse Committee has published guidance to address this topic. The document includes suggested best practices for facilities participating in such a process.

5. Summary

IPR plays an important part in bridging a gap between water needs and availability while utilizing technology to address any challenges that may arise as a result. This document provides information to guide users through existing regulatory processes when the proposed project has IPR implications and outlines additional considerations in EPD's review process to ensure protection of human health and aquatic life in these situations. As Georgia's needs for water increase, the State continues to manage its resources in the most sustainable, equitable, and safe manner through transparent processes and procedures.

6. References

Millan et al., WaterReuse Research Foundation, "Model Communication Plans for Increasing Awareness and Fostering Acceptance of Direct Potable Reuse," (2015)

U.S. Environmental Protection Agency (USEPA), "2012 Guidelines for Water Reuse, ed. Office of Water, Office of Wastewater Management (Washington, D.C., 2012)," <https://nepis.epa.gov/Adobe/PDF/P100FS7K.pdf>

U.S. Environmental Protection Agency (USEPA), Potable Reuse Compendium, ed. Office of Ground Water and Drinking Water (2017), https://www.epa.gov/sites/production/files/2018-01/documents/potablereusecompendium_3.pdf

Water Environment Federation (WEF), "Water Reuse Roadmap," (2018)

Overlapping Permitting Considerations

	Water Supply	Drinking Water	Watershed Planning & Monitoring	Wastewater
Water Supply / Surface Water Withdrawal	<p>For a new/modified drinking water permit request:</p> <ul style="list-style-type: none"> • Availability of Water- A system must have a permit to withdraw sufficient water supply (if greater than 100,000 gpd) to serve a new/expanded Drinking Water Treatment Facility 	<p>For a new/modified water withdrawal permit request:</p> <ul style="list-style-type: none"> • Water Planning- A system must have the means to treat the additional drinking water requested through an increase in withdrawal capacity • Downstream Impact Analysis- A system must consider impacts of proposed action on other resource users (permitted and proposed WLAs developed based on certain instream flow conditions) • EPD completes this analysis, but applicant should be aware that this may influence instream flow protections required in the withdrawal permit* 	<p>For a new/modified drinking water permit request:</p> <ul style="list-style-type: none"> • Source Water Characterization- A system must perform physical, chemical, biological, and radiological analysis of the source water to determine the treatment requirements in a Drinking Water Treatment Facility. The Facility must be designed to meet Safe Drinking Water Act Maximum Contaminant Levels (MCLs) for finished water. • Raw Water Monitoring- A system must perform monitoring of every compound that has a primary or secondary MCL on a monthly basis and submit the results to EPD. 	<p>For a new/modified drinking water permit request:</p> <ul style="list-style-type: none"> • Source Water Assessment Plan (SWAP)- A system must submit a SWAP, and it must be updated every 10 years. The SWAP must identify upstream NPDES discharges that are in the permitting process or have not been previously identified.
WPMP	<p>Watershed Assessment (WA)/Watershed Protection Plan (WPP)- In its WA/WPP for a new/expanded discharge, a system should consider whether a surface water intake is present in the watershed area to inform the type of monitoring and measures required in the document. It should be updated every 10 years.</p> <ul style="list-style-type: none"> • Designated Uses- When considering updates of the designated uses of water bodies, WPMP must coordinate with Water Supply to capture facilities that have emergency withdrawal locations. 	<p>New/Modified WLA Request- If a new/modified WLA is requested, WPMP must consider its potential effect on the characteristics of source water for a Drinking Water Treatment Facility (or waters with designated use of Drinking Water).</p> <ul style="list-style-type: none"> • Designated Uses- When considering updates of the designated uses of water bodies, WPMP must coordinate with Drinking Water to capture facilities who withdraw/treat less than 100,000 gpd and emergency drinking water sources 		<p>New/Modified WLA Request- If a new/expanded wastewater discharge is the action that changes the status quo, the WLA must consider ambient water quality standards and, potentially, MCLs (or source water characterization data) for waters that have a designated use of Drinking Water.</p> <ul style="list-style-type: none"> • WA/WPP- In its WA/WPP for a new/expanded discharge, a system should consider whether a surface water intake is present in the watershed area to inform the type of monitoring and measures required in the document. It should be updated every 10 years.
Wastewater	<p>For a new/modified NPDES permit request:</p> <ul style="list-style-type: none"> • Environmental Information Document (EID)- The EID must document the awareness of the owner, designer, and public of all potential environmental impacts resulting from the construction of any new, upgraded or expanded wastewater treatment facilities, which may include: <ul style="list-style-type: none"> • Evaluation of whether the proposed action will have the potential for decreasing the quantity of water available for water supply. • Approximate location of all water supply intakes on water bodies adjacent to the project. 	<p>For a new/modified NPDES permit request:</p> <ul style="list-style-type: none"> • Environmental Information Document (EID)- The EID must document the awareness of the owner, designer, and public of all potential environmental impacts resulting from the construction of any new, upgraded or expanded wastewater treatment facilities, which may include: <ul style="list-style-type: none"> • Evaluation of whether the proposed action will have the potential for decreasing the quality of water available for water supply. • Approximate location of all water supply intakes on water bodies adjacent to the project. 	<p>New/Modified WJA Request- A new/modified wastewater discharge must incorporate the results of the appropriate WLA analysis by ensuring the plant can produce effluent that meets the standards specified in the WLA.</p> <ul style="list-style-type: none"> • Environmental Information Document (EID)- The EID must document the awareness of the owner, designer, and public of all potential environmental impacts resulting from the construction of any new, upgraded or expanded wastewater treatment facilities, which may include: <ul style="list-style-type: none"> • Impacts to designated use of water body 	

Note: Red Text = Internal EPD Activities/Responsibilities

EPD Watershed Protection Branch

Notice of Public Meeting for Development of an Indirect Potable Reuse (IPR) Consideration Framework & Guidelines

The Georgia Environmental Protection Division (EPD) Watershed Protection Branch will hold a virtual public meeting to discuss the draft Indirect Potable Reuse (IPR) Guidelines. The meeting will be held on **Wednesday, December 9, 2020 beginning at 2:00 pm** on the Zoom web conferencing platform.

The IPR Guidelines to be discussed provide a framework to shepherd applicants for new or modified drinking water, surface water withdrawal, and wastewater discharge permits through existing permitting processes if the request may affect an existing or currently proposed facility.

The goal of this meeting is to provide the public, affected organizations, and other stakeholders an opportunity to provide input and feedback on these draft IPR Guidelines and its proposed framework for the consideration of projects with potential IPR implications. EPD will also listen to comments and address stakeholder questions during the meeting. The draft IPR Guidelines are available for review here: <https://epd.georgia.gov/document/document/20201015ipr-guidelinesfor-public-notice/download>. A copy of these items may also be requested by contacting Johanna Smith of the Watershed Protection Branch at johanna.smith@dnr.ga.gov or (404) 656-6937.

Zoom Meeting Details:

December 9, 2020, beginning at 2:00 p.m.

Link to join: <https://gaepd.zoom.us/j/94043484801?pwd=bDJkRDB0RDZfcTZvV1BnQy8rOWVOUT09>

Meeting ID: 940 4348 4801

Passcode: 071315

Those joining via computer can use their computer audio, or may also dial-in.
Dial-in number: 1-877- 853-5247 (with same Meeting ID & Passcode as above)

At the public meeting, anyone may present data, make a statement, or offer comments either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, should be submitted in writing.

Written comments are also welcomed and must be received by close of business on **Friday, December 18, 2020**. Written comments may be emailed to EPDComments@dnr.ga.gov or sent via regular mail to: EPD Watershed Protection Branch, 2 Martin Luther King, Jr. Dr., Suite 1152, East Tower, Atlanta, Georgia, 30334. If you choose to e-mail your comments, please include the words “Indirect Potable Reuse (IPR) Guidelines” in the subject line to help ensure that your comments will be forwarded to the correct staff.

November 2, 2020