

**Minutes of the Middle Chattahoochee Regional Water  
And Sewer Authority Meeting Held on October 13<sup>th</sup>, 2020,  
Zoom ID: 899 4850 7667  
Passcode 807720**

**BOARD MEMBERS PRESENT:** Vince R. Williams, J. Clark Boddie, Elizabeth Carr Hurst, Laura Mullis and James Whitmore

**BOARD MEMBERS ABSENT:** Shayla J. Nealy and Sonja Fillingame

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

**Others Present:** Lauren Pozen with Channel 46 news, Paula Days, Alex Heath, Hendrick Vanstad and Tina Huston

**Call To Order:** Vice Chairwoman Elizabeth Carr Hurst called the meeting to order at 7:02 PM.

**Approval Of The Minutes:** A motion was made by Vince R. Williams to approve the minutes of the September 08th, 2020 meeting, seconded by James Whitmore. A vote was taken, the motion passed unanimously.

A motion was made by James Whitmore to approve the minutes of the September 22nd, 2020 meeting, seconded by Vince R. Williams. A vote was taken, the motion passed unanimously.

**New Business:** None

**Old Business:** None

**Reports:**

**Legal** – Dennis Davenport updated the Board on the name change Legislation. Mr. Davenport stated that he has 2 extra certified copies of the if needed.

**Finance** – Dan Post reviewed with the Board:

1. The September 2020 financial statement.
2. Requested approval for draw number 210 in the amount of \$10,845.81 from the construction account.

Vince R. Williams made a motion to approve draw number 210 in the amount of \$10,845.81 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 Withdrawal Application Process:
  - a. Water Authority Permit
    - i. No challenges
    - ii. Annual and Monthly requirements
  - b. Treatability Analysis
  - c. SWAP
  - d. RFP
  - e. Next Steps

Sonja Fillingame recused herself and left tonight's meeting.

2. Compensatory Mitigation:
  - a. Resale Of Mitigation Credits
    - i. Monastery
    - ii. Blue Creek
3. Other/MISC:
  - a. GEFA Loan Modification
  - b. North Metropolitan Water Planning District
  - c. Websites
  - d. Financial Consultant
  - e. Waters Of The US (WOTUS)

4. Water Wars Litigation Update
5. Reservoir Land

**Executive Session:** Vince R. Williams made a motion to go into Executive Session to discuss the Engineering RFP, seconded by James Whitmore. A vote was taken, the vote passed with a 5 to 0 unanimous vote.

J. Clark Boddie made a motion to come out of Executive Session, seconded by Vince R. Williams. A vote was taken, the motion passed unanimously.

J. Clark Boddie made a motion to approve using Krebs Engineering for the Authorities Engineering Services, seconded by James Whitmore. A vote was taken, the motion passed unanimously with a vote of 5 (Vince R. Williams, J. Clark Boddie, Elizabeth Carr Hurst, Laura Mullis and James Whitmore) to 0.

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

The meeting adjourned at 7:56 PM

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Shayla J. Nealy, Chairwoman

November 10<sup>th</sup>, 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:** October 13, 2020 meeting

**Re:** Middle Chattahoochee Authority Project Update

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### Water Withdrawal Application/Process:

Water withdrawal permit: The permit issued on July 27, 2020 and EPD has concluded no administrative challenges were made to the 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 October 1<sup>st</sup> 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).

SWAP: The final EPD approved SWAP documentation was provided via email on September 11, 2020. Please let us know if you did not receive a copy and we will forward it again.

RFP: The RFP for preliminary engineering work issued on September 9, 2020, being posted to the GLGA, GA Procurement Registry and Authority websites. A special called meeting was held on September 22, 2020 to address responses to questions received on or prior to September 17th. The Authority received two responses from engineering firms AECOM and Krebs.

Next Steps: Review and select an engineering firm, 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 Authority received a \$5,000.00 extension payment from Mitigation Management for the closing to occur on or before December 31, 2020. The purchase price for the property is \$5,000 per acre with a 4% royalty on the total credit sale price.

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 we are in the process of selecting an engineering firm and that any schedule we provide 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](mailto: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.

Website. The Authority's new website is [www.middlechattwaterandsewer.com](http://www.middlechattwaterandsewer.com).

Financial Consultant: Raymond James provided a financing assessment at the September 8, 2020 meeting and 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. There have been multiple cases filed challenging the narrower definition of WOTUS claiming that it contradicts water law, Supreme Court precedent, and the EPA's own scientific findings. The request for a national injunction was denied leaving injunctions to be jurisdiction specific. 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							



## Metropolitan North Georgia Water Planning District

International Tower | 229 Peachtree St., NE | Suite 100 | Atlanta, GA 30303

### Public Notice October 8, 2020

**Re:** Proposed Amendment to the Water Resource Management Plan – Action Items

**Submitted By:** District Staff

**General Description:** At the District's board meeting in May 2020, the question was raised whether there are any action items that no longer fit the present circumstances of increasingly tight budgets and stretched staff, especially given COVID-19. Based on this question, District staff reviewed the action items in the District's 2017 Water Resources Management Plan (2017 Plan) and propose the following changes:

- **WSWC-9: Pre-Rinse Spray Valve Replacement Program (See Exhibit 1)** – The proposed plan amendment would sunset this action item based on new, mandatory federal high-efficiency standards, COVID-19 impacts on change-out program structures, and high natural change-out rates.
- **WSWC-8: Commercial Water Use Assessments (See Exhibit 2)** – Due to COVID-19 business impacts and public health considerations associated with in-person audits, the proposed plan amendment would suspend the requirement for local water providers to implement this action item except to provide education materials upon request. This action item would then be reevaluated as part of the 2022 plan update process.
- **WSWC-6: Toilet Replacement Program (See Exhibit 3)** – The proposed plan amendment would change this action item to require 1.1 gallon per flush (gpf) or less toilets instead of the current, less efficient 1.28 gallon per flush (gpf) toilets. This change would apply to both the single and multi-family programs. The District and local water providers would have until July 1, 2021 to finalize these changes. District staff is recommending a rebate amount of \$75 per 1.1 gpf or less toilet. These changes would increase the efficiency of the toilets being rebated, reduce program costs, and decrease local and District staff time needed to administer the program. These changes are consistent with other nation-leading toilet rebate programs across the United States.
- **Watershed-11: Macroinvertebrate Bioassessment (See Exhibit 4)** – The proposed plan amendment would remove this action item from the 2017 Plan. Watershed-11 requires benthic macroinvertebrate and habitat monitoring of wadable streams at permanent representative stations. This action item is duplicative for communities who are subject to Georgia Environmental Protection Division's (EPD) requirement for implementation of a Watershed Protection Plan (WPP), which includes benthic macroinvertebrate, fish, and habitat monitoring of wadable streams at permanent stations. For other communities, the action item is duplicative in practice as described in the additional background information in Exhibit 4.



- Small Communities (See Exhibit 5) – The proposed plan amendment would change all action items to voluntary recommendations for small communities. District staff would continue to provide technical assistance to small communities upon request. Small communities for this amendment are those that meet at least one of the following conditions: (a) small water systems that depend primarily on groundwater and serve less than 3,300 people, (b) wastewater collection only systems that serve less than 3,300 people, and (c) local governments that don't have a Municipal Separate Storm Sewer System (MS4) permit. This change reduces the administrative burdens faced by small communities, EPD staff, and District staff and has a de minimis impact on planning outcomes given these small communities consist of less than 1/3 of one percent of the District's population.

Following the 30-day public notice period, the amendment will then be presented to the Executive Committee and full Governing Board on December 2, 2020 for final consideration. These plan amendments would be effective Jan. 1, 2021, and District staff would work with EPD to update the audit spreadsheet.

**Exhibit 1**  
**Pre-Rinse Spray Valve Replacement Amendment**

Description. This proposed plan amendment would sunset Action Item WSWC-9: Pre-Rinse Spray Valve Replacement Program based on new, mandatory federal high-efficiency standards, COVID-19 impacts on change-out program structures, and high natural change-out rates. At the time the 2017 Plan was being developed, the mandatory federal standard for Pre-Rinse Spray Valve (PRSV) efficiency was 1.6 gallon per minute (gpm) and WaterSense, which is a voluntary water efficiency program, labeled PRSVs that used 1.28 gpm or less. The PRSV action item was developed to facilitate replacement of older, inefficient PRSVs with high-efficiency WaterSense models.

The following conditions have changed since the 2017 Pan was developed. First, in January 2019 WaterSense sunsetted its program for PRSVs. While some WaterSense labeled PRSVs were still available for a time after this date while sellers worked through their existing inventory, WaterSense-labeled PRSV are no longer readily available.

Second, in January 2019, the Department of Energy’s nationwide, mandatory standard took effect requiring all classes of new PRSV meet or exceed the previous WaterSense standard. The effect of the new standard is that any time a PRSV is replaced at the end of its useful life, the new PRSV will be a high-efficiency model. The new standard is as follows:

<b>Product Class by Spray Force</b>	<b>Maximum Flow Rate (gpm)</b>
Product Class 1 (≤ 5.0 ozf)	1.00
Product Class 2 (> 5.0 ozf and ≤ 8.0 ozf)	1.20
Product Class 3 (> 8.0 ozf)	1.28

Third, due to business impacts and public health considerations, PRSV replacement programs that involve in-person visits are no longer advisable. One common replacement program structure under this action item involved local water providers purchasing PRSVs in bulk and then offering them to restaurant owners, often through in-person visits. Additionally, many restaurants are closed, some permanently, and others are focusing on take-out orders to reduce COVID-19 exposure risks.

Even after the business impacts and public health considerations of COVID-19 pass, it may not be worth promoting a PRSV replacement program given their very short useful lives and the resulting high rate of natural replacement. For example, California Energy Wise determined the natural turnover rate of 5 years for PRSVs based upon collected performance data from products on the California Energy Wise Qualifying Product List. Replacement programs make more sense when they meaningfully accelerate product replacement. Toilets are generally considered to have a useful life of between 30 and 50 years, and so accelerating the replacement of these products provides years of water savings before natural replacement would have otherwise occurred.

The District provides technical assistance for this action item through bulk purchases, outreach efforts and education material distribution. Information about PRSV efficiency and water saving practices when using a PRSV will be incorporated into District education materials as appropriate, but bulk purchases and individual outreach efforts will cease.

Proposed Amendment Language. This proposed amendment will be made by deleting the text of the action item and replacing it with the following text: **“Based on new, mandatory high-efficiency standards, the action item on pre-rinse spray valve replacement programs will sunset effective January 1, 2021. No further action is required by local water providers regarding this action item.”**

**Exhibit 2**  
**Commercial Water Use Assessments Amendment**

Description. Due to COVID-19 business impacts and public health considerations associated with in-person audits, this proposed plan amendment would suspend Action Item WSWC-8: Commercial Water Use Assessments except to provide education materials upon request.

This action item will be reevaluated as part of the 2022 plan update process once the impacts of COVID-19 on businesses are known. The immediate economic hardships facing businesses due to Covid-19 are likely to consume their attention for the foreseeable future and deplete any capital for mid- to long-term investments, like those in water efficiency. Additionally, many businesses are closed or are otherwise trying to limit the number of people on-site for public health reasons. If there is interest in increasing water efficiency from a local business, education materials will be provided to them by District staff. These materials will be self-guided in nature to continue to promote reduction in water use. Education materials include but are not limited to:

*My Drop Counts Business Pledge.* This is a program created by the District where businesses can pledge to conserve water through various Water Saver statuses ranging from Platinum to Bronze. Pledging requires employers and employees to actively discuss the significance of water efficiency within the workplace, perform water use assessments, inspect for leaks and increase the efficiency of fixtures where appropriate. There are pledges for both indoor and outdoor efficiency steps of action.

*WaterSense Simple Water Assessment Checklist for Commercial and Institutional Facilities.* The EPA WaterSense program offers a list of water efficient practices and projects that can be evaluated, implemented, and completed by the business. There is an accompanying “WaterSense at Work: Best Management Practices for Commercial and Institutional Facilities” handbook detailing information and calculations to determine potential water savings.

*Water Project Screening Tool.* The Federal Office of Energy Efficiency and Renewable Energy provides a water project screening tool created by the Federal Energy Management Program. Based upon data input by the user, the tool provides quantitative values for potential water savings.

*EDF-GEMI Water Efficiency Toolkit.* This toolkit provides three tools to evaluate a business’s water efficiency: a water scorecard, water efficiency calculator and a cycles of concentration estimator. Together these tools help to determine the property’s current water efficiency, estimated water and financial savings and assessments on cooling tower efficiency.

These resources will be compiled and made readily available in a digital format for easy accessibility to businesses. Any later additional resources and information can also be added. In this way, the information becomes a living document that can continually reflect the latest standards in efficiency to heighten awareness and integration with local businesses in the region.

Proposed Amendment Language. The following text will be added in red under responsible party for WSWC-8: “Effective January 1, 2021: Due to COVID-19 business impacts and public health considerations, this action item has been suspended and no action is required by the responsible party. Education materials will be available by the District upon request by commercial water users.”

**Exhibit 3**  
**Toilet Replacement Program Amendment**

Description. This amendment would update Action Item WSWC-6: Toilet Replacement Program to require 1.1 gallon per flush (gpf) or less toilets. This would apply to both the single and multi-family programs. The District and local water providers would have until July 1, 2021 to finalize these changes. District staff is recommending a rebate amount of \$75 per 1.1 gpf or less toilet, to be standardized across the District and local water providers. Additionally, as a matter of customer service, rebates of 1.28 gpf may still be allowed when a customer in good faith purchases a dual-flush toilet with one flush at 1.1 gpf or less or uses an outdated paper rebate application form provided by a retailer.

The District gathered in store retail product availability at Home Depot and Lowe's in 2019 and 2020. 7 out of 8 stores stocked at least one toilet model using 1.1 gpf or less. The average customer satisfaction with 1.28 gpf versus 1.1 gpf toilets was 4.4 out of 5.0 and 4.9 out of 5.0, respectively. In addition to toilets stocked in stores, there are more than 500 models available in the marketplace based on a review of the MaP PREMIUM list for residential and light commercial toilets. Online market research performed by District staff in 2020 confirm current availability of these models.

Currently, some local water providers run their own toilet rebate programs. The District manages a regional single-family toilet rebate program on behalf of 25 local water providers for an administrative fee of \$10 per toilet.

For the District-managed single-family rebate program, from June 2019 to May 2020, the District processed an average of 130 rebates per month for 1.28 gpf toilets at a \$50 rebate value, and 11 toilets per month using 1.1 gpf or less at a \$100 rebate value. The average total monthly amount for rebates and fees is \$9,010.

Based on experience and review of other rebate programs across the United States, the District estimates that rebating only 1.1 gpf or less toilets will result in an increase in the number of 1.1 gpf toilets being rebated somewhere between two and four times the current average the first year or two following the change. At four times the number of 1.1 gpf or less toilets being rebated at \$75 each plus a \$10 administrative fee, the average total monthly amount for rebates and fees would be \$3,740. Under the revised program, local water providers in the District program would collectively see an estimated average annual reduction in program costs of \$63,240, plus whatever savings would be achieved for those managing their own programs. This change would also reduce administration time at both the District and local levels.

To date, every application the District has received for its multi-family rebate program has included 1.1 gpf toilets or less. While eliminating the 1.28 gpf option in the multi-family program will not result in cost savings, it will bring the District's program in line with other nation-leading programs.

Proposed Amendment Language. The existing language of WSWC-6 would be revised as shown on the following page:

## WSWC-6: Toilet Replacement Program

Intent	Responsible Party	In Coordination With
<p>To reduce indoor water use and speed the conversion of older, inefficient toilets toward WaterSense labeled <a href="#">ultra</a>-high-efficiency toilets in single- and multi-family homes.</p> <p><b>Points of Integration</b></p> <p>This measure should result in decreased water demands, as well as decreased wastewater flows.</p>	<p>Local Water Provider</p>	<p>Local Government Local Wastewater Provider</p>

**Action Item:** Implement a program to replace older, inefficient toilets with WaterSense labeled [ultra](#)-high-efficiency toilets [using 1.1 gpf or less \(WaterSense UHET\)](#) in single- and multi-family homes. [WaterSense labeled toilets using 1.28 gpf will no longer be eligible for rebates after July 1, 2021.](#)

**Sub-Tasks:** Each local water provider shall:

1. Establish a program to replace 3.5 gpf or greater toilets in single- and multi-family homes constructed prior to 1994 with [WaterSense UHETs high-efficiency WaterSense labeled toilets](#).
2. Provide information on opportunities to recycle any toilet being discarded pursuant to the toilet replacement program by linking to the Metro Water District website or other local resources.

**Description:** Single- and multi-family homes built prior to 1994 may contain inefficient toilets. While new toilets meet high efficiency standards, the replacement of older, inefficient toilets is needed to address existing stock and reduce indoor water use.

**Implementation Guidance:** Before the 1950s, new toilets typically used 7 gpf. By the end of the 1960s, new toilets typically used 5.5 gpf; in the 1980s, new toilets typically used 3.5 gpf. The federal Energy Policy Act of 1992 required all new toilets use no more than 1.6 gpf by 1994. In 2010 the Georgia Water Stewardship Act required that local governments adopt or amend local ordinances to require, among other things, that all new construction, on or after July 1, 2012, use WaterSense labeled toilets. WaterSense is a voluntary program of the EPA designed to identify and promote water efficient products and practices. WaterSense labeled toilets are independently certified to meet rigorous criteria for both performance and efficiency. [Today, WaterSense UHETs are increasingly available with efficiency levels of 1.1 gpf or less.](#)

This Action Item calls for a program to replace toilets in single and multifamily homes constructed prior to 1994 with WaterSense [UHETs labeled toilets](#). [As of the date of this Plan, the WaterSense efficiency criteria is 1.28 gpf or less for toilets, and in the future, the WaterSense label may become more stringent. If a more stringent criterion is adopted, it will apply as of the date of its adoption for the purposes of this Plan.](#)

The toilet replacement program must specifically address toilet replacement rather than provide toilet retrofit devices. Examples of acceptable toilet replacement programs include the following:

- Rebate incentive program: Customer receives a water bill credit, cash or voucher to offset the cost of a new WaterSense [UHET labeled toilet](#) to be installed in a pre-1994 single- or multi-family home. [Rebates shall be \\$75.](#)
- Direct install program: Customer exchanges a toilet from pre-1994 single- or multi-family homes for a WaterSense [UHET labeled toilet](#) with discounted installation through the local water provider.

- Other: Local water providers may create their own programs as long as the program actually results in the replacement of toilets in pre-1994 single- and multi-family homes [with WaterSense UHETs](#). These programs may take a variety of forms, including but not limited to on-bill financing programs for toilet replacements and programs requiring that toilets using 3.5 gpf or more be replaced as a condition of a customer establishing water service.

If a local water provider chooses to have a single replacement program covering both single and multi-family homes, funds may be made available on a first come, first served basis.

[As a matter of customer service, rebates of 1.28 gpf may still be allowed as a hardship exception when a customer in good faith purchases a dual-flush toilet with one flush at 1.1 gpf or less or uses an outdated paper rebate application form provided by a retailer.](#)

Due to the high value of rebate programs for multi-family homes, it is recommended that the local water provider include an inspection element in any multi-family rebate program to prevent possible fraud. This can be done through a physical inspection or by reviewing billing data post-installation.

The local water provider should provide information on available toilet recycling opportunities. There are recycling facilities in the region that will recycle crushed porcelain for various uses, such as a concrete aggregate or bathroom tile. Many homeowners may not be aware of recycling options when replacing a toilet.

**Considerations for Enhanced Implementation:** The optional considerations for enhanced implementation include the following:

- Add an additional requirement that program participants provide documentation or other proof that the replaced toilet uses 3.5 gpf or more, such as requiring a section on the rebate application form for the customer to record the gallons per flush of the old toilet or including a customer self-certification.
- ~~Encourage customers to purchase WaterSense labeled ultra-high-efficiency toilets that use 1.1 gpf or less through a tiered rebate incentive with a higher rebate tier for toilets meeting these standards.~~
- ~~Limit rebates to only WaterSense labeled ultra-high-efficiency toilets that use 1.1 gpf and discontinue rebates on 1.28 gpf toilets.~~
- Low-income and disadvantaged customers often live in pre-1994 single- and multi-family homes and spend a greater percentage of their income on utility bills. These customers may experience financial difficulties participating in a rebate incentive program if they cannot afford to purchase the new plumbing fixture before the rebate money is received. A voucher or direct install program for customers with a lower household income would encourage indoor water efficiency in pre-1994 single- and multi-family homes. As an example, the City of Atlanta's Care and Conserve program provides payment assistance to qualified customers.
- Local water providers may also consider placing toilet recycling containers at other local government buildings. The City of Atlanta provides free toilet recycling to its residential water customers at the Center for Hard to Recycle Materials. Gwinnett County Water Resources offers free toilet recycling to its residential customers by providing a recycling container for old toilets at its building. Gwinnett County Water Resources covers the cost of transporting the container to a local recycler. This free service is promoted to customers participating in the toilet replacement program and has kept hundreds of tons of porcelain from the landfill.
- Require recycling for all toilets replaced through the multi-family toilet replacement program. Some local water providers require the customer to agree to transport the used porcelain toilets to an

approved recycler within the Metro Water District area. The customer must provide documentation from the recycler that the toilets were disposed properly before the rebate credit will be issued to the account.

**Opportunities for Technical Assistance:** The Metro Water District's Technical Assistance Program may provide support for implementation of this Action Item through the following types of activities:

- Administering a regional rebate program for single-family homes
- Creating and administering a regional rebate program for multi-family homes
- Offering a regional program for low-income and disadvantaged customers using grant funding
- Developing a regional list of toilet recycling facilities



**Resources:**

- EPA, *WaterSense Toilets, information page*, <https://www3.epa.gov/watersense/products/toilets.html>
- Cobb County, *toilet recycling information (see Item No. 16)*, [https://cobbcounty.org/index.php?option=com\\_content&view=article&id=3445&Itemid=1544](https://cobbcounty.org/index.php?option=com_content&view=article&id=3445&Itemid=1544)
- MaP Testing Premium Ultra-High-Efficiency Toilet page, <http://www.map-testing.com/content/info/menu/map-premium.html>

**Exhibit 4**  
**Water Quality Monitoring Plan Amendment**

Description. The proposed plan amendment would remove Watershed Action Item 11 – Macroinvertebrate Bioassessment (WA-11). WA11 requires benthic macroinvertebrate and habitat monitoring of wadable streams at permanent representative stations. This action item is duplicative for communities who are subject to Georgia Environmental Protection Division’s (EPD) requirement for implementation of a Watershed Protection Plan (WPP), which includes benthic macroinvertebrate, fish, and habitat monitoring of wadable streams at permanent stations. For other communities, the action item is duplicative in practice as further discussed below.

EPD requires WPPs to be developed by any permittee holding a permit for a wastewater treatment facility designed for one million gallons per day or greater. WA-11 allows local jurisdictions with WPPs to submit the WPP bioassessment data to fulfill the action item. For local jurisdictions without a WPP, habitat and biological monitoring must be conducted at permanent representative stations established using 2017 Plan Table 5-4: *Minimum Number of Permanent Stations for Long-Term Trend Monitoring*, or they may establish an agreement with another local jurisdiction that will conduct monitoring on their behalf.

A macroinvertebrate bioassessment can be costly for local jurisdictions and, unlike water quality monitoring, is rarely conducted by internal staff. Scientists that conduct monitoring are required to have a Collecting Permit issued by the Wildlife Resources Division. It is common for scientists that conduct the monitoring to preserve collected specimens and outsource their taxonomic classification. Additional training and equipment are required to identify macroinvertebrates to a species level, which includes close examination of the specimen features with a hand lens or microscope.

The most common way local jurisdictions meet requirements of WA-11 is to submit WPP bioassessment data. The second most common way is to establish an agreement with another local jurisdiction, often one with a WPP, to conduct monitoring on their behalf. In that way, WA11 implementation is generating limited new data to measure watershed health.

By contrast, WA-11 does generate administrative burden. For local jurisdictions with a WPP, data must be submitted for both WPP and 2017 Plan compliance. For local jurisdictions that have established an agreement for macroinvertebrate bioassessments, data sharing and coordination must be formalized through a MOA or MOU and may include legal review to establish timeframes, compensation (if any), and other parameters for cooperation between jurisdictions.

Removing WA-11 will allow local jurisdictions to continue collecting and submitting WPP bioassessment data without impacting EPD data collection or analysis. Additionally, removing the administrative burden of duplicative submittals and monitoring agreements, will allow limited funding and staff time to be focused on issues of local importance.

Proposed Amendment Language. This proposed amendment will be made by deleting the text of the action item and replacing it with the following text: “**This action item will sunset effective January 1, 2021 because it was duplicative with EPD requirements and/or otherwise duplicative in practice. No further action is required by local entities regarding this action item.**”



**Exhibit 5**  
**Small Communities Amendment**

Description. The proposed plan amendment would change all action items to voluntary recommendations for small communities defined as: (a) small water systems that depend primarily on groundwater and serve less than 3,300 people, (b) wastewater collection only systems that serve less than 3,300 people, and (c) local governments that don't have a Municipal Separate Storm Sewer System (MS4) permit. Whether a community is a small community will be reviewed again with each future plan update. District staff would continue to provide technical assistance to small communities on action item voluntary recommendations upon request.

The scope of small communities' involvement in water, wastewater, and stormwater management is very limited. Small communities collectively make up less than 0.3% of the total population and 0.7% of the land area in the District. Nonetheless, small community staff, District staff, and EPD staff spend significant time and resources implementing action items, providing technical assistance, and auditing small communities. Furthermore, it is often unclear how and to what extent action items are relevant given the limited scope of small communities' operations. At the same time, community budgets and staff are already stretched in their effort to meet critical health, safety, and environmental needs and maintain their physical infrastructure. This situation is more challenging today given COVID-19 and its direct and indirect impacts on the staffing, budgets, and operations of communities.

There is precedent in state and federal regulatory programs to tailor requirements based on size for these very same reasons. The 3,300-person threshold is used in many drinking water-related regulations and the MS4 permitting program uses a threshold of "urbanized area."

Changing action items to voluntary recommendations will allow District staff and EPD staff to focus on the areas of greatest regional need for technical assistance and plan compliance auditing.

Proposed Amendment Language. Insert the language on the following page immediately before Section 5.1 on page 5-2 in the June 2017 Water Resources Management Plan:

“For the small communities listed in the table below, the action items in this plan are voluntary recommendations. The District encourages these small communities to take those actions from the plan that are most relevant to local areas of need. The District’s Technical Assistance Program is available to all small communities. Small communities will not be audited by EPD.

<b><u>Small Local Governments</u></b>	<b><u>Service(s) Provided</u></b>	<b><u>2014 Population</u></b>
Clermont (Hall County)	SW	915
Gillsville (Hall County)	SW	246
Lula (Hall County)	W, WW, SW	2,867
Haralson (Coweta County)	SW	173
Moreland (Coweta County)	SW	418
Sharpsburg (Coweta County)	SW	351
Turin (Coweta County)	W, SW	336
Kingston (Bartow County)	W, SW	651
Taylorville (Bartow County)	SW	213
White (Bartow County)	W, SW	674
Ball Ground (Cherokee County)	W, WW, SW	1,658
Nelson (Cherokee County)	SW	1,342
Waleska (Cherokee County)	W, SW	871
Brooks (Fayette County)	W, WW, SW	540
Woolsey (Fayette County)	SW	2,086
Rest Haven (Gwinnett County)	SW	62
Braswell (Paulding County)	SW	379
	<b>Total</b>	13,782
	<b>% of District</b>	0.29%

This list was prepared based on the following definition of small communities: (a) local water providers that depend primarily on groundwater and serve less than 3,300 people, (b) wastewater providers that are collection only systems that serve less than 3,300 people, and (c) local governments that don’t have a Municipal Separate Storm Sewer System (MS4) permit. In the column titled “Service(s) Provided,” the letters correspond with the following responsible parties from the action items: W stands for local water provider, WW stands for local wastewater provider, and SW stands for local governments.

This list is based on 2014 population numbers, which is the baseline for this plan. The small communities list will be updated during the next plan update based on the baseline population numbers and MS4 permits that have been issued at that time.”