



POLICY BRIEF 2010



Interbasin Transfers

1. What is a river basin?

A river basin is an area of land drained by a river and its tributaries, and includes all the many streams and creeks that flow downhill into one another, and eventually into the river. In Georgia, over 70,000 miles of streams are part of one of the following 14 river basins: Altamaha, Chattahoochee, Coosa, Flint, Ochlockonee, Ocmulgee, Oconee, Ogeechee, Satilla, Savannah, St. Marys, Suwannee, Tallapoosa, and Tennessee.

2. What is an interbasin transfer?

The Georgia Environmental Protection Division defines an interbasin transfer as a withdrawal or diversion in which water is returned to a different basin than where it was withdrawn or diverted (DNR Rule 391-3-6-.07 (m)). The Georgia Comprehensive State-wide Water Management Plan states that the river basin *from* which the withdrawal or diversion comes is known as the “**donor basin**”, while the river basin *to* which all or a portion of the water is diverted and returned is the “**receiving basin.**” The Plan also defines **raw water interbasin transfers** as the transfer of untreated water from a site in a donor basin to another site in a receiving basin for treatment, use, and disposal in the receiving basin.

3. What are the advantages of interbasin transfers?

Interbasin transfers provide a management alternative to supply water for public use, irrigation, power generation, flood control and environmental protection or restoration (e.g., protection of species by supplementing low flows during times of water shortage). Interbasin transfers are typically used to provide water for large or fast-growing urban areas and surrounding suburbs. In Georgia, the most heavily populated areas are located near the upper ends of long, narrow river basins. Therefore, local governments that depend on surface water for public

water supply may straddle basins or be spread over several basins. In these cases, water suppliers may withdraw water in one basin and discharge into another basin, thus avoiding the large costs of having to create separate infrastructure in each basin. Like other water supply alternatives (e.g., reservoirs, desalination facilities, aquifer storage and recovery), the use of interbasin transfers has costs and benefits.

4. What are the disadvantages of interbasin transfers?

The most-cited disadvantage of interbasin transfers is that such transfers move water to where people need it (mainly for economic activity or development), thereby reducing the potential for long-term economic development and quality of life in the donor basin. Critics note that use of this supply-side water management alternative has allowed population expansion and industrial growth beyond the natural limits of the receiving basin. In other words, it moves water to people rather than people moving to where the water is. Other disadvantages include reduced stream flows in the donor basin, potentially producing adverse impacts on (1) water quality (due to diminished assimilative capacity); (2) aquatic and nearby terrestrial habitats (e.g., trout streams, wetlands, and riparian areas); (3) critical habitats for threatened or endangered species; (4) recreational water activities; and (5) aesthetic values. As a result of regulatory restrictions and limitations based upon distance, geology and geography, interbasin transfers are not a universal remedy for water resource management challenges.

5. Do interbasin transfers occur across the state?

Interbasin transfers can occur anywhere in Georgia; however, most occur in Metropolitan Atlanta and other areas of north Georgia. In its most recent edition of the *Water Supply and Water Conservation*

Management Plan, the Metropolitan North Georgia Water Planning District notes that communities within its area rely on interbasin transfers of more than 125 million gallons per day to meet water supply needs. By 2035, the District projects the need for almost 150 million gallons per day in transfers. Communities within the District do not transfer water from outside the District's boundaries. In south Georgia, interbasin transfers are not as common or high profile, because most water suppliers rely on groundwater sources.

6. What laws address interbasin transfers?

Over the years, attempts have been made to require permits for water transfers under the federal Clean Water Act. Some courts of appeals have required permits for certain transfers. In June 2008, the U.S. Environmental Protection Agency adopted a rule providing that water transfers do not require a Clean Water Act permit, if the transferred water is not subject to intervening industrial, municipal or commercial use (40 Code of Federal Regulations §122.3(i)).

Georgia law authorizes the Board of Natural Resources and the Director of the Georgia Environmental Protection Division to manage surface water use in the state (O.C.G.A. §§12-5-23 and 12-5-31). The Environmental Protection Division cannot approve any new wastewater discharge permits for water to be discharged into another basin as sewage, industrial waste, treated wastewater, except under certain conditions (O.C.G.A. § 12-5-29(d)(1)). When processing interbasin transfer applications, the Director must consider competing existing uses and applications for permits which would not involve interbasin transfers and try to allocate a reasonable supply of surface waters to such users (O.C.G.A. § 12-5-31(n)). Interbasin transfers into the North Georgia Metropolitan Water Planning District are not allowed (O.C.G.A. § 12-5-584(f)). Additional requirements for surface water withdrawals that may result in an interbasin transfer of water are included in the Georgia rules on surface water withdrawal (391-3-6-.07).

7. What must the Director of the Environmental Protection Division consider when acting on applications for interbasin transfers?

State surface water management rules require the EPD Director to consider the following:

- (a) The number of people using the particular water source and the amount and purpose of that use;

- (b) Nature and size of water source;
- (c) Low flows during droughts of record;
- (d) Impacts to water quality of the water source that could adversely affect its availability or fitness for use;
- (e) The probable severity and duration of low flows or impairments that could adversely affect its availability or fitness for use;
- (f) The injury to public health, safety or welfare which would result if such impairment were not prevented or abated;
- (g) The kinds of businesses or activities to which the various uses are related and the economic consequences;
- (h) The importance and necessity of the uses, including farm uses, claimed by permit applicants and the extent of any injury expected to be caused to other water uses;
- (i) Diversion from or reduction of flows in other watercourses;
- (j) The prior investments of any person in lands and present and potential future uses; and
- (k) The varying circumstances of each use.

The Georgia Comprehensive State-wide Water Management Plan provides that interbasin transfers may be undertaken, subject to state law, to meet water needs in areas facing limitations on their water sources, as long as the transfer does not unreasonably foreclose opportunities for water use in the donor basin. The Plan also states that interbasin transfers of raw water will not be permitted until sustainable yield determinations have been completed for the affected water sources and regional water plans have been completed for the affected water planning regions. In addition, the Plan provides for an extensive list of factors, for both the donor and receiving basins, that the Director should consider before acting upon applications for interbasin transfer permits in order to protect the reasonable use of water in donor basins.

8. What kind of public notice is required?

State law requires public notification for interbasin transfer permits, and the rules for surface water management require the Environmental Protection Division to provide a press release regarding the proposed issuance of a permit for interbasin transfer of surface water to newspapers of general circulation in the area which would be affected by that permit. The press release must be issued at least seven days before the permit is issued. For new permits, the

Division will release a public advisory regarding the proposed permit to one or more newspapers of general circulation in the area of the applicant.

If the Director determines sufficient public interest exists, the Division must hold a public hearing within the area affected before the permit is issued. The Director must also provide reasonable public notice of that hearing.

9. How are IBTs addressed in surrounding states?

Florida law authorizes a water management district or the Department of Environmental Protection to permit the transport of surface or ground waters to other areas, if that transport is consistent with the public interest. The statute identifies seven factors that must be considered in making a public interest determination (Fla. Stat. Ch. 373.223).

North Carolina has extensive statutory requirements governing surface water transfers above 2 million gallons per day and certain other increases in transfers (N.C. Gen. Stat. § 143-215.22L). The law requires the applicant and the Environmental Management Commission to hold several public hearings and the Commission to prepare an environmental assessment/impact statement. The statute also specifies nine factors for Commission consideration, as well as the burden and standard of proof that must be met. In addition, the law contains a policy that elevates the needs of public water systems with service areas in the donor basin over systems in the receiving basin.

South Carolina law requires permits for transfers above a certain threshold (five percent of the seven-day, ten-year low flow, or one million gallons or more of water a day on any day, whichever is less) (S.C. Code Ann. § 49-21-10 *et seq.*). The statute identifies 13 factors for consideration by the Department of Health and Environmental Control before acting on an application and prohibits issuance of a permit under certain circumstances. The law initially applied to 15 river basins.

Under Tennessee law, permits are required from certain entities for the transfer of surface and certain ground waters between 10 river basins. (Tenn. Code Ann. § 69-7-201 *et seq.*). The statutes authorize the Water Quality Control Board to set criteria for permit issuance and denial by the Commissioner of the Department of Environment and Conservation.

Existing Interbasin Transfers in North Georgia		
Donor Basin	Receiving Basin	Net Transfer (AAD-MGD)
Chattahoochee	Ocmulgee	100
Chattahoochee	Oconee	7
Coosa	Chattahoochee	14
Flint	Chattahoochee	2
Flint	Ocmulgee	5

The River Basins of Georgia

