

**Minutes of the Middle Chattahoochee Regional Water
And Sewer Authority Meeting Held on January 12th, 2021,
Meeting ID: 883 5753 4617**

Passcode: 846135

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BOARD MEMBERS PRESENT: Vince R. Williams, J. Clark Boddie, Sonja Fillingame, Shayla J. Nealy, Laura Mullis and James Whitmore

BOARD MEMBERS ABSENT: Elizabeth Carr Hurst

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

Others Present Paula Days

Call To Order: Chairwoman Shayla J. Nealy called the meeting to order at 7:01 PM.

Approval Of The Minutes: A motion was made by Vince R. Williams to approve the minutes of the December 08th, 2020 meeting, seconded by J. Clark Boddie. A vote was taken, the motion passed unanimously.

New Business: Election of Board Officers for year 2021

Secretary / Treasurer:

Vince R. Williams nominated Shayla J. Nealy to be elected the position of Secretary Treasurer, seconded by J. Clark Boddie. A vote was taken, the motion passed unanimously.

Vice Chairman:

Vince R. Williams nominated J. Clark Boddie to be elected the position of Vice Chairman, seconded by James Whitmore. A vote was taken, the motion passed unanimously.

Chairman:

Vince R. Williams nominated Elizabeth Carr Hurst to be elected the position of Chairlady, seconded by James Whitmore. A vote was taken, the motion passed unanimously.

At this point Vice Chairman J. Clark Boddie continues with the meeting.

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 December 2020 financial statement.
2. Requested approval for draw number 214 in the amount of \$19,014.58 from the construction account.

Vince R. Williams made a motion to approve draw number 214 in the amount of \$19,014.58 from the construction account seconded by Sonja Fillingame. 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. Water Withdrawal Application/Process:
 - a. Water withdrawal permit
 - b. Treatability Analysis
 - c. Preliminary Engineering Report
 - d. Next Steps
3. Compensatory Mitigation
 - a. Mitigation sites owned by the Authority

- b. Credits reserved for Authority's needs
 - c. Resale of Mitigation credits
- 4. Other/Miscellaneous of Permit
 - a. GEFA Loan Modification
 - b. Media Coverage Issuance
 - c. Water of the US
- 5. Water Wars Litigation Update
- 6. Reservoir Land

Other Business: None

Executive Session: None

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

The meeting adjourned at 7:22 PM

Elizabeth Carr Hurst, Chairwoman

February 09th, 2021

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: January 12, 2021 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 monthly to each of the three Cities' utility Directors of the required program deadline. EPD and EPA guidance documents were provided for reference on November 11, 2020. EPD. Palmetto submitted its Plan on October 23, 2020. While EPD does not formally approve the Plans, it uses the milestones and goals contained therein to document progress for future permitting requests. Each City must outline milestones or goals, as determined by the system, within their respective plans to clearly identify goals and explain how progress will be measured. An example is including the % of meters to be calibrated each year or if all meters are to be replaced by 2025. It may be as simple as specifying that the City intends to replace all of its meters by 2025 or implement a regular, scheduled maintenance program by then.

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).

Preliminary Engineering Report: The contract documents with Krebs Engineering were approved at the Authority's November 23, 2020 meeting and a Notice to Proceed dated the same was issued. An update memo from Krebs Engineering is attached hereto. Krebs sent requests for information to each city on January 8, 2021. The requested information is due back to Krebs no later than January 22, 2021 and then an updated schedule will be provided to the Authority.

Next Steps: Refine the budget and cost estimates based on the preliminary engineering work performed by Krebs and evaluate sources of funds including additional GEFA loans.

Compensatory Mitigation

Mitigation sites owned by the Authority:

Mulberry Creek Site in Harris County, Georgia (41.04 acres): The closing occurred on December 11, 2020 with the sale proceeds in the amount of \$180,525.00 being electronically transmitted to the Authority.

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 on or prior to January 31, 2021. 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.

Note: Bluewave was recently acquired by Res which will be continuing to implement the contract for the resale of credits per the Agreement with the Authority.

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 provided at this time will be an estimate until the engineering study is complete.

Media Coverage of Permit Issuance. The Authority utilized Fairburn's public relations specialist, Jeff Dickerson, to publicize the issuance of the Water Withdrawal Permit. Mr. Dickerson coordinated a news story by Sally Sears which appeared on Channel 46 CBS Atlanta news on December 4, 2020, prepared a press release dated December 2, 2020, and facilitated a favorable article by Ben Brasch in the Atlanta Journal-Constitution on December 16, 2020.

Extended comment periods for Potable Reuse Guidelines and Rules for Safe Drinking Water until February 5, 2021. The information sheets are attached with further details. No substantive revisions have been made since the original notice in November 2020.

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. On November 18, 2020, the U.S. Court of Appeals for the Tenth Circuit heard oral argument in the appeal of the stay of the rule and its ruling is still pending. On November 24, 2020, fifteen states, led by California Attorney General Xavier Becerra, file a motion for summary judgment in the Northern District of California to strike down the Navigable Waters Protection Rule. On December 15, 2020 seventy-four Democratic members of Congress file an amicus brief supporting the motion for summary judgment in the litigation filed by a coalition of environmental groups, led by the Conservation Law Foundation. Additional guidance for implementing the rule is expected in the next few months.

Waters Wars Litigation Update

The Supreme Court issued an order on December 31, 2020 setting oral arguments for February 22, 2021.

Reservoir Land – A complete summary of the approximately 430.21 acres owned by the Authority was included in the memorandums dated September 8th, October 13th and November 10th, 2020 and can be provided again upon request. 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.



MEMORANDUM

TO: Middle Chattahoochee Regional Water and Sewer Authority
FROM: Mark Smith
DATE: December 31, 2020
RE: Preliminary Engineering for Water System Improvements-Progress Update

The following is a brief summary of the work that is in progress and/or has been completed to date:

General

1. Developed a preliminary list of data to be requested from each member city, City of Chattahoochee Hills, City of South Fulton, City of Atlanta, and Fulton County. The data request will be submitted to the Authority and/or each member city next week.

Raw Water Intake and Pumping Station

1. Two site visits to evaluate site conditions/topography.
2. Began developing/evaluating options for the type of raw water intake screen to be used.
3. Began developing/evaluating options for the type of raw water pumps to be used.

Water Treatment Facilities

1. Site visit to review topography and to begin developing layout for treatment facilities.

Finished Water Transmission Mains

1. Reviewed maps and visited/drove original pipeline routes.
2. Began evaluating potential interconnections with member cities, potential optional pipeline routes, and pipeline sizing.

Water Storage

1. Began reviewing topographical data to identify potential tank sites at higher elevations which could reduce/minimize the height and construction cost for the proposed storage tank.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S
RULES FOR PUBLIC WATER SYSTEMS TO IMPROVE WATER SUPPLY
EFFICIENCY, CHAPTER 391-3-33**

This is a second notice, to change the date for the Board of Natural Resources' consideration for adoption of the proposed rule amendments and to extend the public comment period. No changes have been made to the proposed rule amendments since the first notice issued on Nov. 16, 2020.

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes amendments to the Rules for Public Water Systems to Improve Water Supply Efficiency, Chapter 391-3-33. EPD proposes to amend Rule 391-3-33-.05 to make clear that public water systems serving at least 3,300 individuals that do not otherwise hold a water withdrawal permit (referred to as "purchased water systems") are required to demonstrate progress toward improving water supply efficiency when renewing their drinking water permit, and that the Director may take permitting action where such system fails to demonstrate progress

This notice, together with an exact copy of the proposed rule amendments, a synopsis, and statement of rationale of the proposed rule amendments, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed online at <https://epd.georgia.gov/chapter-391-3-33> or on Tuesdays between 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Watershed Protection Branch file room, 2 MLK Jr. Drive, SW, West Tower, Balcony, Suite 418, Atlanta, Georgia, 30334. To set an appointment, email askepd@dnr.ga.gov with your name, email and phone number and an associate will reach out to you. Copies may also be requested by contacting the Watershed Protection Branch at (404) 463-1511 or the Environmental Protection Division Director's Office at 1-888-373-5947.

Written comments are welcomed. In order to be included in EPD's summary to the Board of Natural Resources, **written comments should be received on or before February 5, 2021**. Written comments may be emailed to: EPDComments@dnr.ga.gov or sent via regular mail addressed to Branch Chief, Watershed Protection Branch; 2 MLK Jr. Drive, SW, Suite 1152, East Tower, Atlanta, Georgia, 30334. If you choose to e-mail your comments, please include the words "Rules for Water Supply Efficiency" in the subject line to help ensure that your comments will be forwarded to the correct staff.

The proposed rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 am on Tuesday, February 23, 2021. The meeting will

be open to the public and held via teleconference. In accordance with necessary safety precautions regarding the COVID-19 virus, members of the public may access the meeting online or by phone using the Zoom platform. The options for online or phone access will be posted on the Board's website under the "DNR Board Menu" header here: <https://gadnr.org/board> and distributed by e-mail to those who have signed up for notices from EPD regarding proposed rules.

The proposed rule amendments are proposed for adoption pursuant to authority contained in the O.C.G.A. Secs. 12-5-4, 12-5-4.1, 12-5-20 et seq., 12-5-90 et seq., and 12-5-170 et seq.

For more information, please contact Wei Zeng, Water Supply Program Manager, at (404) 463-2883 or wei.zeng@dnr.ga.gov.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S
RULES FOR SAFE DRINKING WATER, CHAPTER 391-3-5**

This is a second notice, to change the date for the Board of Natural Resources' consideration for adoption of the proposed rule amendments and to extend the public comment period. No changes have been made to the proposed rule amendments since the first notice issued on Nov. 16, 2020.

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes amendments to the Rules for Safe Drinking Water, Chapter 391-3-5. EPD proposes to amend provisions of twenty-five Rules in Chapter 391-3-5 to address three categories of amendments: those that address comments from the U.S. Environmental Protection Agency (EPA) and are needed to obtain final primacy approval of Georgia's drinking water rules; those that address state-only items that are not impacted by EPA's primacy review; and those that address general cleanup, including fixing typographical errors and updating the format of rule references throughout most of the Rules being amended.

EPA has reviewed and provided comments to EPD regarding eighteen Rules in this Chapter: Rules 391-3-5-.02, -.10, -.15, -.18, -.20, -.21, -.22, -.23, -.24, -.25, -.27, -.29, -.30, -.32, -.52, -.53, -.54 and -.55. The proposed amendments to these Rules address EPA's comments, which are related to seven prior federal rulemakings, and will ensure consistency between the federal rules and Georgia's rules. EPD is also updating Rule 391-3-5-.19 to incorporate a drinking water contaminant limit that was inadvertently missed. Proposed amendments to these nineteen rules are responsive to the directive in the Federal Safe Drinking Water Act, 40 CFR Part 142, which requires States to adopt new or revised federal regulations in order to maintain primacy (primary enforcement authority) over public drinking water systems. The Director of EPD certifies that the amendments of Rule 391-3-5 are required by 40 CFR Parts 141 and 142, and EPD is delegated by EPA to implement Sections 300f-j of the federal Safe Drinking Water Act.

This notice, together with an exact copy of the proposed rule amendments, a synopsis, and statement of rationale of the proposed rule amendments, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed online at <https://epd.georgia.gov/chapter-391-3-5-rules-safe-drinking-water> or on Tuesdays between 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Watershed Protection Branch file room, 2 MLK Jr. Drive, SW, West Tower, Balcony, Suite 418, Atlanta, Georgia, 30334. To set an appointment, email askepd@dnr.ga.gov with your name, email and phone number and an associate will reach out to you. Copies may also be requested by contacting the

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The proposed rule amendments are proposed for adoption pursuant to authority contained in the O.C.G.A. §§ 12-5-170 et seq.

For more information, please contact Manny Patel, Drinking Water Program Manager, at (404) 657-2044 or manny.patel@dnr.ga.gov.