

## **Comments regarding Water Policy in the State of Alabama**

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The Water Works and Sewer Board of Gadsden, Alabama is pleased to have the opportunity to provide the following comments for consideration as the Alabama Water Agencies Working Group prepares to address water supply issues in 2013.

We advocate that Water Policy in Alabama be developed utilizing the following considerations:

1. General Considerations
  - a. Water in Alabama belongs to the residents of Alabama.
  - b. Alabama has the right to reasonable (as defined by mutual agreement, laws, and regulations) water flows, water quantities, and water quality in rivers, streams, aquifers, and other water sources, that originate in neighboring States and flow into Alabama.
  - c. The State of Alabama has the responsibility to manage water resources on behalf of the residents of Alabama.
  - d. Water use in Alabama has been handled for decades in ways that go beyond the strict definition(s) of Riparian water use, and it is reasonable to implement a Regulated Riparian statutory and regulatory framework to govern existing and future water use(s) in the State.
  - e. Interbasin Transfers of water should be regulated by the State, not prohibited.
  - f. Public health and safety must be the “highest and best” use of water in Alabama.
  - g. Existing water uses in Alabama should be “grandfathered” into a new statutory/regulatory framework because no water shortage exists at this time (2012), other than during extraordinary drought conditions.
  - h. Day-to-day Surface Water, Ground Water, and Regional/Basin Water planning laws and regulations should not be based on drought conditions (which occur less than 5% of time).
  - i. Drought Planning and Response laws and regulations should be separate from the other aspects of water management.
  - j. Existing water uses should be legally protected upon conclusion of the development of the new statutory/regulatory framework.
  - k. Riparian rights unaffected by the new statutory/regulatory framework should be recognized as continuing to exist.
  - l. Separate laws and regulations should be developed for
    - i. Surface Water Withdrawals
    - ii. Ground Water Withdrawals
    - iii. Drought Response and Planning
    - iv. Regional/Basin-wide Water Use Planning.

2. Interstate Water Management
  - a. The Governor of Alabama should appoint a team of qualified individuals to enter into ongoing negotiations/discussions with Georgia, Florida, and if necessary, Tennessee and Mississippi regarding shared water resources and their future use.
3. Drought Policy
  - a. Drought Policy should be based on the fact that the existence of drought is regional, but the consequences of drought are highly localized based on the measures implemented by various communities to address water supply over a period of decades.
  - b. Alabama Drought Policy should be tailored to allow State agencies to mesh their efforts with the increasing use of the “U.S. Drought Monitor” by the Federal Government as they administer Federal resources during drought response situations.
  - c. Local water supply agencies should document Drought Planning and Response Procedures.
  - d. Drought Policy should continue to emphasize communication and cooperation, as existing Drought Policy does.
4. Surface Water Permitting
  - a. In addition to the General Considerations listed above, Surface Water Permitting for future water users will have to address Minimum Streamflows. Minimum Streamflows must be addressed on a case-by-case basis and be a result of solid scientific information and documentation. This item will require an enormous amount of work.
  - b. Agricultural uses should be protected, and a streamlined permitting process should be developed for Agricultural uses.
5. Ground Water Permitting
  - a. In addition to the General Considerations listed above, Ground Water Permitting for future water users will have to address Aquifer Capacity. Aquifer Capacity must be addressed on a case-by-case basis and be a result of solid scientific information and documentation.
  - b. Agricultural uses should be protected, and a streamlined permitting process should be developed for Agricultural uses.
6. Basin-wide Water Use Planning
  - a. Water Use Planning is primarily for future water use considerations.
  - b. Due to the current abundance of water resources (in non-drought situations), the other aspects of Water Policy in Alabama should be developed and implemented first (Surface Water Withdrawals, Ground Water Withdrawals, Drought Response and Planning).
7. Funding
  - a. Alabama must fund the efforts listed above at a State-wide level. Existing efforts in neighboring States give a good indication of the order of magnitude of funding that will be necessary to appropriately address these Water Policy issues. We cannot expect to address these issues appropriately without funding.

Lake Neely Henry Association Meeting

October 25, 2012

## **Water Statute and Regulation Development in Alabama**

### Gadsden Water Works and Sewer Board Comments

Hello, my name is Frank Eskridge and I am the General Manager of the Water Works and Sewer Board of Gadsden, Alabama.

I would like to thank the Lake Neely Henry Association for hosting this meeting, and providing this opportunity to comment on Alabama water policy. In addition to tonight's comments our organization will be providing more detailed written comment regarding water management policy directly to the Alabama Water Agencies Working Group prior to its November 1, 2012 deadline.

While the subject of water resource management encompasses many different fields of interest, my comments will focus on issues more specifically related to drinking water and wastewater treatment.

The Gadsden Water Works is a public utility which provides retail water and sewer service to the 38,000 residents, the businesses, and industries of Gadsden, and wholesale water service to nine (9) neighboring water districts in Etowah County. Therefore, the actual number of Etowah County residents drinking Gadsden Water Works water, either retail or wholesale, is close to the County population of 103,000.

The Gadsden Water Works operates the C.B. Collier Water Treatment Plant whose source is the Coosa River, just north of Gadsden, and the East and West Wastewater Treatment facilities south of town. The C.B. Collier Water Treatment Plant can produce a maximum of 24 MGD; the East Wastewater Treatment facility is

permitted for a maximum flow of just over 6 MGD, and the West Wastewater Treatment Plant is permitted for a maximum flow of just over 11 MGD. Over \$30 million of capital improvements are currently under construction at these water and wastewater treatment facilities in order to meet new Federal Requirements. Water and Sewer Rates have been increased for the customers of the GWW&SB over the last three years by approximately 40% in order to fund this construction. I say this only to point out that Gadsden is investing the treasure of its residents in the development of drinking water resources for public health and safety, and the enhancement of environmental protection for the benefit of the community.

We believe that the water resources of Alabama belong to the people of Alabama – because of this the Gadsden Water Works supports the development of appropriate statutory and regulatory frameworks for the management of water resources by the State of Alabama on behalf of the residents of Alabama. In general terms, we advocate that the State consider the protection of public health and safety to be the highest and best use of water in the State when prioritizing water uses.

As the State develops a regulated riparian statutory framework for the use of water resources in Alabama, we believe two primary benefits will result:

1. Alabama will have the tools in place to manage this resource as demands for water grow in the future; another benefit will be that existing uses will receive the legal standing they deserve.
2. Alabama's internal water management tools will enhance its ability to deal effectively with interstate water issues.

Regarding interstate water issues, of particular interest to residents of Etowah County, is the determination of the fair and equitable use of waters in the Coosa River, and its headwaters in the neighboring state of Georgia. Given the uncertainty regarding this interstate issue, it is understandable that residents of the Gadsden area are concerned about the potential for substantially reduced flows in the Coosa River which would cause the investment currently being made in water and wastewater treatment facilities to be less effective than intended.

Obviously, if flow in the Coosa is reduced, constituents in the water become more concentrated thereby making the treatment of water for drinking water purposes more difficult. Conversely, reduced flows in the Coosa would also make it more difficult to meet water quality requirements when releasing treated wastewater effluent into the River. As I mentioned earlier, the residents of the Gadsden area are making an enormous investment in drinking water for public health, public safety, and economic development – they are also making a similar investment to protect the environment. The people of the Gadsden area are “putting their money where their mouth is”, and we are counting on the State of Alabama to protect our interests.

Thank you for this opportunity to comment. Please call on us at the Gadsden Water Works if we can be of further assistance.