



GEORGIA'S
2016 DIRTY DOZEN



GEORGIA
WATER
COALITION

2016's Worst Offenses Against GEORGIA'S WATER

GEORGIA WATER COALITION'S DIRTY DOZEN 2016

Call to Action

Georgia Water Coalition's "Dirty Dozen" highlights the worst offenses and greatest threats to Georgia's water and its people. It is not a list of the state's most polluted water bodies, nor is the list arranged in any specific order.

Instead, the Dirty Dozen shines a spotlight on ongoing pollution problems, pending threats to Georgia's water as well as state and federal policies and failures that ultimately harm—or could harm—Georgia property owners, downstream communities, fish and wildlife, hunters and anglers, and boaters and swimmers.

The issues run the gamut, from chronic sewage overflows that threaten the health of DeKalb County residents to a proposed rocket launching facility in Camden County that could harm tourism on the coast's famed Cumberland Island. From bureaucratic malaise that fails to enforce stream protections to legislative deception that takes money from important clean community programs, the issues outlined in this report represent an opportunity for Georgia's 10 million residents and its leaders to take action to ensure the state's future generations have enough clean water to grow and prosper.

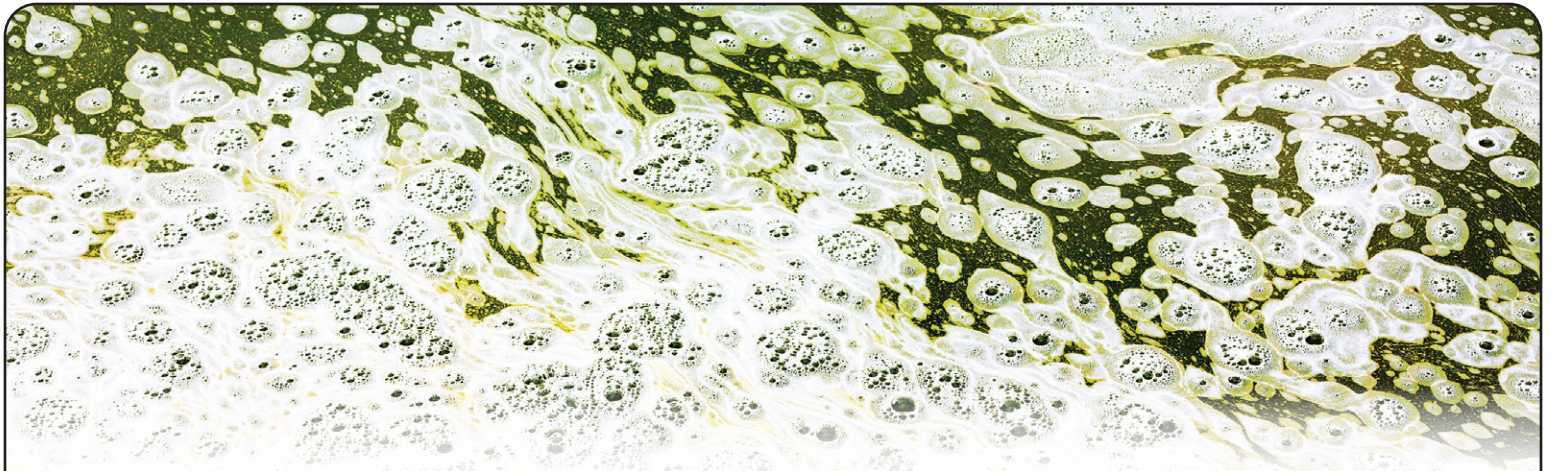
To address most of the issues highlighted in the report, action is required by the Georgia General Assembly and Gov. Nathan Deal. This report is a plea—to these state leaders and the citizens they represent—to tackle these important issues.

In Northwest Georgia, communities worry about the potential for natural gas drilling and fracking that could contaminate their well water and their rivers. They are asking legislators to update a 40-year-old law that currently fails to offer adequate protections.

Likewise, near Juliette in Middle Georgia, residents have found cancer-causing hexavalent chromium in their well water and suspect that the toxin is leaching from coal ash ponds at Georgia Power Co.'s Plant Scherer. They, like many others across the state, are calling on the General Assembly to pass stronger rules on how coal ash from power plants is disposed.

And, all across the state, citizens are perplexed by the all-too-often failure of Georgia's Environmental Protection Division (EPD) to actually protect the environment. Hamstrung by a state budget that chronically underfunds the agency, it cannot complete the work necessary to protect local communities.





Despite the fact that during the past decade Georgia has welcomed more than one million new residents, overall state funding for EPD in 2016 is \$1 million less than the \$31 million the legislature provided the agency in 2005.

As a result, more than 27 percent of the major permits regulating what industries and municipal sewage treatment plants can discharge to our state's rivers, lakes and streams are out of date. A program implemented in 2003 to hire EPD inspectors to ensure that construction sites were not polluting rivers and streams with mud and dirt remains largely unfunded. The program was expected to provide enough money to hire 80 state inspectors. There are less than 10 on payroll today.

State leaders have done even worse when it comes to allocating the fees citizens pay to protect the environment. The Solid Waste and Hazardous Waste Trust Funds are generated when we purchase new tires or dump trash at the local landfill. Since the early 1990s when these fees were enacted, they have created nearly \$500 million in state revenue. Sadly, legislators have used nearly \$200 million of that to fund other portions of the state budget, leaving local communities with mosquito-infested tire dumps and toxic waste sites awaiting cleanups.

Beyond appropriations, legislative inaction remains a significant contributing factor to the problems and threats highlighted in this report.

At a time when the purity of the state's groundwater faces unprecedented threats, during the past two years, the General Assembly has actually weakened protections for the state's well water, allowing a moratorium on the controversial practice of aquifer storage and recovery to expire. Meanwhile, the efforts of some legislators to enact comprehensive groundwater protections have been stonewalled.

Likewise, in the wake of a 2015 Georgia Supreme Court ruling, legislative efforts to ensure that all of Georgia's rivers and streams are protected by a natural buffer to keep pollutants out have thus far failed, in part because EPD remains reluctant to enforce this most basic of water protections.

In October, this reluctance to fully protect the state's water and the people that depend upon it manifested itself when the Department of Natural Resources Board adopted rules on the disposal of coal ash from power plants that, among other things, allow coal ash to be stored in unlined ponds that can leach toxic contaminants into groundwater. It is not surprising then that four of the Dirty Dozen are problems stemming from coal ash disposal and coal-fired power plants.

The Georgia Water Coalition publishes this list as a call to action for our state's leaders and its citizens to correct ongoing pollution problems, address pending threats to our water and ensure that programs to keep our communities clean and safe are properly funded.

The Georgia Water Coalition is a consortium of 236 conservation and environmental organizations, hunting and fishing groups, businesses, and faith-based organizations that have been working to protect Georgia's water since 2002. Collectively, these organizations represent more than 250,000 Georgians.





2016's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S WELL WATER

Coal Ash Disposal at Landfill Threatens Well Water

INTRODUCTION:

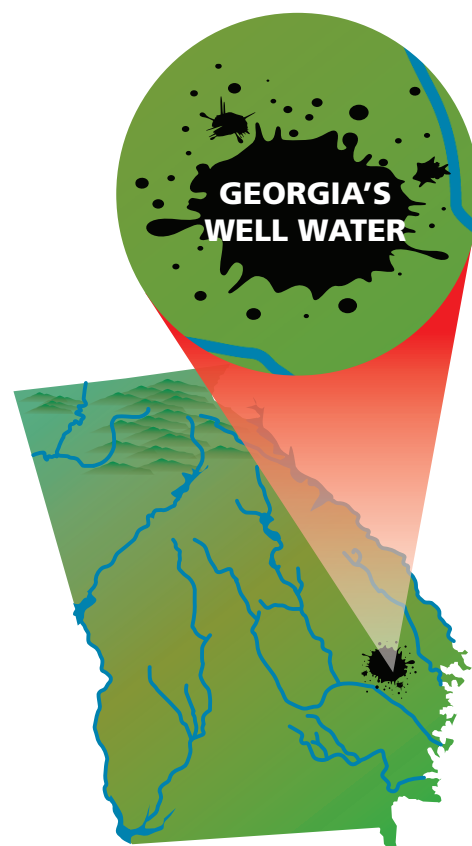
Flipping on a light switch in Georgia is a toxic act. That's because about 30 percent of the state's electricity comes from burning coal, a process that produces an ash containing arsenic, mercury, lead, selenium and other cancer-causing toxins. Nationwide some 140 million tons of coal ash is produced by power plants each year; that waste must be disposed of somewhere. In Georgia, state regulations allow that "somewhere" to be in community landfills ill prepared to manage this toxic waste. Earlier this year, it was discovered that the Broadhurst landfill near Jesup had been accepting coal ash for years and that groundwater—the source of drinking water for some nearby residents—has been contaminated with toxins linked to coal ash. Unless Georgia strengthens regulations for disposing of coal ash, residents near other landfills may face similar fates.

THE WATER BODY:

Beneath and beside Wayne County's Broadhurst landfill are critical water resources. Local residents get their drinking water from numerous underground sources including the Floridan aquifer, a vast underground pool of water that stretches from South Carolina to Mississippi and under the Broadhurst landfill. Jesup, Valdosta, Moultrie, Cairo, Brunswick, Savannah and a host of other communities get their drinking water from this same supply. Adjacent to the landfill is Little Penholloway Creek, a beautiful tributary of Georgia's largest river, the Altamaha, that feeds Georgia's Golden Isles.

THE DIRT:

Last month, Georgia's Department of Natural Resources Board adopted new coal ash disposal rules that leave Georgia communities at risk to exposure to coal ash toxins. The rules provide for the dumping of coal ash at municipal landfills. For the people of Jesup and Wayne County that means accepting as much as 10,000 tons of ash daily to the Broadhurst landfill where it has already polluted groundwater, threatening the Floridan aquifer, the drinking water source for much of South Georgia, as well as other groundwater sources used by local residents.





While Georgia's Environmental Protection Division (EPD) could have adopted rules prohibiting disposal of coal ash at municipal solid waste landfills—the safest decision for Georgia's citizens and their water supplies—instead the agency chose a riskier option that benefits coal ash producers and landfill operators.

Georgia Power Co., the state's largest energy producer, estimates that it has some 80 million tons of ash sitting at its production facilities. Of that, it expects to ship some 8 million tons to landfills across the state. Add that to coal ash that may be imported from out-of-state facilities, and you have a toxic waste disposal problem of epic proportions.

The U.S. Environmental Protection Agency has determined that prolonged exposure to the toxins contained in coal ash can cause a host of health problems from cancer and lung disease to reproductive problems and birth defects.

At Broadhurst the matter is compounded by plans to fill some 25 acres of wetlands for a train terminal to haul in boxcar loads of the toxic waste. These wetlands provide a buffer for nearby waterways and help keep Penholloway Creek and the Altamaha River clean.

WHAT MUST BE DONE:

Because Georgia's executive branch and its Environmental Protection Division have failed to adopt rules that protect local communities from the risks associated with coal ash, Georgia's legislature must take up this issue and adopt laws that prevent coal ash from being disposed at ill-equipped municipal landfills. Legislation should address siting, handling, and monitoring requirements necessary for the safe storage of coal ash in landfill facilities in Georgia.



Top: Groundwater beneath the Broadhurst landfill near Jesup, where coal ash has already been placed, has been shown to be contaminated with toxins associated with coal ash. State rules adopted last month will allow municipal landfills to accept coal ash waste. Above Left: Beautiful blackwater streams feeding the Altamaha River are at risk due to encroachment on wetlands at the Broadhurst landfill near Jesup. Above: Under recently adopted state rules, power companies will be able to remove coal ash from waste ponds like these and dispose of it at municipal landfills.



For More Information Contact:

Peggy Riggins, No Ash At All, 912-427-7881, peggyharperriggins@gmail.com

2016's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S GROUNDWATER

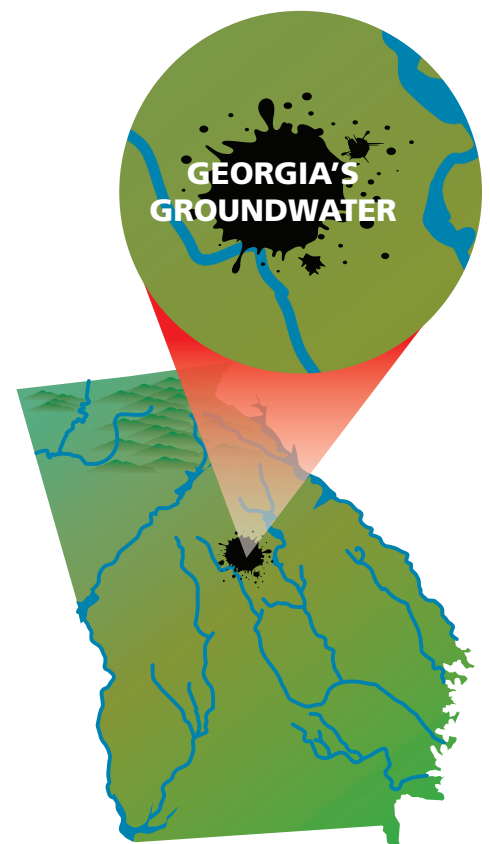
While Toxins Seep Into Our Well Water, Protections Remain Lax

INTRODUCTION:

Hexavalent chromium, radionuclides, beryllium, arsenic...this witch's brew of toxins is not supposed to show up in our drinking water, but that's exactly where you'll find it in places like Juliette, Waycross, Jesup and Cairo where residents fear that spikes in cancer among neighbors are linked to the very water they depend upon for their life. Unfortunately, when it comes to tracking the causes of well water contamination there are too often more questions than answers and too few laws to provide at-risk residents with any recourse. During the past two years, concerned legislators have tried to improve state laws to protect our well water sources. A comprehensive bill to update groundwater protections was adopted by the Senate during the 2015 session, but during this year's session, that measure died in the House Natural Resources Committee, replaced by a resolution merely asking Georgia's Environmental Protection Division to review current groundwater protections, the legislative equivalent of passing the buck.

THE WATER BODY:

About 20 percent of the water used in Georgia homes and businesses is pumped from wells tapping our state's underground aquifers. Communities from the mountains to the coast depend on these pristine sources that require little disinfection and treatment to make drinkable. This is especially true in coastal and south Georgia where most residents get their drinking water from the Floridan aquifer. This massive underground system spreads beneath 100,000 square miles of land from South Carolina to Mississippi and south into Florida. Valdosta, Moultrie, Cairo, Brunswick, Savannah and a host of other communities get some or all of their drinking water from the Floridan. It supplies paper plants in Jesup and power plants in Baxley; in Southwest Georgia, it irrigates more than a million acres of crops each summer. A workhorse for farms and factories, it is also responsible for some of our state's most breathtakingly beautiful places as it bubbles to the surface creating "blue holes" like Radium Springs in Albany—considered one of Georgia's Seven Natural Wonders.





THE DIRT:

Earlier this year, residents near Georgia Power Co.'s Plant Scherer, a coal-fired power plant in Juliette, made an alarming discovery: cancer-causing hexavalent chromium in their well water. These residents live adjacent to one of the plant's unlined coal ash ponds where tons of this residual coal is stored. Around the country at other power plants, hexavalent chromium is routinely documented in groundwater near these ponds. In Juliette, residents are perplexed. Thus far, Georgia's Environmental Protection Division (EPD) has not stepped in to conduct additional testing or force Georgia Power to do so, nor has the state notified area residents of the potential risk. Meanwhile the power company has recently begun seeking to purchase property surrounding the ash pond.

Juliette residents are not alone in their dilemma. Residents of Waycross and Ware County in recent years have fought a battle to bring attention to a "cancer cluster" and well water contamination in their community. The answers have been few and corrective action limited.

Despite these examples, Georgia leaders have been weakening well water protections rather than strengthening them. In 2014, Gov. Nathan Deal and legislators failed to renew a moratorium on the controversial practice of aquifer storage and recovery—a water supply scheme that has caused well water contamination elsewhere. In 2015, legislators introduced SB 36, a bill that would require the Department of Natural Resources to implement rules protecting the state's groundwater. The bill passed the Senate, but earlier this year it died in the House, replaced instead by a resolution merely asking EPD to look at the state's current groundwater regulations.

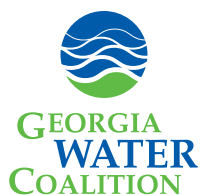
The examples in Juliette and Waycross, however, do underline one harsh reality of groundwater pollution. Tracking sources is difficult and once contaminated, it is extremely difficult to remedy.

WHAT MUST BE DONE:

Georgia's existing laws do not provide adequate protections for groundwater and the nearly three million Georgians that depend upon it for their drinking water. The Georgia General Assembly should rectify this by passing comprehensive groundwater protection legislation that gives EPD the ability and the resources it needs to prevent contamination, to hold polluters accountable, and to inform the public about real and possible contamination.



Top: Residents near Plant Scherer in Juliette fear that the facility's coal ash ponds shown in this photo may be leaching toxins into their well water. Above: Altamaha Riverkeeper collects a sample from a private well near Plant Scherer. The tests showed high levels of hexavalent chromium, a cancer-causing toxin associated with coal ash waste.



For More Information Contact:

Emily Markesteyn, Ogeechee Riverkeeper,
866-942-6222, Ext. 1,
Emily@ogeecheeriverkeeper.org



2016's Worst Offenses Against GEORGIA'S WATER

SOUTH RIVER

Dekalb County's Aging Sewers Pollute Urban River

INTRODUCTION:

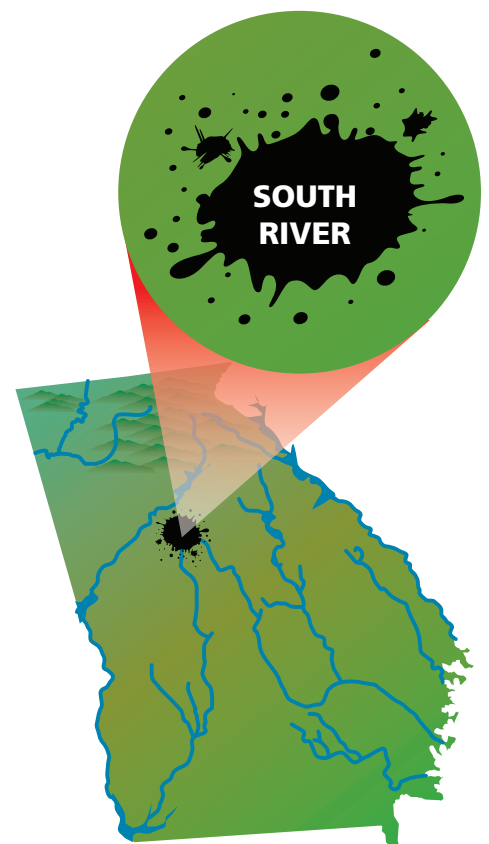
In DeKalb County when it rains—and often times even when it doesn't—it pours sewage into neighborhood streams that feed the South River. That's because the county's aging sewer system, long in need of repairs and pipe replacements, is broken, and the authorities charged with fixing the problems have largely been ineffective. Since 2010, when the county entered into an agreement with the U.S. Environmental Protection Agency and Georgia's Environmental Protection Division to embark on \$1.3 billion in sewer improvements, progress has been slow in coming. Between 2012 and 2015, DeKalb residents were exposed to more than 500 sewage spills that polluted neighborhood streets, backyards, creeks and the South and Chattahoochee rivers. The stress on the system is such that earlier this year, the county sent letters to builders informing them that their projects may be in jeopardy because the system cannot handle the additional sewage.

THE WATER BODY:

Historically, the South River has been abused by the City of Atlanta and DeKalb County. Beginning with the piping of the river's headwaters to create Atlanta's first "sewer" around 1880, the South River has borne a significant portion of the region's sewage discharges. Yet, despite previous neglect, and as the battle against pollution continues, the South River remains a resilient gem. Flowing more than 60 miles through Fulton, DeKalb, Rockdale, Henry, Newton and Butts counties, it is making a remarkable comeback led by the South River Watershed Alliance which is leading an effort to create the South River Water Trail. The trail opens up the river to recreational paddlers and offers them a scenic route through the heart of the Arabia Mountain National Heritage Area.

THE DIRT:

In 2010 after years of unfettered sewage spills that fouled the South River and streams feeding it, DeKalb County entered into a court-ordered consent decree with state and federal environmental regulators that was supposed to eliminate chronic sewage overflows caused most often when rain water infiltrates and overwhelms sanitary sewer pipes. The consent decree included a pledge of \$1.3





billion to address the causes of more than 1,000 spills that occurred throughout the county over a period of five years beginning in 2006.

Now, six years into the consent decree, progress has been slow. In 2012, more than 790,000 gallons of sewage made its way into the county's creeks. Three years later, the amount of sewage entering creeks more than doubled to 1.9 million gallons. Between 2012 and 2015, the county reported 561 spills. In the first half of this year, the county has already reported 71 spills. Unfortunately, the consent decree does not set any milestones for reducing sewage spills; nor does it include penalties for failing to reduce their frequency and volume.



Top: Though the headwaters of the South River in Perkerson Park are picturesque, downstream sewage overflows foul the river. Above right: Discharge from a sanitary sewer overflow covers vegetation near Snapfinger Creek. Above: Sewage and stormwater spill from a manhole cover in DeKalb County following a heavy rain. Sewage spills are more common after rain events because the stormwater infiltrates old sewer lines causing the pipes to overflow.

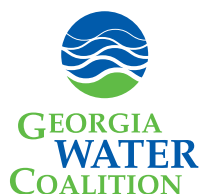
The situation has gotten so dire that the county is considering putting the halt to proposed mix-use and retail developments because the system cannot handle the additional volume of sewage.

Additionally, some \$190 million in upgrades at the county's Snapfinger Wastewater Treatment Plant, which began in 2012, have been plagued by construction delays and disputes with neighbors. The project is now slated for completion in 2018.

More recently political infighting among elected county officials has further muddled the effort to get the county's wastewater house in order.

WHAT MUST BE DONE:

To bring about the full restoration of the South River and the streams feeding it, DeKalb leaders must make fixing the county's sewer system a top priority. Federal and state regulators must set specific goals and enforce penalties for the county's failure to achieve these goals in a timely manner.



For More Information Contact:

Jackie Echols, South River
Watershed Alliance, 404-285-3756,
southriverwatershedalliance@gmail.com

2016's Worst Offenses Against GEORGIA'S WATER

COOSA RIVER

Coal-fired Power Plant Dumps Toxins in River

INTRODUCTION:

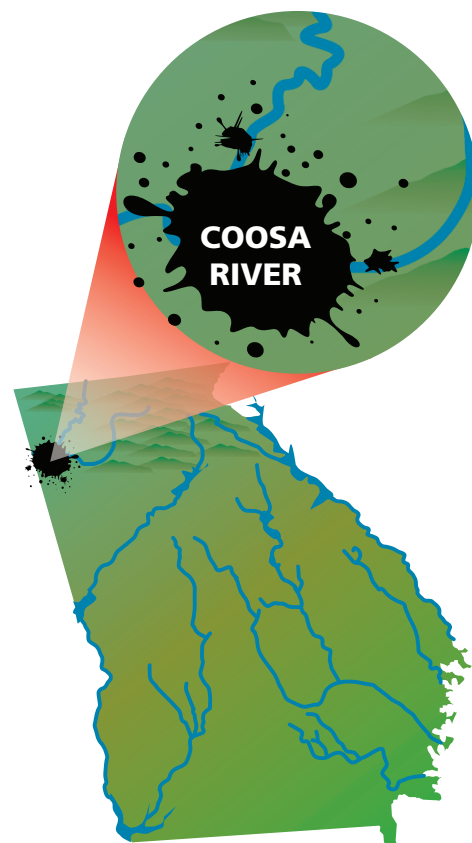
Burning coal is dirty business. No where is that more evident than at Georgia Power Co.'s 60-year-old Plant Hammond on the Coosa River west of Rome. For years, the coal-fired power plant has dumped toxic pollutants including mercury, arsenic and lead into the river. Recently adopted federal regulations would finally address this pollution, but thus far Georgia's Environmental Protection Division (EPD), charged with enforcing the regulations, has failed to force changes. In fact, EPD has known since 2004 that pollution from Plant Hammond was causing problems for the Coosa, but a cleanup plan first proposed that same year has still not been implemented. Instead, Plant Hammond, like four other coal-fired power plants in Georgia, operates under a long-expired and outdated permit that fails to set limits for toxic pollutant discharges. The last time EPD updated Plant Hammond's permit George W. Bush was still our president.

THE RIVER:

The upper Coosa River basin is considered North America's most biologically unique river basin with 30 endemic aquatic species, and the Coosa River in particular is unique because it is one of only a handful of locations in the country where land-locked striped bass still spawn. The Coosa River in Georgia also feeds Weiss Lake in Alabama, a 30,200-acre Alabama Power reservoir that is the economic calling card for Centre, Alabama and Cherokee County. Tourism associated with the lake is the county's primary industry, with an economic impact of \$250 million annually. More than 450,000 people visit the lake each year and some 4,132 lake-related jobs generate more than \$36 million in wages.

THE DIRT:

Nationwide, coal-fired power plants dump an estimated 1.8 billion pounds of toxic metals into rivers, lakes and streams. Collectively, the nation's coal-fired power plants are responsible for about 30 percent of toxic water pollutants discharged to our country's waterways.





At Plant Hammond and similar facilities, the pollution comes from the waste byproduct of the coal combustion process, gypsum scrubbers that work to reduce toxins from smokestacks as well as wastewater used to wash out boilers and treat coal ash waste. This toxin-laced water is discharged to large ash ponds at the facility and then released to the Coosa.

It is likely that mercury, arsenic, lead and other toxic pollutants are included in this discharge, but because the 9-year-old permit doesn't require monitoring for these toxins, no one knows exactly what's being dumped in the river.

In 2012 when Plant Hammond's permit was up for its five-year renewal as required by law, rather than conducting a thorough review, EPD "administratively extended" it with no changes. Sadly, that has been a common trend at the perpetually underfunded and understaffed agency. More than 27 percent of major Clean Water Act permits for industries and municipalities discharging pollutants to our state's rivers are out of date, including permits of four other coal-fired power plants like Hammond.

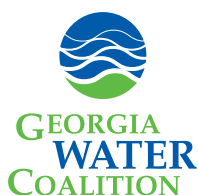
New federal guidelines known as Effluent Limitation Guidelines (ELGs) adopted in 2015 seek to eliminate 90 percent of the toxic waste discharged to waterways at coal-fired power plants, but in Georgia, EPD has been slow to act on the new requirements. To date, Plant Hammond still operates under the requirements of a permit last reviewed and updated in 2007.

WHAT MUST BE DONE:

EPD must immediately begin the process of updating and renewing permits for Plant Hammond and four other coal-fired power plants with expired permits. These new permits should comply with federal deadlines to eliminate these toxic discharges to Georgia's rivers and streams.



Top: Georgia Power Co.'s Plant Hammond currently operates under an out-of-date permit that allows it to discharge water containing toxins to the Coosa River. Top left: Coal ash ponds adjacent to the Coosa hold toxin-laced water before it is discharged to the river. Above: The Coosa River winds from Plant Hammond to Weiss Lake in Alabama. The lake supports a tourism industry that is responsible for \$250 million in economic activity annually in Cherokee County.



For More Information Contact:

Amelia Shenstone, Southern Alliance for Clean Energy, 404-373-5832 Ext. 3, amelia@cleanenergy.org or Zack Fabish, Sierra Club, 202-675-7917, zachary.fabish@sierraclub.org

2016's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S PUBLIC HEALTH

Legislators Steal Funds Intended for Cleanup of Toxic Sites,
Mosquito-breeding Tire Dumps

INTRODUCTION:

When a private business takes your money and doesn't provide the services it promised, that's fraud. When the Georgia General Assembly does the same thing, it's simply business as usual. As a result, Georgia communities are now left with unaddressed toxic legacies and mosquito-infested tire dumps. Long ago, the General Assembly set up the Solid Waste Trust Fund and the Hazardous Waste Trust Fund to generate needed revenue to cleanup hazardous waste sites and illegal tire dumps and even fund community-based litter prevention and recycling programs. Since their inception in the early 1990s, these special fees that we pay when we purchase tires or dump a load of trash at our local landfill have generated nearly \$500 million in revenue. Unfortunately, legislators have diverted nearly \$200 million of that to other portions of the state budget, leaving a working list of more than 500 toxic waste sites, dozens of illegal tire dumps and underfunded local litter and pollution prevention programs.

THE WATER BODY:

With more than 70,000 miles of rivers and streams and vast reserves of groundwater, Georgia is blessed with abundant sources of drinking water, but those sources are at risk not only from ongoing pollution problems but from decades-old toxic waste sites and tire dumps that continue to leach contaminants into our well-water reserves and our waterways. These rivers and streams are a major part of the state's storied landscape that attracts millions of visitors annually. The Georgia Department of Natural Resources estimates that visitors to state parks and historic sites have a \$610 million impact on the state's economy annually.

THE DIRT:

When enacted in 1992, the Hazardous Waste Trust Fund (HWTF) and Solid Waste Trust Fund (SWTF) were intended to raise needed funds to cleanup hundreds of illegal tire dumps and sites containing hazardous waste that posed a threat to human health and the environment.





Since collections began in 1993, tipping fees that we pay at landfills and a \$4 fee imposed when we purchase a set of new tires have generated \$469 million for the state. Unfortunately, allocating those funds for their intended purposes is left to legislators. Of the \$469 million collected, about 40 percent (\$193 million) has been used to fund other portions of the state budget. In the 24-year history of the HWTF, there have been only four years in which legislators allocated funds equal to or greater than the amount collected. The SWTF has received its just rewards only three times in that same time period.

The theft of these funds has manifested itself in the glacial speed at which cleanups of hazardous waste sites and illegal tire dumps are completed. Currently, there are 533 sites on the state's Hazardous Site Inventory list. These sites are located in some 130 of Georgia's 159 counties and range from old landfills leaching toxins into groundwater to abandoned industrial sites with lead-laced soil in the midst of residential areas.

Meanwhile Georgia Environmental Protection Division (EPD) staff are currently monitoring activity at 85 tire dumps containing more than 200,000 tires that still need cleanups. A 2015 state audit of EPD's scrap tire program found that "it lacked methods to prevent new scrap tire dumps, to ensure dumps are cleaned up and to ensure that the state is collecting all scrap tire fees owed." These tire dumps are notorious breeding grounds for mosquitos—a concern heightened by the spread of the Zika virus.

Clean community projects that once received allocations from these funds have also seen those monies disappear, causing local litter prevention and recycling programs to be scaled back or eliminated.

In recent years, some legislators have introduced bills to prevent the looting of these and other fee-for-service programs. A measure adopted in 2013 would have reduced fees collected for these funds if the money collected was diverted. Though the measure passed, Gov. Nathan Deal signed it only with a provision that made the fee reduction non-binding. Thus, the looting—and polluting—has continued.

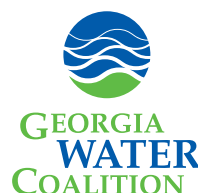
This year, legislators allocated only 57 percent of the total revenue generated by the HWTF and only 40 percent of revenue generated by the SWTF.

WHAT MUST BE DONE:

The Georgia constitution prevents legislators from "dedicating fees" for specific purposes, so while they can adopt laws creating fee programs like the SWTF and HWTF, it's up to them to allocate those funds accordingly in each budget cycle.

To restore honesty in government and ensure that fee-for-service programs are used for their intended purposes, the Georgia General Assembly should put the issue before voters as a constitutional amendment that would enable legislators to dedicate fees for the HWTF, SWTF and other fee-for-services programs that are habitually looted to fund other portions of the state budget.

Top: The state's Solid Waste Trust Fund was set up to eliminate illegal tire dumps like this one, but since its inception in the early 1990s, legislators have diverted about 40 percent of the funds generated for other purposes.



For More Information Contact:

Joe Cook, Coosa River Basin Initiative,
706-409-0128, jcook@coosa.org

2016's Worst Offenses Against GEORGIA'S WATER

NORTHWEST GEORGIA'S DRINKING WATER

Fracking for Natural Gas Fraught With Dangers Under Georgia's Outdated Regulations

INTRODUCTION:

In recent years in rural communities outside of Rome, Calhoun and Summerville, "wildcatters" a word normally associated with the oil fields of western states, has become part of the local vernacular. That's because these prospectors have their sights set on northwest Georgia's Conasauga Shale formation, a subterranean vault that state geologists believe may hold up to 625 trillion cubic feet of natural gas. They've been buying up mineral leases and even drilling wells in hopes that the local geology, gas prices and modern-day drilling techniques will create a natural gas boom in Northwest Georgia. Unfortunately, Georgia laws regulating fossil fuel extraction are more than 40 years old and fail to account for the hydraulic fracturing or "fracking" processes employed by modern-day drillers—processes that have devastated other communities by polluting wells and streams and even causing earthquakes.

THE WATER BODY:

About a half million people in an eight county area that sits atop the Conasauga shale formation depend upon the rivers and streams and underground aquifers of Northwest Georgia for their drinking water. The streams that drain the 5,000 square-mile upper Coosa River basin are home to 30 species of fish, mussels, snails and crayfish that are found no where else in the world, making this river system the most biologically unique in North America. The basin is home to 114 species of fish, 27 species of mussels, 24 species of snails and 18 species of crayfish, including 14 federally protected aquatic species. A treasure trove of biodiversity, it is also home to a thriving outdoor recreation economy, catering to boaters and anglers.

THE DIRT:

When local landowners attended a meeting earlier this year in the rural Floyd County community of Armuchee to learn about natural gas exploration in northwest Georgia, they had hoped they would hear that state and local regulations are in place to protect their farms and homes in the event of a natural gas boom.





They left that meeting exceedingly alarmed. Georgia's 1975 Oil and Gas and Deep Well Drilling Act provides little protection. Under this 40-year-old law, energy companies can apply for and receive a permit to drill from Georgia's Environmental Protection Division (EPD) in just 15 days. There is no requirement for the company to notify local governments or adjacent property owners and no opportunity for the public to comment on the proposed well.

State law allows some wells to be placed within 330 feet of a property line, home or church, and there are no requirements for well operators to monitor groundwater that may supply nearby homes or businesses. And, energy companies can take advantage of these lax regulations for pennies: the application fee to secure a permit is just \$25 (Alabama and Tennessee both charge \$500 or more for similar permits).

These weak regulations are most troubling because of modern-day drilling techniques, including directional drilling and hydraulic fracturing or "fracking" in which chemical-laced water is injected into a well to release natural gas held in shale formations. In other locales, fracking practices have caused contamination of well water and streams. Activities associated with fracking wells have also been linked to increased seismic activity and earthquakes. A 2015 U.S. Environmental Protection Agency study concluded that fracking wells have the potential to impact water resources, including contamination of drinking water wells.

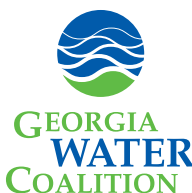
WHAT MUST BE DONE:

The Georgia General Assembly and Gov. Nathan Deal must act to update the 1975 Oil and Gas and Deep Well Drilling Act to provide stronger protections for rural communities facing the prospects of natural gas exploration.

This legislative update should incorporate stronger public notice and public comment requirements, include reasonable setbacks from property lines, homes, churches and businesses, require groundwater identification and monitoring around fracking wells, require the disclosure of chemicals being injected into fracking wells, mandate proper disposal of fracking fluids and update application fees and other requirements.



Top: Fracking activities could threaten both groundwater and surface water, including the Conasauga River, a popular recreation destination. Above: Drilling rigs like this one may be in the future for Northwest Georgia's landscape if energy companies are successful in extracting natural gas from the region's Conasauga Shale formation.



For More Information Contact:

Joe Cook, Coosa River Basin Initiative
706-409-0128, jcook@coosa.org



2016's Worst Offenses Against GEORGIA'S WATER

LAKE SINCLAIR

Future of Coal Ash Ponds Looms Over Oconee River Lake

INTRODUCTION:

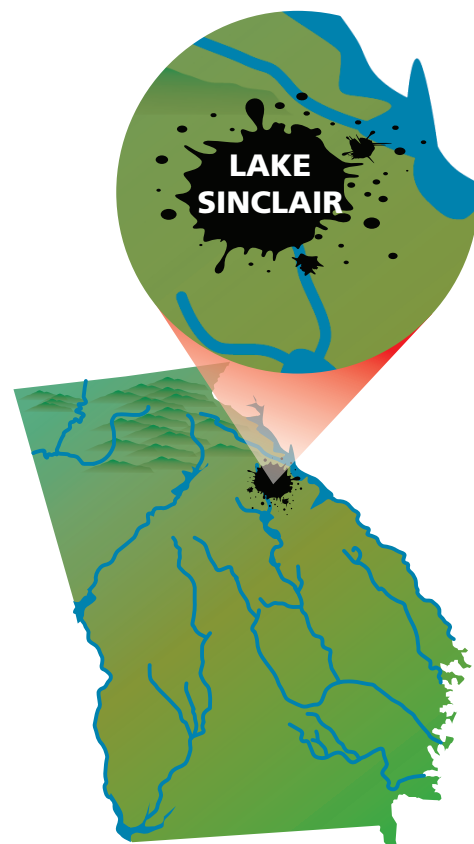
When Georgia Power Co. shuttered its electric turbines at Plant Harlee Branch on Lake Sinclair last year, it left behind a toxic legacy—15 million cubic yards of coal ash containing arsenic, mercury, lead, selenium and other cancer-causing toxins, the remains of some 50 years of burning coal to produce electricity at the facility. Today, the coal ash sits in four man-made ponds adjacent to Lake Sinclair awaiting a Georgia Power cleanup plan that will lead to toxins being dumped into the lake. The plan, which involves consolidating all the ash into one “super pond” would require dewatering the coal ash slurry and pumping the water into Lake Sinclair without first treating it to remove heavy metals and other contaminants. Meanwhile, the existing and unlined ash ponds continue to leach polluted water into the lake and groundwater beneath the retired plant.

THE WATER BODY:

A man-made reservoir on the Oconee River, Lake Sinclair has been a recreation hot spot in middle Georgia since the completion of Sinclair Dam in 1953. Covering 15,330 acres in Baldwin, Hancock and Putnam counties and offering up 417 miles of scenic shoreline, it is an economic driver for the region, supporting a \$77 million a year tourism economy in Baldwin County alone. The draw of the Oconee's water at Sinclair and its sister upstream, Lake Oconee, are such that local boosters have taken to promoting the region as “Georgia's Lake Country” where the wealthy and famous visit and live at tony resorts and communities like Reynolds Plantation, Harbor Club and The Sanctuary. The Oconee is part of Georgia's largest river basin, joining the Ocmulgee River downstream to form the Altamaha River which empties into the Atlantic Ocean near Darien.

THE DIRT:

In late December and early January when nearly 11 inches of rain fell on Baldwin County, Georgia Power faced a dilemma that highlighted the risks associated with putting massive coal-ash ponds adjacent to lakes and rivers. Branch's ponds were near overflowing from the deluge, forcing the company to begin pumping the polluted ash pond water directly to the lake in an effort to keep dams at the ponds from failing.





The precautions were taken with good reason. In 2008, a coal ash dike at a Tennessee power plant burst sending 5.4 million cubic yards of coal ash into the Emory and Clinch rivers; in 2014 a similar disaster in North Carolina fouled 70 miles of the Dan River.

While the pumping at Plant Branch kept the dams in tact, it did so at the expense of Lake Sinclair. Tests conducted by Altamaha Riverkeeper showed that the water from the ponds contained arsenic and other heavy metals. Now, Georgia Power's cleanup plan for the ponds involves dumping more of this polluted water into Lake Sinclair.

Three of the four ash ponds will be dewatered and the water, polluted with heavy metals, will then be pumped into the lake. The remaining coal ash will be consolidated into one unlined holding pond at the site where it will remain permanently with the potential to leach into nearby well water or the lake itself.

In a study published earlier this year, Duke University researchers reported finding coal ash contaminants ranging from arsenic to vanadium in groundwater beneath ash ponds and in surface water adjacent to ponds. Earlier this year, in tests conducted at its coal-fired power plants, Georgia Power itself discovered levels of arsenic in groundwater near ash ponds more than three times the state limit.

Despite this evidence of releases of toxins from ash ponds, Georgia's recently adopted rules for the disposal of coal ash allow the material to be stored in unlined ponds and do not require that water removed from the ash ponds be tested and treated for heavy metals and other contaminants before it is pumped into local rivers, streams and lakes.

WHAT MUST BE DONE:

Because Georgia's executive branch and its Environmental Protection Division have failed to adopt rules that protect local communities from the risks associated with coal ash, Georgia's legislature must take up this issue and adopt laws that require proper disposal and storage of coal ash as well as proper treatment of coal ash pond water.



Top: Coal ash ponds at Georgia Power Co.'s Plant Branch sit adjacent to Lake Sinclair. Above: Discolored water marks one of many locations where ground and surface water discharge from a coal ash pond at Plant Branch enters into Lake Sinclair. Chemical tests of this water conducted by Altamaha Riverkeeper revealed that it contained carcinogenic heavy metals.



For More Information Contact:

Jen Hilburn, Altamaha Riverkeeper,
912-441-3908,
www.altamahariverkeeper.org

2016's Worst Offenses Against GEORGIA'S WATER GEORGIA'S COAST

Oil Exploration Threatens Coastal Tourism, Devastates Wildlife

INTRODUCTION:

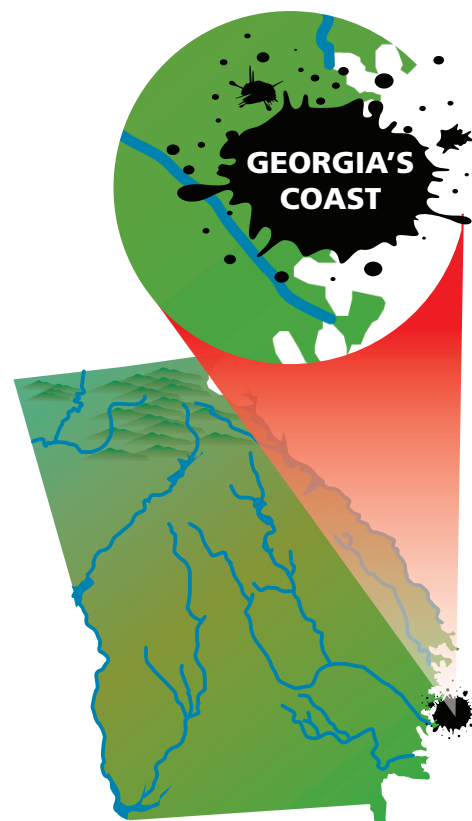
In response to opposition from coastal communities and other factors, earlier this year, the federal Bureau of Ocean Energy Management (BOEM) agreed to exclude the Atlantic Ocean from offshore oil and gas drilling until 2022. But, that good news for Georgia's tourism and fisheries dependent coastal economy has been tempered by BOEM's decision to continue to allow seismic testing by private companies searching for the now-off-limits-oil. These tests devastate marine fish and animals and can contribute to significant declines in economically-important commercial fisheries. Particularly caught in the cross hairs of seismic tests is Georgia's state marine mammal, the federally endangered North Atlantic right whale which gives birth to its young off the Georgia coast.

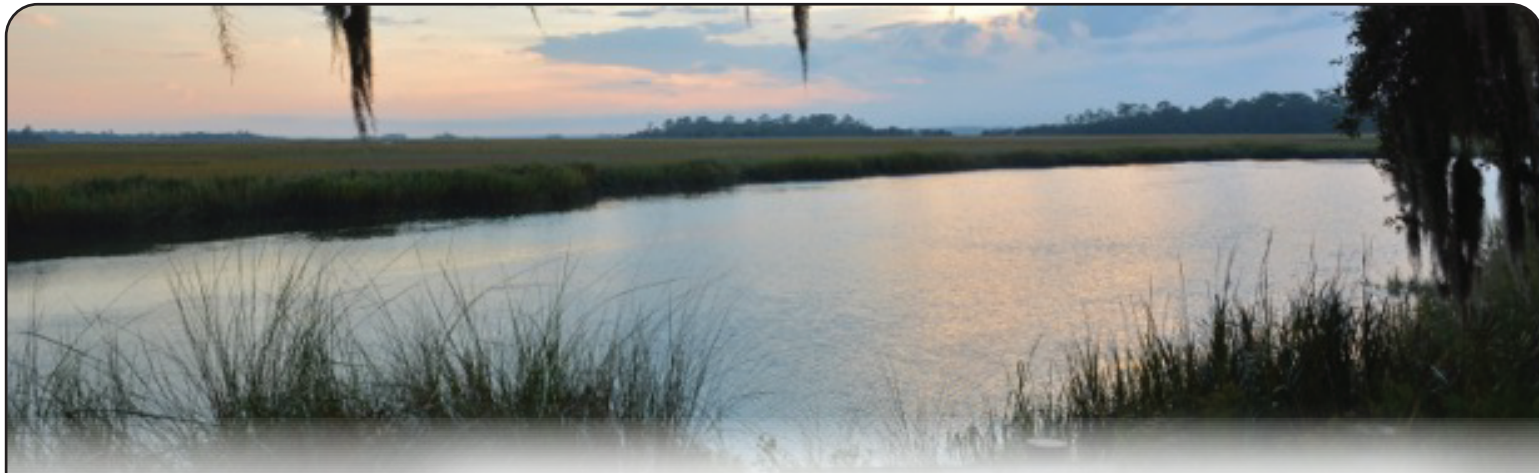
THE WATER:

Georgia's 100-mile coast is a destination. Home to some 650,000 residents, it hosts an estimated 15 million visitors annually, bound for the state's beautiful beaches and historic cities. These natural amenities support 24,000 tourism and fisheries jobs for Georgia citizens. Wildlife also flocks to the Georgia coast. Federally endangered North Atlantic right whales use Georgia's coastal waters as their birthing suite each winter, while threatened sea turtles clamber up the state's beaches to lay eggs during the spring and summer. Meanwhile from the sky, millions of migratory and shore birds refuel and refuge in the area's 368,000 acres of salt marsh. Recognized as a globally significant ecosystem, Georgia's coast is one of the state's signature calling cards.

THE DIRT:

Off-shore fossil fuel exploration and drilling poses a clear and present danger to Georgia's beaches and marshes, and by association, poses a clear and present danger to the coast's tourism industry. Local leaders recognize this connection and that's why during recent years, the cities of Brunswick, Hinesville, Kingsland, Savannah, St. Marys, Tybee Island and Porterdale, representing 250,000 residents, have adopted resolutions opposing offshore drilling and testing.





Yet despite this strong local opposition and BOEM's own decision to prohibit offshore drilling until 2022, the federal agency continues to consider issuing permits to allow private companies to conduct seismic testing to find oil and natural gas.

In this testing, air guns are used to blast sound down to the seabed to detect the location of oil and gas deposits. Those blasts can disturb marine wildlife more than 100 miles away. A 2014 environmental study by BOEM estimated that 138,000 marine animals will be harmed from seismic testing, resulting in disruptions to their migration, feeding or other behavioral patterns.

Most at risk is the federally endangered North Atlantic right whales which travel to Georgia's coast each winter to give birth. Scientists believe that fewer than 400 of these animals still exist, and whale experts have warned that seismic testing could lead to the extinction of these 40-foot-long, 150,000-pound mammals.

Seismic testing can also impact smaller marine mammals like dolphins as well as sea turtles and even commercially important fishes. In other areas where seismic testing has occurred, commercial catch rates have plummeted by as much as 80 percent. Such a decline could pose a serious threat to Georgia's \$1 billion seafood industry and the more than 7,000 jobs it provides.

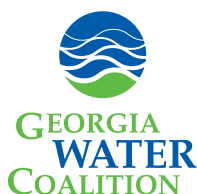
Most troubling for coastal communities, their elected representatives in Washington with oversight over BOEM decisions have failed to hear the cry to protect Georgia's coast. Despite widespread local opposition to offshore drilling and seismic testing, Senators Johnny Isakson and David Perdue and Rep. Buddy Carter continue to support big oil's push to open Georgia's coastal waters to oil exploration.

WHAT MUST BE DONE:

BOEM must cease considering permits to allow seismic testing on the Georgia coast. Citizens should contact their U.S. senators and representatives and insist that they join local leaders and their constituents in opposing seismic testing and offshore drilling.



Top: Some 15 million people visit the Georgia coast annually to enjoy the area's marshes, barrier islands and beaches. Top left: Iconic symbols of the Georgia coast, shrimp boats greet the dawn. Above: Federally endangered right whales give birth to their young each winter off the Georgia coast. Scientists believe that fewer than 400 right whales still exist.



For More Information Contact:

Jennette Gayer, Environment Georgia
404-370-1764, jennette@environmentgeorgia.org

2016's Worst Offenses Against GEORGIA'S WATER

CHATTAHOOCHEE RIVER

\$99 Million Nuclear Power Plant Study Squeezes Ratepayers, Water and Clean Energy

INTRODUCTION:

Earlier this year, the Georgia Public Service Commission, which regulates energy providers, dealt a blow to affordable clean energy when it agreed to allow Georgia Power Co. to spend \$99 million to study the feasibility of constructing a nuclear power plant on the Chattahoochee River in southwest Georgia's Stewart County. Such a facility would further stress the over-allocated river at the heart of a two-decade-old water war and produce radioactive waste for which our federal government has still not developed a permanent and safe disposal plan. What's worse, the \$99 million outlay will be born not by Georgia Power shareholders that stand to reap dividends from the proposed plant, but by Georgia Power customers who will see their electricity bills increase. Meanwhile, efforts to improve energy efficiency or expand emerging water-smart renewable energy sources like wind and solar have waned.

THE WATER BODY:

The longest and most utilized river in Georgia, the Chattahoochee courses 434 miles from the mountains of north Georgia to the peanut fields of southwest Georgia. Along the way, it provides drinking water for four million people, irrigates crops, carries away wastewater, feeds paper plants and provides the water for multiple fossil-fuel power plants and one Southern Company-owned nuclear power plant in Alabama. At the Florida state line, it joins the Flint River to form Florida's Apalachicola River which feeds Apalachicola Bay and supports a \$6.6 million local seafood industry. All told, the river and bay have a \$5 billion impact on the economy of Florida's Gulf Coast. Competing interests in Georgia, Alabama and Florida have embroiled the river in an ongoing, 26-year-old battle over water rights that caused the national river advocacy group, American Rivers, to name the Apalachicola-Chattahoochee-Flint river basin as the "most endangered river" in the country earlier this year.

THE DIRT:

In a state reeling from more than two decades of battle with neighboring states over the use of the Chattahoochee River, Georgia Power Co. wants to plop a water-guzzling, radioactive-waste-

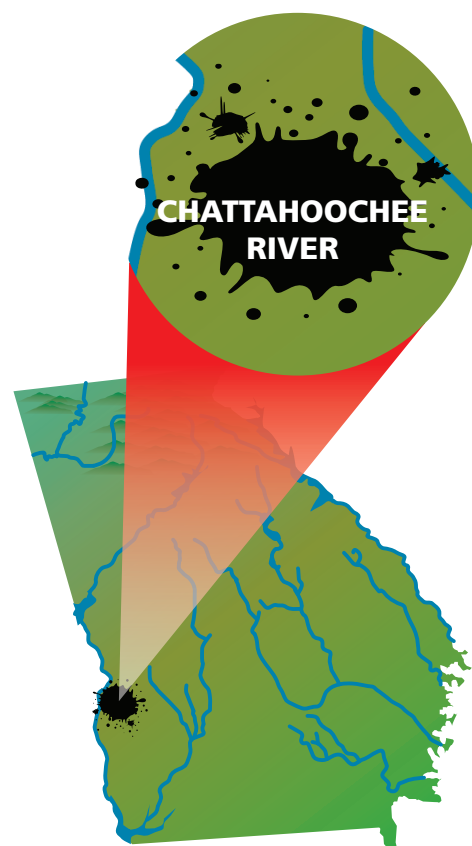




Photo courtesy of High Flyer

producing nuclear power plant along its banks in southwest Georgia and ask its ratepayers to foot the bill for speculative studies.

Recent history shows the company doesn't have a strong track record when it comes to building nuclear power plants on time and budget. Two reactors now under construction at the company's Plant Vogtle are billions of dollars over budget and more than three years behind schedule—cost overruns that are being paid by the utility's customers thanks to a state law that allows the company to charge its customers in advance for the financing costs associated with new nuclear projects.

Vogtle's nuclear reactors will permanently remove some 40 million gallons of water a day from the Savannah River; it is likely the Stewart County facility would have similar impacts to the Chattahoochee. In terms of water use, this is the equivalent of placing two cities nearly the size of Columbus on the banks of the river.

But, the impacts don't end with massive pumping of water from the river to cool nuclear reactors and provide the steam to turn electricity-generating turbines. The proposed plant would also discharge heated water to the Chattahoochee, impacting aquatic wildlife, and releases from the plant into nearby air, soil and water would include radioactive contaminants. Over the projected 60-year lifespan of the plant, it would generate 553,000 highly radioactive fuel rods requiring long-term safe storage and disposal. All this in one of the poorest counties in Georgia where more than 30 percent of the residents live below the poverty line.

Earlier this year, the Public Service Commission wisely required Georgia Power to increase its capacity from renewables like wind and solar, but these investments, as well as investments in energy efficiency projects, pale in comparison to the \$17-\$21 billion it will cost to get two new nuclear reactors operating at Plant Vogtle. The \$99 million dedicated just to study this speculative nuclear project is more than what Georgia Power spent on measures to reduce residential and commercial electricity use in 2015. That same investment could be used immediately to install more than 50 megawatts of new wind or solar generation.

WHAT MUST BE DONE:

Georgia Power should abandon consideration of this project and instead dedicate funds to further develop clean energy alternatives.

The Public Service Commission should require Georgia Power to make public the amount of water that will be used by the facility, how that water use compares to other energy choices and how the facility might impact the ongoing tri-state water conflict. Furthermore, the PSC should mandate that Georgia Power implement water-saving cooling technologies that would reduce the facility's impact on the Chattahoochee and consider the cumulative impacts of the company's fossil-fuel powered facilities along the full length of the Chattahoochee.

Finally, the Georgia General Assembly should repeal or amend the Georgia Nuclear Energy Financing Act so that Georgia Power can no longer force its customers to pay the costs associated with planning and building new nuclear power plants.



For More Information Contact:

Jennette Gayer, Environment Georgia, 404-370-1764, jennette@environmentgeorgia.org
 Jason Ulseth, Chattahoochee Riverkeeper, 404-352-9828, julseth@chattahoochee.org
 Sara Barczak, Southern Alliance for Clean Energy, 912-201-0354, sara@cleanenergy.org

2016's Worst Offenses Against GEORGIA'S WATER

CUMBERLAND ISLAND NATIONAL SEASHORE

Camden County Rocket Launching Project Threatens Coast,
Historic Barrier Island

INTRODUCTION:

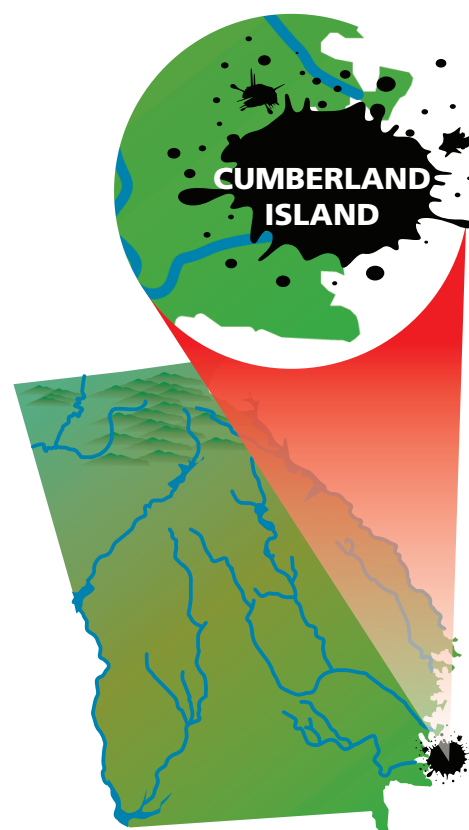
Imagine Cobb County Commissioners promoting and building a rocket launching facility next door to Six Flags Over Georgia that would force the popular theme park to periodically shutdown during launches. Of course, this would never happen. But, in Georgia's far southeastern coastal corner, Camden County Commissioners are proposing exactly that—a commercial "spaceport" adjacent to one of the county's most popular tourist destinations—Cumberland Island National Seashore. County Commissioners have already spent more than \$3 million and committed more than \$6 million in taxpayer funds for the project that would force periodic evacuations of the island and threaten the county's natural and historic treasures.

THE WATER BODY:

Georgia's coastline stretches 100 miles from Savannah to St. Marys and harbors 14 barrier islands, forming the backbone of the region's tourism industry that employs some 18,000 people and pumps \$2 billion into the Georgia economy each year. Shipping, military and commercial fishing industries employ tens of thousands more people who depend on safe, reliable access to our healthy ocean. Surrounding these barrier islands are the state's vast saltwater marshes that comprise 33 percent of the Atlantic coast's remaining marshlands. Cumberland Island, the southernmost and largest of Georgia's barrier islands, is a natural and historic treasure noted as a United Nations-sanctioned International Biosphere Reserve. With 9,800 acres of wilderness and 18 miles of undeveloped beaches, it is home to six federally protected migratory and shorebirds and serves as a nesting site for four species of sea turtles. The island also contains five historic districts and two archeological districts listed on the National Register of Historic Places. Each year, more than 60,000 people visit to enjoy the island's beauty and history and fish the productive waters around it.

THE DIRT:

In 2014 Camden County announced plans to build a commercial spaceport near the mouth of the Satilla River just inland from the northern tip of Cumberland Island. Since then, the county has committed more than \$6 million in taxpayer funds for land acquisition, studies and consultant fees.





Despite objections from local residents and the National Park Service, which manages Cumberland Island, Camden County Commissioners may spend an additional \$10 million to purchase more land for the project and millions more to build necessary infrastructure to make the project viable.

Unfortunately, rocket launches are not fail-proof. Unmanned rocket launches like those expected at Spaceport Camden are especially fraught with danger. Statistics from the Federal Aviation Administration reveal that on average, six percent of all rocket launches fail and most explosions occur within the first two minutes of launch. Unmanned vessels have a rate of failure that is ten times greater than that of manned vessels.

Most launches from the proposed spaceport would leave on trajectories taking them over Cumberland Island and the island's wilderness area with risks of fire, vibrations and falling debris. These risks could require as many as 12 evacuations annually of this popular tourist destination that can only be visited with reservations, many of which are made months and years in advance.

Other possible trajectories would result in launches over Jekyll Island, another popular tourist destination. In fact, Spaceport Camden would be the only facility of its kind in the country to launch over private property, a state park and a congressionally designated-wilderness area and national seashore park.

In addition to risks to Cumberland Island's visitors and wildlife, the proposed launch facility raises numerous other red flags for local residents. Construction of the facility is likely to encroach on wetlands and streams, while also impacting federally protected terrestrial wildlife like the gopher tortoise and indigo snake, as well as rare plants. Stormwater runoff from the launch facility could foul nearby waterways while soil and groundwater contamination associated with rocket launches is a possibility.

WHAT MUST BE DONE:

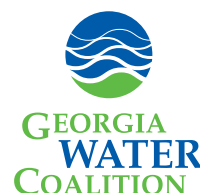
In initial comments to the Federal Aviation Administration (FAA) as part of the FAA's environmental impact statement, the National Park Service "strongly recommended the consideration of other alternative site locations" due to the spaceport's expected impacts to Cumberland Island and island visitors.

Camden County commissioners should follow the lead of the National Park Service and pull the plug on this expensive project that threatens the area's natural beauty and the vital tourism industry that it supports.

Barring action from the Camden County Commission, the FAA should deny the license for this project.



Top: Coastal Georgia's fishery, like the tourism industry, could be impacted by Spaceport Camden. Above: Cumberland Island and the marshes surrounding it attract more than 60,000 visitors each year, but Spaceport Camden could force evacuations of the island as many as 12 times annually.



For More Information Contact:

Megan Desrosiers, One Hundred Miles,
912-264-4111,
megan@OneHundredMiles.org

2016's Worst Offenses Against GEORGIA'S WATER

CHATTAHOOCHEE, FLINT, WITHLACOOCHEE RIVERS AND FLORIDAN AQUIFER

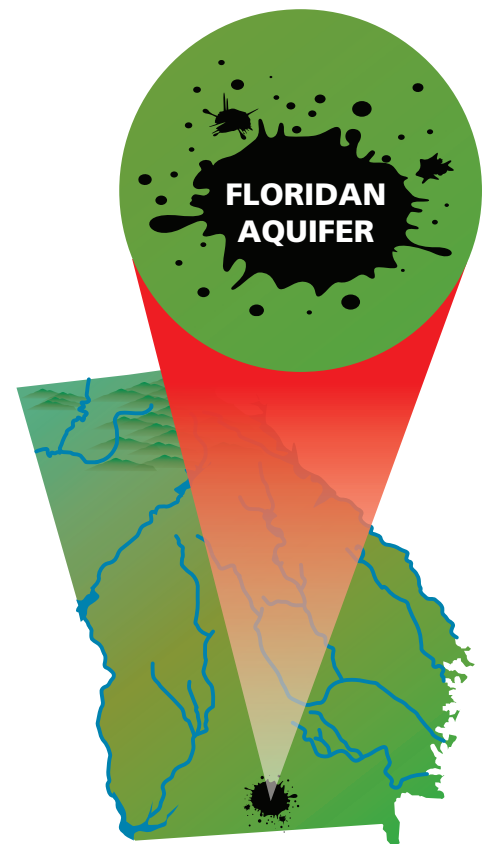
Gas pipeline company, federal agency run roughshod over state, local residents property rights

INTRODUCTION:

During the past several years, Georgia residents and their elected officials have learned the hard way that when it comes to stopping gas pipeline companies from taking your land against your will, there's little hope. In August, a Mitchell County family was forced to pay the builders of the controversial Sabal Trail pipeline through southwest Georgia \$47,000 in legal fees when they unsuccessfully fought to prevent Spectra Energy from taking their land through eminent domain. Georgia legislators met a similar fate. Earlier this year they voted to stop the Sabal Trail pipeline project by denying permission to drill underneath several Southwest Georgia rivers only to find the vote moot when pipeline builders threatened eminent domain proceedings against the state. Rather than fight, the Attorney General's office folded. Spectra Energy, with eminent domain power bestowed upon it by a federal agency, now is more powerful than Georgia itself, leaving surface and groundwater sources and residents along the Sabal Trail pipeline path at risk while providing no public benefit for Georgians.

THE WATER BODY:

The Sabal Trail pipeline's path across Southwest Georgia will require boring underground pipelines beneath the Withlacoochee, Flint and Chattahoochee rivers as well as numerous smaller streams, and along its length, it will course underground through the Floridan aquifer. The Floridan aquifer, a vast underground water system, is the region's most important water source, providing more than 600 million gallons a day to irrigate crops, run industries and supply homes and businesses with drinking water. The pipeline route runs through Stewart, Webster, Terrell, Lee, Dougherty, Mitchell, Colquitt, Lowndes and Brooks counties—a swath of land that is home to rare wildlife including the Georgia state reptile—the gopher tortoise—along with the federally protected indigo snake and red cockaded woodpecker. The area is also known as "Georgia's Breadbasket," the most productive orchard and row crop land found in the state.





THE DIRT:

Ordinarily, the power of eminent domain—the power to take a citizen's property against their will—is reserved to local, state and federal governments. Even when used by a private company, such as an electric utility, it can only be used if the project benefits the public as a whole. But in the case of natural gas pipelines, local and state governments are essentially powerless. The Federal Energy Regulatory Commission, after a review process, issues licenses to private companies to build transmission pipelines, thus bestowing upon them the power of eminent domain—often times with little regard for public benefit.

Despite the best efforts of Georgia legislators during the 2016 session, Spectra Energy is now using that power to plow a path under Georgia rivers, through the Floridan aquifer, across family farms that have operated for generations and in the middle of communities of working poor. The company has filed dozens of eminent domain lawsuits and ultimately will impact more than 1500 property owners along the 515-mile route through Alabama, Georgia and Florida.

The pipeline will carry fracked natural gas from as far away as Pennsylvania to Florida utility providers that continue to invest in fossil fuel-powered projects while ignoring the potential for solar power in the Sunshine State. The project will not provide any gas to Georgia residents, but will place the drinking water and the safety of those same residents at risk.

Spectra Energy wants to have the pipeline delivering gas in 2017, but the project still faces lawsuits recently filed by the Sierra Club, Gulf Restoration Network, Flint Riverkeeper and Chattahoochee Riverkeeper.

WHAT MUST BE DONE:

Whether the Sabal Trail pipeline is built or not, eminent domain reform is needed at the federal level. Georgia legislators should introduce and adopt a resolution urging Georgia's congressional delegation to reform the process by which the Federal Energy Regulatory Commission issues licenses for gas pipelines to provide greater protections for landowners. The fate of Georgians' property and their water and land resources should not be left to the whims of out-of-state power utilities and gas line operators.



Top: The Floridan aquifer gives rise to breathtakingly beautiful blue hole springs like this one along the Flint River. Top Left: Residents throughout Southwest Georgia have opposed the pipeline. The project will impact more than 1500 property owners along its 515-mile route through Alabama, Georgia and Florida. Above: Pipes are lined up prior to construction of the Sabal Trail gas pipeline in Southwest Georgia.



For More Information Contact:

Gordon Rogers, Flint Riverkeeper,
229-435-2241, gordon@flintriverkeeper.org
John Quarterman, WWALS Watershed Coalition,
229-242-0102, contact@wwals.net

2016's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S RIVERS, STREAM AND LAKES

Agency Charged With Protecting State's Water Thwarts Legislators' Efforts To Protect All Georgia Waterways with Natural Buffers

INTRODUCTION:

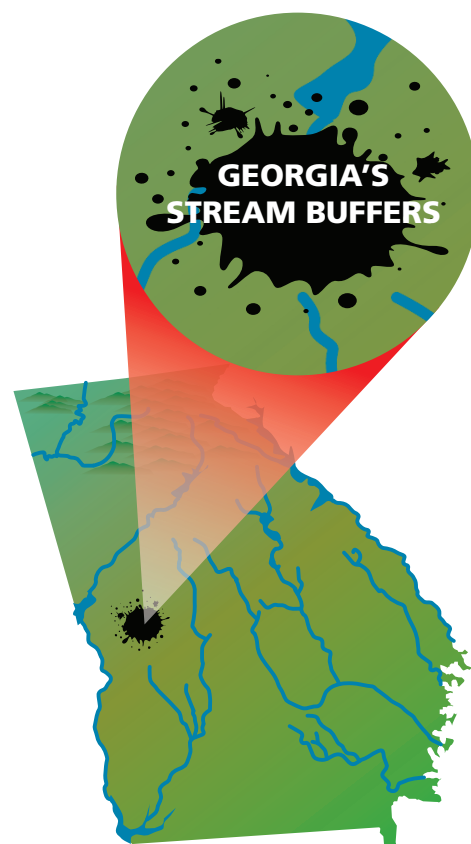
Georgians have long agreed that the state's rivers and streams should be protected by undisturbed natural vegetated buffers. The science is clear: natural areas along rivers, streams and lakes keep our water clean and cool, and protect downstream landowners and the value of their property. That's why the state has long prohibited land disturbance within these streamside buffer zones. Now imagine a place where one stretch of a stream is protected by state law, but another reach on that same stream is not. It seems incomprehensible, but that's exactly what's taking place at many locations thanks to the state's inequitable and confusing rules on determining streamside protection zones. During the 2016 legislative session, the very agency charged with protecting our streams actively opposed legislators' efforts to fix this problem.

THE WATER BODY:

Georgia's water is among the state's most critical natural resources. Our state is home to 70,150 miles of streams and rivers, 425,000 acres of lakes and reservoirs, 429,924 acres of coastal marshlands and 4.5 million acres of freshwater wetlands. These places harbor 265 species of fish and 165 species of freshwater mussels and snails. The state's rivers and streams fuel business, agriculture and industry, generate power and provide drinking water for Georgia's 10 million residents. Additionally, they provide those same citizens with places to boat, swim, fish, hunt and peacefully rest.

THE DIRT:

In 2015, the Georgia Supreme Court reversed lower court decisions and placed the protection of Georgia's rivers, streams and lakes in question. The high court limited the methods used by Georgia's Environmental Protection Division (EPD) to determine streamside protection zones or "buffers" to a single narrow test that protects only some of the state's shorelines—a ruling that runs contrary to the state law requiring all of Georgia's waterways to be protected.





At the heart of that test are two words: “wrested vegetation.” In North Georgia, where streams mostly flow fast and stream banks are clearly defined, there is almost always a point where vegetation has been “wrested.” From this point where no plant life grows along the edge of the water, the buffer can be easily measured.

On warm water streams the buffer is 25 feet, and on North Georgia’s coldwater trout streams the buffer is 50

feet. Unfortunately, many streams do not flow with enough velocity to create a clear point where vegetation has been wrested, making it difficult, if not impossible to measure the buffer. And, when it becomes difficult, EPD has now chosen simply not to enforce any buffer at all.

During the 2016 General Assembly session, legislators attempted to improve this law to protect all of Georgia’s streams—with or without “wrested vegetation,” but were met with stonewalling by EPD whose staffers contended they could make the wrested vegetation test “work.”

It appears the “working” solution is once again not to enforce buffers in certain cases. In directives issued by EPD this summer, the agency tells applicants seeking the agency’s permission to encroach on stream buffers that where there is no clear line of wrested vegetation, no permission is needed: i.e. feel free to bulldoze right up to the edge of the stream because at that location, there is officially no state protected buffer.

WHAT MUST BE DONE:

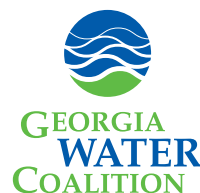
Georgia’s General Assembly must go back to the drawing board and introduce and adopt legislation that fixes an ambiguous and arbitrary law that leaves many of the state’s waterways without legal protection.

There are other proven ways to measure a buffer in the absence of wrested vegetation.

To protect all of Georgia’s streams and those citizens that own property along them, legislators must act and provide stream buffer definitions that protect all of the state’s waterways equally.



Top: Under the state’s current buffer rules, the side of the Oconee River with the sandbar would not be protected by a 25-foot buffer, but on the opposite bank where there is a clear line of “wrested vegetation” a 25-foot buffer would be enforced. Above left: Georgia’s Environmental Protection Division determined that this structure was not built within the state’s 25-foot buffer because on this sandbar there is no clear line of “wrested vegetation.” Above: Georgia’s stream buffer laws are intended to prevent scenes like this where cleared land erodes and spills sediment into our rivers.



For More Information Contact:

Chris Manganiello, Chattahoochee Riverkeeper, 404-352-9828, cmanganiello@chattahoochee.org

UPDATES FROM PREVIOUS DIRTY DOZEN REPORTS

2015 Bear Creek: Boondoggle Reservoir Dies

After 15 years of planning and spending more than \$20 million, the Newton County Commission last year walked away from its Bear Creek water supply reservoir and a \$21 million loan from Gov. Nathan Deal's water supply program. Up-to-date population projections showed that only about half of the projected 2050 county population of 400,000 could actually be expected. Meanwhile local residents organized and questioned the project's need and the ballooning price tag. The Newton County Water and Sewer Authority analyzed the project and determined there was "no urgency to build" the reservoir. With public pressure mounting, the Newton County commissioners voted to stop spending on the project. The Bear Creek project was one of five water supply projects—including the Glades Reservoir—that communities had pursued for decades but are no longer actively considering because they are not needed.

2015 Georgia's Coast: Offshore Drilling Threat Eliminated...For Now

Georgia's coastal communities and the businesses that rely on clean and healthy beaches and salt marshes scored a victory earlier this year when the federal Bureau of Ocean Energy Management decided to prohibit oil leases on the Atlantic coast through 2022. However, the decision, prompted by hundreds of letters from concerned citizens and businesses as well as resolutions adopted by local governments, does not prohibit seismic testing for oil and natural gas off the Georgia coast—a problem highlighted in this year's Dirty Dozen report.

2015 Altamaha River: Riverkeeper Wins Lawsuit Against State, Rayonier

After years of stonewalling by Georgia's Environmental Protection Division (EPD) and the Rayonier Advanced Materials pulp mill in Jesup, a lawsuit filed by Altamaha Riverkeeper has finally forced a cleanup of the mill's discharge to the Altamaha. A ruling handed down by a state administrative law judge in September forces EPD to issue a new permit for the plant that will reduce the odor and color of the more than 50 million gallons of waste that the plant discharges to the river daily.

2015 Little Satilla and Penholloway Creek: Company strips down plan for strip mine

A coalition of environmental groups teamed up with residents of Wayne County to shield wetlands, waterways, and the community from the effects of a proposal to mine titanium oxides and other minerals from 2,200 acres of sand ridges in southeast Georgia. After stopping an ill-conceived state mining permit for this project in 2014, earlier this year, this coalition won concessions from Chemours (a DuPont spinoff) in which the company agreed to protect all wetlands, groundwater and surface water at the mine and include natural buffers around the operation to decrease impacts to the community.

2014 Flint River: EPD, Upson County Textile Plant Face Lawsuit from Citizens

Earlier this year residents near the TenCate textile mill in Upson County and Flint Riverkeeper filed a federal lawsuit aimed at forcing Georgia's Environmental Protection Division (EPD) to correct a pollution problem caused by the mill's failing wastewater treatment system. TenCate sprays partially treated waste on land surrounding the plant. That waste is now polluting groundwater and nearby streams while impacting adjacent property owners. The Clean Water Act suit and private trespass claims are now in front of a federal judge. Even as the suit proceeds, EPD could still require the company to construct a modern wastewater treatment facility that will discharge highly treated water to the Flint River. EPD should do its job and take the burden off of private citizens to enforce the law.