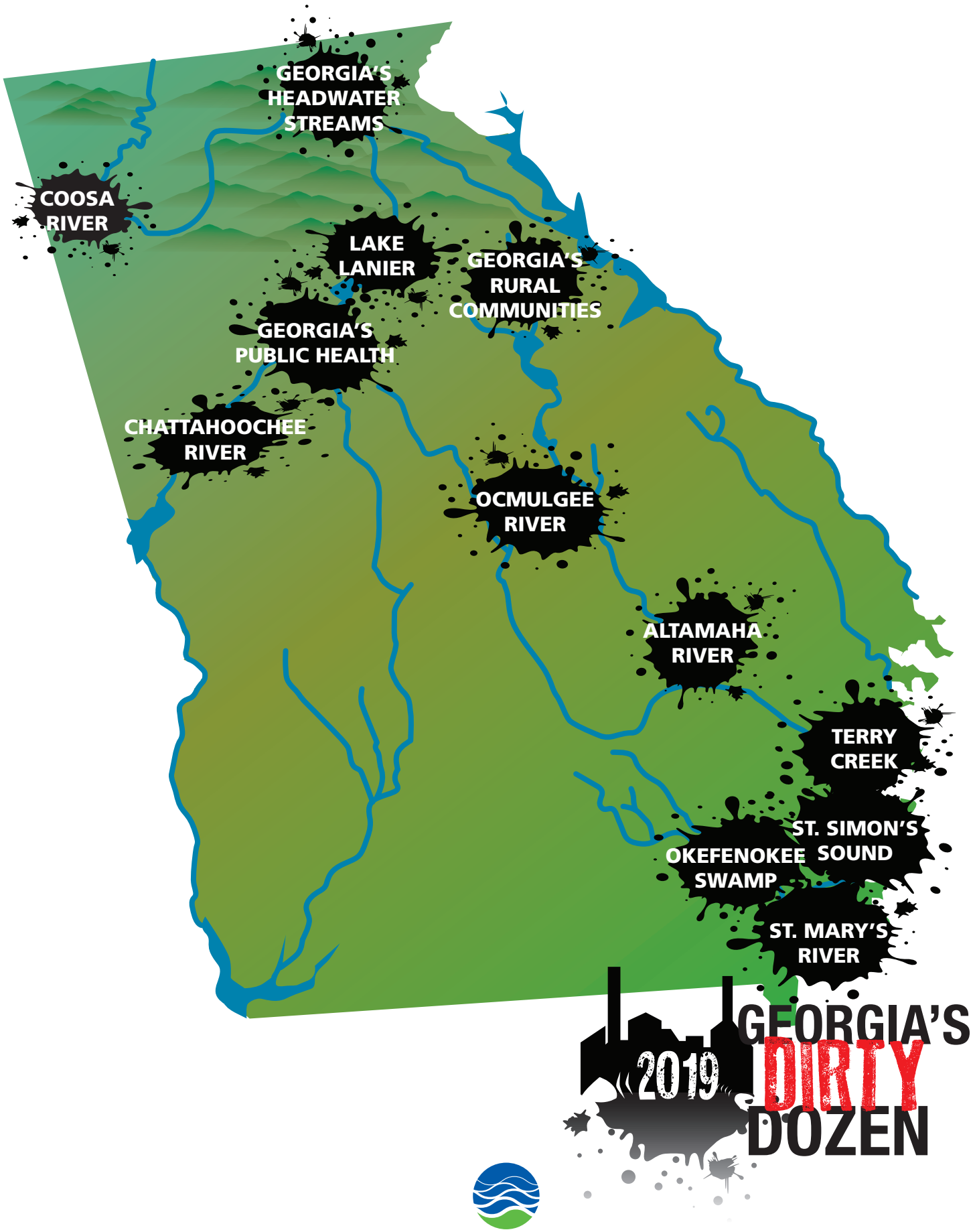


GEORGIA WATER COALITION

2019's Worst Offenses Against GEORGIA'S WATER

GEORGIA WATER COALITION'S DIRTY DOZEN

A Call to Action

The Georgia Water Coalition's Dirty Dozen list highlights the politics, policies and issues that threaten the health of Georgia's water and the well-being of 10 million Georgians.

The purpose of the report is not to identify the state's "most polluted places." Instead the report is a call to action for Georgia's leaders and its citizens to solve ongoing pollution problems, eliminate potential threats to Georgia's water and correct state and federal policies and actions that lead to polluted water.

Unfortunately, this year's report includes seven issues that are making return visits to this inauspicious list.

Topping that category is pollution of the Altamaha River from the Rayonier Advanced Materials (RAM) chemical pulp mill in Jesup. The facility is making a record seventh appearance in the Dirty Dozen report because pollution from the mill continues.

Next year, Georgia's Environmental Protection Division (EPD) will issue a new pollution control permit for the facility, but if EPD's actions in recent years are any indication, it seems unlikely that this new permit will fix this ongoing pollution problem.

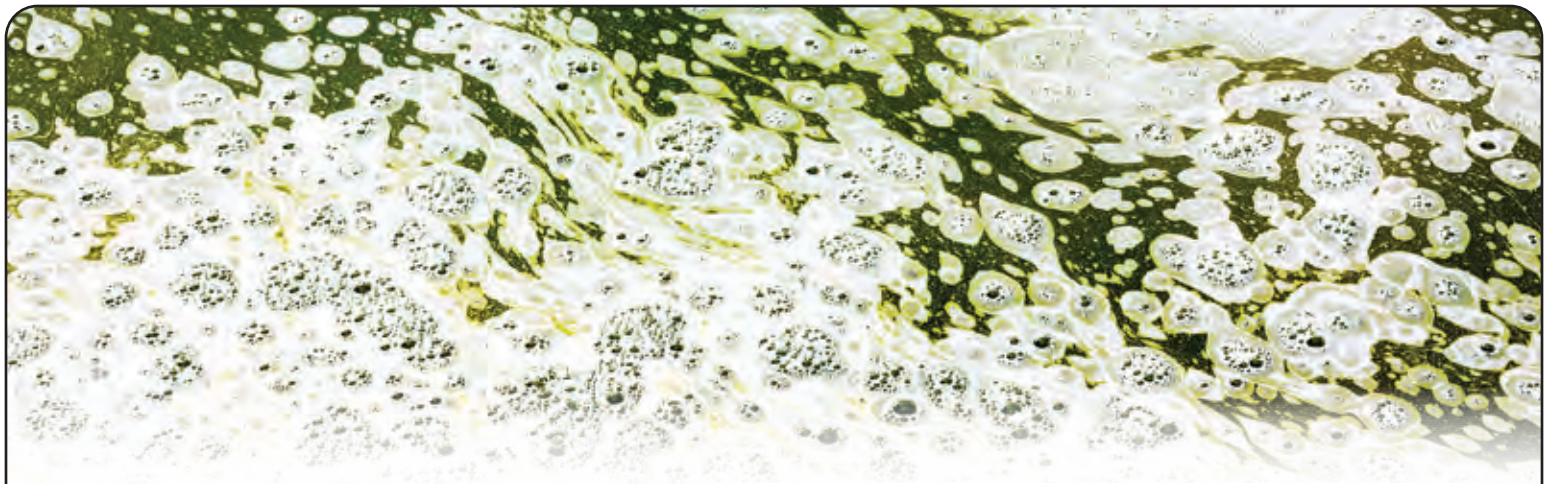
The state agency has repeatedly defended the existing and weak pollution control permit and last year took the extraordinary step of changing state laws to make it easier for RAM to continue polluting Georgia's largest river. It is actions like these that cause critics of the agency to take "protection" out of the agency's name and refer to it as the Environmental Permitting Division.

Then there is the ongoing saga of Georgia's toxic coal ash.

Making return appearances in the Dirty Dozen report are coal-burning power plants that are currently contaminating groundwater with toxic coal ash. Coal ash pits at Plant Hammond near Rome; Plants McDonough, Yates and Wansley spread out along the Chattahoochee from Atlanta to Newnan; and Plant Scherer and Awkright near Macon all threaten well water and rivers.

Rather than moving toxic coal ash held at these facilities to safer disposal areas with lined landfills, the Georgia Power Company

The Georgia Water Coalition's Dirty Dozen report is a call to action for Georgia's leaders and citizens to solve ongoing pollution problems, eliminate potential threats to Georgia's water and correct state and federal policies and actions that lead to polluted water.



wants to keep coal ash at these facilities in unlined storage pits, despite data showing that the ash is contaminating groundwater at the sites and despite the fact that leaving them in place risks catastrophic releases of coal ash to our rivers.

Coal ash is being trucked over Georgia's borders and landing in our state's landfills, in part because of Georgia Power Company's undue influence over our legislators.

In 2018, the company successfully lobbied for a loophole in a landfill bill that gives the company a potential $12 million windfall and artificially deflates the cost of disposing of coal ash in Georgia landfills. The victims are local governments and residents of counties with a landfill accepting coal ash. Charlton County will miss out on at least $500,000 in revenue during the next year thanks to Georgia Power's loophole. Meanwhile, that county's private Chesser Island Road Landfill will take in some 400,000 tons of coal ash—much of it from out of state.

Coal-fired power plants like Plant Hammond on the Coosa River near Rome make return appearances in this year's Dirty Dozen report. More than 45 million tons of toxic coal ash is currently being stored in unlined ash pits at power plants around the state, polluting groundwater and threatening our rivers.

State leaders once again have dirt on their hands in this year's report as the issue of fully funding the state's Hazardous Waste and Solid Waste trust funds makes a fourth straight appearance. Since the 1990s when these programs were established, about 42 percent of the fees collected from citizens and businesses to help cleanup polluted sites around the state has been diverted to pay for other parts of the state budget, shortchanging these programs by $214.8 million.

The final return offender in this year's report is the Hercules Superfund site in Brunswick. Long a polluted burr in the side of residents of Glynn County, things got worse this year when the U.S. Environmental Protection Agency (EPA) went against recommendations of local governments and agreed to the cheapest proposed cleanup plan for the toxic site. EPA's preferred plan will thwart local desires to redevelop the area and keep toxins in place that will continue to contaminate fish and wildlife.

New to this year's report are five issues, ranging from new threats to unexpected disasters.

Advocates for the Chattahoochee-Oconee National Forest are fighting against Trump Administration rollbacks to how the National Environmental Policy Act affects Forest Service decisions. The U.S. Forest Service has proposed eliminating public

notification and participation in numerous decisions, including timber harvests on up to six square miles of national forest land. The rollbacks would lead to more bad decisions regarding the management of our public forest land.

At the state level, a legislative proposal introduced during the 2019 General Assembly session would set current state law on its head by preventing neighbors of new industrial agricultural operations that move into rural communities from suing to protect their existing quality of life and property values. If passed, it would signal an open invitation to industrial-scale animal feeding operations that have devastated quality of life in rural communities in other states.

In addition to providing drinking water for Georgia's 10 million residents, the state's streams, rivers and lakes—and its groundwater resources—provide Georgians with opportunities to boat, swim, fish, hunt and more.

In South Georgia, the Okefenokee Swamp is once again threatened by a proposed titanium mine. In the late 1990s a similar proposal was soundly defeated, but the U.S. Army Corps of Engineers and EPD are now considering approving environmental permits that will allow an Alabama-based company to destroy wetlands and streams near the Okefenokee. The operation poses a threat to both groundwater and surface water in the swamp and the $60 million-a-year tourist economy the swamp supports.

On Lake Lanier, the ongoing failure of a small, privately-operated wastewater treatment plant for a mobile home park highlights the lax enforcement of clean water laws by Georgia EPD. During the past decade, the plant has repeatedly violated the terms of its pollution control permit, but rather than forcing the operators to upgrade and fix the problem, EPD has levied slap-on-the-wrist fines and allowed the continued pollution of the state's most popular reservoir that provides drinking water for millions of metro Atlanta's residents. Unfortunately, this is but one of many examples of EPD's failure to fully enforce the Clean Water Act.

Finally, in September the disaster of the Golden Ray cargo vessel in St. Simons Sound led to the fouling of area beaches and marshes with oil.

Addressing the issues highlighted in this report through stronger enforcement of clean water laws, legislative action and sound permitting and policy decisions by state and federal agencies will ultimately lead to cleaner, healthier streams, rivers, lakes and estuaries. These actions must take place so that there will be enough clean water for current Georgians and future generations.

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

GEORGIA'S 2019 DIRTY DOZEN

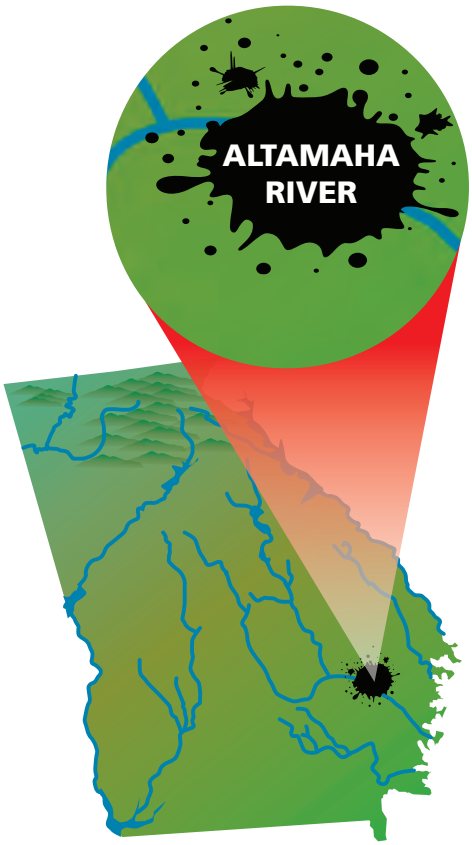
2019's Worst Offenses Against GEORGIA'S WATER

ALTAMAHA RIVER

A Rayonier Record: Pulp Mill Pollution Lands Company on Dirty Dozen for 7th Year

INTRODUCTION:

Since 2011 when the Georgia Water Coalition published its first Dirty Dozen report, no other pollution problem in the state has landed in the report more times than the discharge from the Rayonier Advanced Materials (RAM) chemical pulp mill in Jesup. This marks the facility's seventh appearance in the report. Despite a multi-year legal battle pitting Altamaha Riverkeeper against RAM and Georgia's Environmental Protection Division (EPD), the mill continues to foul the river. The odor and color of the discharge still drive away would-be river users. Boating and swimming downstream of the mill's stench-filled discharge is, in a word, uninviting. While similar pulp mills around the globe have cleaned up their discharges, RAM remains behind the times. EPD, having repeatedly defended its weak pollution control permit for Rayonier's discharge—and even changed state rules to make it easier for the facility to continue the status quo—is complicit in the continued pollution of the Altamaha. In 2020, EPD is scheduled to issue a new permit for the facility. It remains to be seen whether the state will finally force RAM to clean up its act.



THE WATER BODY:

The Altamaha is Georgia's largest river and the third largest contributor of freshwater to the Atlantic Ocean on North America's eastern shore. It drains a 14,000-square mile basin stretching from Atlanta to Darien and is a place of unsurpassed beauty. Often called "Georgia's Little Amazon," it was named to The Nature Conservancy's list of the 75 last great places on Earth. A treasure trove of biodiversity, the Altamaha River basin is home to 120 species of rare or endangered plants and animals. Along with its two forks, the Ocmulgee and Oconee rivers, the Altamaha provides drinking water to communities from metro Atlanta to Middle Georgia.

THE DIRT:

The saga of RAM's pollution of the Altamaha spans decades. As soon as the plant opened in 1954, massive fish kills were reported downstream. In the 1960s, after years of pollution that created "crude slime" on the

2019 GEORGIA'S DIRTY DOZEN

river, state regulators required the mill to install a wastewater treatment system. Now, more than four decades after the passage of the federal Clean Water Act, the mill continues to pollute, discoloring the river with a discharge of up to 60 million gallons a day and causing the river to smell for miles downstream.

While state regulators have defended the pollution control permits they have issued for the facility, the U.S. Environmental Protection Agency has called out the mill's discharge. In a 2017 memo, EPA noted that the plant's discharge contained odor-causing chemicals like ethyl mercaptan, the obnoxious-smelling chemical used as a warning odorant for propane and natural gas and concluded: "the weight of multiple lines of evidence…supports a finding of impairment for the color and odor water quality criteria."

During testimony in the Altamaha Riverkeeper's appeal of RAM's state pollution control permit issued by EPD, Neil McCubbin, an expert with five decades of work in the pulp and paper industry, told the court that Rayonier's Jesup facility was "in the bottom 10% of kraft pulp mills in terms of the environmental quality of its discharge" in the world. He added: "There are whole continents where this discharge would not be accepted."

While the court proceedings that began in 2016 continue on appeal, last year EPD took the extraordinary step to assist Rayonier in its continued pollution of the Altamaha. When initial court rulings favored Altamaha Riverkeeper, EPD proposed changing its rules for water quality standards. In March of last year, the Department of Natural Resources Board approved those changes. The 19-member board, appointed by the governor, includes one member who is a manager at the Jesup mill.

Within the rules and regulations for water quality standards, EPD proposed removing language that protected all "legitimate water uses" of the river and adding language that made Rayonier's discharge illegal only if it "unreasonably" interfered with the "designated uses" of the river. Because the state has designated the Altamaha as protected for "fishing" (not swimming and other water recreation), the bar was instantly raised for plaintiffs seeking to prove that the color and odor of the plant's discharge negatively impacted river users.

Next year, Altamaha River users will watch EPD closely as RAM's pollution control permit is up for renewal. During this process, the state agency has the opportunity to enforce a permit that will bring the mill's wastewater treatment system up to industry and Clean Water Act standards.

WHAT MUST BE DONE:

EPD must issue a pollution control permit that will eliminate of the color and odor associated with Rayonier's discharge into the Altamaha River and bring the facility up to modern, industry-accepted wastewater treatment standards.

Top: Vast waste ponds can been seen adjacent to the Altamaha River and the Rayonier Advanced Materials chemical pulp mill's discharge into the river. The discharge dramatically changes the color and odor of the river. Above: Though the Altamaha is a place of unsurpassed beauty, the odor and color associated with the Rayonier Advanced Materials discharge into the river drive away would-be river users.

GEORGIA WATER COALITION

For More Information Contact:

Fletcher Sams, Executive Director, Altamaha Riverkeeper, 404-985-9606, fletcher@altamahariverkeeper.org

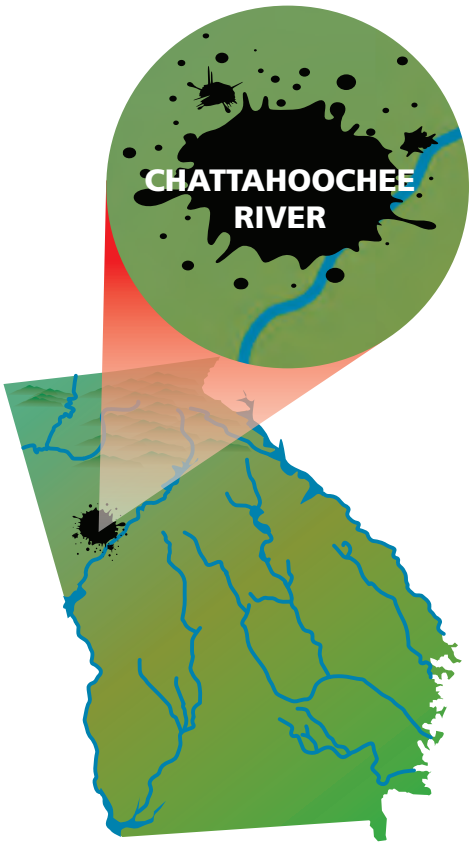
2019's Worst Offenses Against GEORGIA'S WATER

CHATTAHOOCHEE RIVER

Powerful Utility Determines "Safe" Coal Ash Cleanup Plans; Georgia Leaders Idle on Stronger Requirements

INTRODUCTION:

Today when ordinary Georgians dispose of their household waste, they pay the cost of that trash being disposed in a state-regulated landfill with a liner or barrier and a leachate collection system that prevents the landfill from polluting groundwater. But, when it comes to disposing of legacy coal ash from coal-burning power plants that is known to contain dangerous toxins, the state is poised to let the Georgia Power Company keep its toxic waste in unlined coal ash ponds at three of its power plants along the Chattahoochee River, stretching from Atlanta to Newnan. More than 30 million tons of coal ash at Plant McDonough in Cobb County, Plant Yates in Coweta County and Plant Wansley in Carroll County could be left to pollute groundwater and pose a threat to the Chattahoochee forever.



THE WATER BODY:

At 434 miles long, the Chattahoochee is the longest of Georgia's rivers. It is also arguably the state's most important river, providing drinking water to nearly half of the state's population from Gainesville and Atlanta to West Point and Columbus. Immediately downstream from Georgia Power Company's three power plants and ash ponds is West Point Lake, a U.S. Army Corps of Engineers reservoir and popular fishing and recreation destination attracting an estimated 1.5 million visitors annually. The lake is responsible for pumping hundreds of millions of dollars into local economies annually and provides drinking water to the cities of LaGrange and West Point.

THE DIRT:

Since 2008 when a breached dike at a Kingston, Tennessee coal-burning power plant sent 600 million gallons of coal ash into the Emory River and on to nearby properties, destroying homes and fouling the river for miles, the disposal of legacy coal ash has been a priority.

New regulations adopted by the U.S. Environmental Protection Agency (EPA) in 2015 require the closure of unlined ash ponds, but EPA left it to individual states to decide how those closures would be conducted.

2019 GEORGIA'S DIRTY DOZEN

In North Carolina and Virginia, state legislators and regulators have required that virtually all coal ash in unlined ponds be excavated and moved to safe disposal sites.

But in Georgia, state leaders and environmental regulators have thus far seen fit to let Georgia Power Company determine the best method for protecting the public from its toxic coal ash. Georgia Power's prescribed method is to "cap in place" some five million tons at Plant McDonough, 12 million tons at Plant Yates and 14 million tons at Plant Wansley in existing unlined ash ponds. Tests conducted by Georgia Power show unsafe levels of coal ash toxins in groundwater beneath all three facilities.

Leaving the ash in the unlined pits will result in continued contamination of groundwater because in many cases, the ash is already submerged in groundwater. At Plant Wansley, Georgia Power proposes leaving coal ash in an almost 100-foot-deep unlined pit that is submerged in 90 feet of groundwater.

Even more troubling, at Plant McDonough in Cobb County, Georgia Power's proposed plan will leave some five million tons of coal ash within a few hundred feet of the Chattahoochee and within 50 feet of a piped stream that feeds the river.

A review of Georgia Power's coal ash pond closure plan at Plant McDonough by Geo-Hydro, Inc. conducted earlier this year determined that it would not "control, minimize or eliminate…the release…of contaminated run off to the ground or surface waters."

Efforts to strengthen coal ash regulations in the state legislature have been met with resistance from legislators and lobbyists for Georgia Power. It is, perhaps, no coincidence that Southern Company, the parent company to Georgia Power, is one of the leading contributors to political campaigns in Georgia.

During 2018, Southern Company affiliates in Georgia contributed more than $600,000 to campaigns for statewide and legislative offices, according to data from the Georgia Government Transparency and Campaign Finance Commission. But some lawmakers are trying to hold Georgia Power accountable. Rep. Mary Frances Williams (D-Marietta) earlier this year introduced HR 257, a resolution that urges the utility to remove McDonough's coal ash to a lined landfill.

WHAT MUST BE DONE:

Georgia's Environmental Protection Division, which reviews Georgia Power's coal ash pond closure plans, should reject any permit that involves leaving coal ash in unlined pits at plants McDonough, Yates and Wansley. This coal ash should be excavated and removed to safe, lined landfills. If EPD fails to require safe disposal of coal ash, state legislators must step in to protect the state's drinking water sources in our rivers and groundwater by adopting legislation like HR 257. Furthermore, the Georgia Public Service Commission should reject rate increases requested by Georgia Power to pay for coal ash disposal plans that do not involve placing the waste in lined storage facilities. Its customers should not be forced to pay for environmental cleanups that fail to protect those very customers.

Top: Georgia Power Company plans to leave five million tons of coal ash in an unlined ash pit at Plant McDonough in Cobb County. The ash will be within a few hundred feet of the Chattahoochee River and within 50 feet of a piped stream that feeds the river.

GEORGIA WATER COALITION

For More Information Contact:

Kevin Jeselnik, General Counsel, Chattahoochee Riverkeeper, 404-352-9828, kjeselnik@chattahoochee.org.

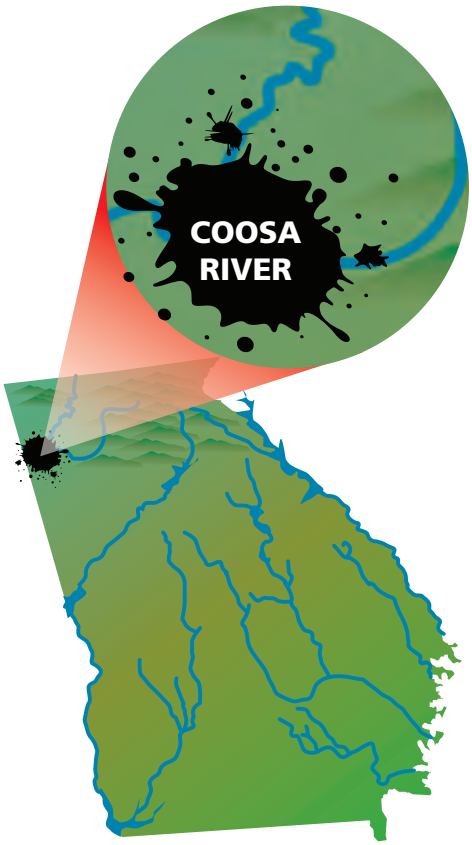
2019's Worst Offenses Against GEORGIA'S WATER

COOSA RIVER

Suspect Coal Ash Disposal Plan Threatens River, Groundwater

INTRODUCTION:

For 64 years—from 1954 until 2018, Georgia Power Company burned coal to produce electricity on the banks of the Coosa River west of Rome at Plant Hammond. One of the most troubling legacies of that power plant, which was officially closed earlier this year, is the millions of cubic yards of toxic coal ash—the remains of the coal incinerated to generate electricity—that has contaminated groundwater with unsafe levels of cobalt, boron, sulfate, molybdenum and arsenic. Unfortunately, Georgia Power plans to leave more than one million cubic yards of this toxic ash in a 44-foot-deep, unlined pit adjacent to the Coosa River and Cabin Creek. Georgia Power is moving forward with this plan despite the company's failure to test groundwater around the pit to determine the presence of toxic contaminants. Unless Georgia's Environmental Protection Division requires the company to do more, toxic coal ash contaminants will continue to leach into groundwater and the Coosa River for decades to come.



THE WATER BODY:

The upper Coosa River basin is considered one of North America's most biologically unique river basins 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, located just downstream from Plant Hammond's discharge. The 30,200-acre Alabama Power reservoir 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. The lake also serves as the primary drinking water source for residents of Centre and Gadsden.

THE DIRT:

First the good news: At Plant Hammond, Georgia Power plans to excavate coal ash in three ash ponds and move it to lined landfills. The company chose to do that, in part, because it found unsafe levels of coal ash contaminants in 10 of 35 groundwater testing wells surrounding those sites.

2019 GEORGIA'S DIRTY DOZEN

Now for the bad news: At Plant Hammond's fourth coal ash pond, Georgia Power has not tested for groundwater contamination, despite the fact that the toxic ash extends 44-feet deep and is currently in contact with groundwater. And, rather than excavating this pond—as they are doing with others on site—the company plans to leave the coal ash capped in place, claiming that this ash pond—unlike the other two on site—poses no risk to groundwater or nearby waterways.

Under the company's proposed plans, more than one million cubic yards of coal ash will remain in contact with groundwater, directly adjacent to the Coosa River and sitting within its floodplain. That's enough coal ash to fill a line of dump trucks stretching from Rome to Augusta.

What's more troubling, beneath this very ash pond, in 1977 Georgia Power documented seepage from the ash pond into nearby Cabin Creek and the Coosa River of about one million gallons a day and around 1980, a sinkhole formed at the pond. Finally, in 2010, Georgia Power reported to the U.S. Environmental Protection Agency that their investigations showed "low to very high permeability measurements in materials below the dike [holding back the ash pond], including solution cavities were encountered during coring operations."

This combination of documented leaks, a sinkhole and existing cavities in the soil surrounding the ash pond strongly suggests the "the structural stability and ability of the closed [ash pond] to contain coal ash and its associated contaminants, in perpetuity, is seriously in question," according to a report prepared by Geo-Hydro, Inc. for the Southern Environmental Law Center earlier this year.

To date, Georgia Power Company has not yet submitted a final coal ash pond closure plan to Georgia's Environmental Protection Division (EPD) for approval, but has publicly announced its plans to leave one of Plant Hammond's coal ash ponds on site in an unlined and potentially unstable pit.

WHAT MUST BE DONE:

EPD should reject any coal ash pond closure plan that involves keeping the coal ash on site in Plant Hammond's unlined storage ponds. This coal ash should be excavated like that in other ponds on site and removed to safe, lined landfills. Keeping the coal ash on site risks the continued contamination groundwater and surface water, and even worse, risks a catastrophic release of coal ash into the Coosa River. Should EPD fail to force Georgia Power to properly dispose of its coal ash waste, Georgia's legislature should take action to address this pollution problem. Furthermore, the Georgia Public Service Commission should reject rate increases requested by Georgia Power to pay for coal ash disposal plans that do not involve placing the waste in lined storage facilities. Its customers should not be forced to pay for environmental cleanups that fail to protect those very customers.

Top: Seeded with grass, this ash pit located adjacent to Plant Hammond looks benign from above, but below the surface, coal ash extends 44-feet deep and is currently in contact with groundwater. Studies of the underlying geology also call into question the safety of leaving this coal ash in place. Above: Now shuttered, Plant Hammond still poses a threat to the Coosa River and Weiss Lake downstream because Georgia Power Company wants to leave toxic coal ash in place adjacent to the river in an unlined coal ash pit.

GEORGIA WATER COALITION

For More Information Contact:

Jesse Demonbreun-Chapman, Coosa River Basin Initiative, 706-232-2724, jesse@coosa.org

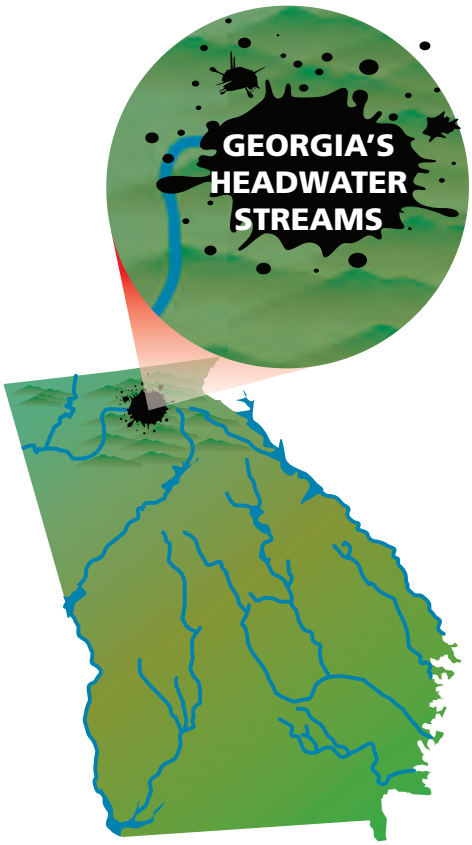
2019's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S HEADWATER STREAMS

Rollback of Federal Environmental Rules Endanger National Forests, The Birthplace of Georgia's Drinking Water Sources

INTRODUCTION:

Since taking office, President Donald Trump's administration has initiated rollbacks of more than 80 environmental rules and regulations, according to the *New York Times*. In Georgia, some of those rollbacks may come to roost in the state's 867,000 acres of the Chattahoochee-Oconee National Forest that hold the streams that feed drinking water sources for more than half the state's population. The U.S. Forest Service (USFS) earlier this year proposed changes to how it will implement the National Environmental Policy Act (NEPA). The changes would gut basic NEPA provisions, greatly curtailing public participation in decisions about logging and road building in our national forests.



THE WATER BODY:

No less than a dozen rivers have their birthplace within the Chattahoochee-Oconee National Forest. The Etowah, Chattahoochee, Conasauga and Broad start as tiny springs not far from the top of the Blue Ridge and spill fast off these steep mountain slopes destined to be the tap water in places like Atlanta, Rome and Augusta. Dozens more feeder streams do the same, each coursing through its own mountain cove, lending their flow to brook trout, wild turkey and deer while nourishing spectacular stands of wildflowers and towering trees. The USFS estimates that more than 2.8 million people visit these lands annually for hiking, hunting, fishing, camping and wildlife viewing. The Forest is also managed for timber harvests; in 2015 it produced more than three million cubic feet of wood for various uses.

THE DIRT:

Signed into law in 1970, NEPA is considered one of the country's bedrock environmental laws. It requires that federal agencies assess the environmental impacts of their proposed actions prior to making decisions. Key to the law: public review and participation.

Under the proposed changes to how the Forest Service implements NEPA, 93 percent of Forest Service decisions would lose all advance

2019 GEORGIA'S DIRTY DOZEN

notice and public comment requirements. A loophole would allow commercial logging projects of up to 4,200 acres (more than six square miles of forest) to easily avoid requirements for public notification and environmental reviews.

To give a sense of the scale, 4,200 acres is equivalent to the total acres of the Chattahoochee National Forest that have been commercially harvested in the last three years.

Road building projects of up to five miles would also be exempt from environmental review, as would pipeline projects of up to 20 acres (the equivalent of four miles of 40-foot wide pipeline paths). Ditto for the conversion of illegally created roads and trails to the official Forest Service road and trail system.

Supporters of the rule change argue that the NEPA process invites delays of important projects by litigious environmental groups and should be changed to "streamline" decision making. The reality is that only two percent of Forest Service decisions are challenged in court.

In fact, most Forest Service decisions—about 80 percent—are approved without additional analysis. The other 20 percent—the projects that pose the greatest risk to the national forests and the services they provide—from recreation to wildlife habitat to drinking water—are the decisions where the NEPA review and its public participation requirements are most needed.

For example, in 2009, because of the NEPA process and the participation of advocacy group Georgia ForestWatch, a stand of mature oak forest in Fannin County was spared and a proposed 725-acre harvest was reduced to just 400 acres. Under the proposed rule changes, the public would not even be notified of a timber harvest of this size.

It is but one of many examples where the NEPA process and public involvement has helped the Forest Service avoid bad decisions like logging old growth forests; on steep, erodible slopes; or in rare habitats.

WHAT MUST BE DONE:

The public comment period for the rule change ended in August with more than 80,000 comments submitted. The Forest Service expects to publish the rule next summer. Georgians can still contact the Forest Service Chief Vicki Christiansen, Secretary of Agriculture Sonny Perdue and the state's congressional delegation and ask that the existing rules be maintained.

Top: A logging road winds through a harvested portion of the Chattahoochee National Forest in Fannin County. Under the U.S. Forest Service's proposed changes to how it will implement the National Environmental Policy Act, tracts of up to six square miles of forest could be harvested without notifying the public. Above left: This stand of trees at Brawley Mountain was originally slated for harvest, but through the public notification and public participation process associated with the National Environmental Policy Act, the Forest Service opted to limit the logging operation and spare this portion of the forest. Above right: The National Environmental Policy Act, with its public participation provisions, was instrumental in saving this old growth forest, including many oaks more than 250 years-old. The U.S. Forest Service had originally planned to harvest this tract in Rabun County.

GEORGIA WATER COALITION

For More Information Contact:

Jess Riddle, Executive Director, Georgia ForestWatch, 706-867-0051, jriddle@gafw.org

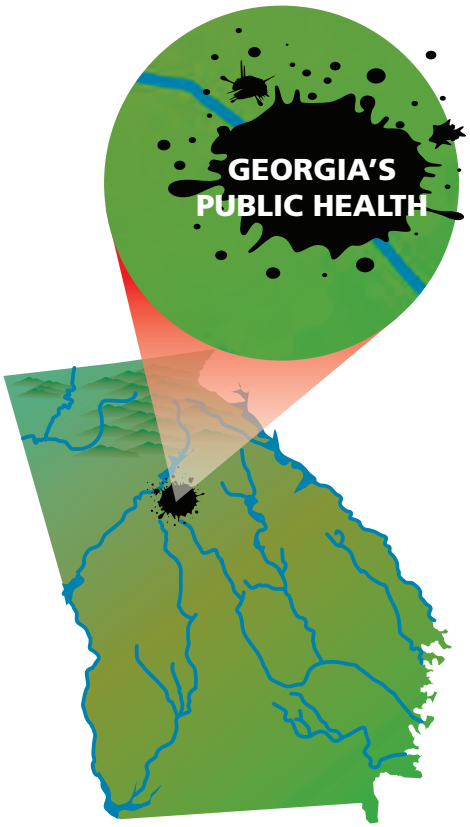
2019's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S PUBLIC HEALTH

Legislative Budget Writers Continue Stealing From Environmental Cleanup Funds

INTRODUCTION:

Each and every year, Georgia's elected leaders commit fraud, but thus far, none have been jailed. In fact, many of them keep getting re-elected. In the 1990s, legislators passed laws that levied fees on citizens and businesses when they dumped trash at landfills or purchased new tires for their vehicles. Those fees were supposed to create trust funds to clean up the state's hundreds of hazardous waste sites and fund clean community programs. But, that's not what has happened. Since we began paying these fees, the state has collected more than $520 million, but more than $210 million of that has been diverted to pay for other parts of the state budget. The result? Hundreds of hazardous waste sites and illegal tire dumps still await cleanups and money for local litter abatement and clean community projects has dried up. Earlier this year, legislation to end the fraud moved closer to passage than ever before. In 2020, state legislators will decide whether they will finally restore the trust in the state's environmental trust funds.



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. Those sources are at risk from ongoing pollution problems and 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 Outdoor Industry Association estimates that Georgia's outdoor recreation economy generates $27.3 billion in consumer spending and $1.8 billion in state and local taxes annually, while supporting some 238,000 jobs.

THE DIRT:

When you purchase a new set of tires for your car, you pay a $1 per tire fee to fund the Solid Waste Trust Fund. That money is supposed to be used to support community waste reduction and recycling programs, properly close abandoned landfills and cleanup illegal tire dumps.

2019 GEORGIA'S DIRTY DOZEN

Likewise, when you pay to dump a load of trash at your local landfill, you forfeit 75 cents per ton that's supposed to fund cleanup of hazardous waste sites. Businesses that handle hazardous substances also pay substantial fees into the state's Hazardous Waste Trust Fund.

But, year after year, state leaders fail to appropriate these collections for their intended purposes. In 2018, citizens and businesses paid in more than $21 million to these funds, but legislators provided only $6.8 million for this important environmental work. Since the programs began in 1993, $214.8 million, or about 42 percent of the funds collected have been used to fund other portions of the state budget.

Georgia's Environmental Protection Division (EPD) estimates that it will take $88 million to complete state-funded cleanups of about 100 hazardous waste sites. If legislators continue to loot the Hazardous Waste Trust Fund and funding continues at current levels, it could take about 176 years to cleanup these sites. The toxic problems range from old landfills leaching pollutants into groundwater to abandoned industrial sites with lead-laced soil in the midst of residential areas. Of the sites slated for cleanup, 75 percent have been on the list for more than 20 years.

The Solid Waste Trust Fund is also suffering. EPD staff are currently monitoring activity at dozens of illegal tire dumps that still need cleanups and are continually fielding complaints about new dump sites. The agency's support for local clean community programs has also dwindled as the Fund has been looted.

During the 2019 General Assembly session, Rep. Jay Powell (R-Camilla), chairman of the House Rules Committee, introduced HR 164. The legislation would create a constitutional amendment enabling legislators to "dedicate" fees for specific purposes, essentially helping ensure that the collected fees would be used for their intended purpose and not be diverted to other portions of the state budget.

The resolution passed the House and Senate in overwhelming fashion, but the chambers adopted different versions. In 2020, leaders will try to reconcile those differences. If adopted, the resolution would be put to voters for approval as a constitutional amendment during the 2020 election.

WHAT MUST BE DONE:

During the 2020 General Assembly session, legislators must reconcile the differences in the House and Senate versions of HR 164 and adopt legislation that ensures that these collections for the hazardous waste and solid waste programs are used for their intended purpose. Voters should then approve the constitutional amendment that will be on the November 2020 ballot to ensure that fees or taxes levied for specific purposes are used for those purposes.

Top: The Georgia General Assembly's failure to fully fund the Solid Waste Trust Fund which in the past has provided grants to local communities for litter abatement programs, contributes to scenes like this one on DeKalb County's South River. Above: The Solid Waste Trust Fund is supposed to be used to clean up illegal tire dumps. In 2018, citizens paid $7.4 million into the trust fund, but legislators provided only $2.7 million for these cleanup programs.

GEORGIA WATER COALITION

For More Information Contact:

Jesse Demonbreun-Chapman, Riverkeeper and Executive Director, Coosa River Basin Initiative, 706-232-2724, jesse@coosa.org

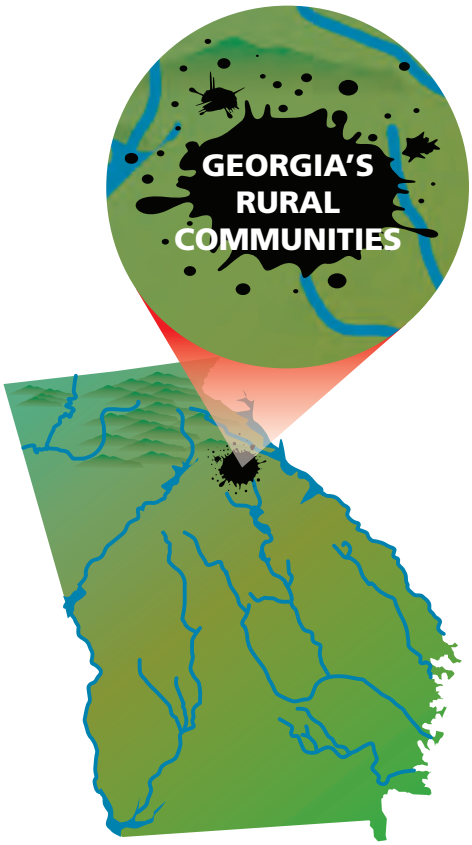
2019's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S RURAL COMMUNITIES

Proposed Legislation Would Stomp On Rural Property Rights, Welcome Industrial Agriculture Operations—And Their Pollution—to Georgia

INTRODUCTION:

If you ate bacon for breakfast, chances are the hog from which it came was raised and processed in neighboring North Carolina, a state that has almost as many hogs (9 million) as it does people (10 million). A boon to the state's economy, North Carolina's 2,400 large-scale industrial hog farms, with their massive stench-filled waste lagoons and spray fields, have also proven a menace to their neighbors. In recent years, those neighbors—who lived pleasantly in their homes until hog farms open shop next door--have taken legal steps to restore their quality of life. In 2018, plaintiffs were awarded multi-million dollar verdicts. These verdicts prompted North Carolina's pro-hog state legislature to enact new laws that effectively prevent neighbors from suing industrial farms. Now, copycat laws are popping up all over the country, including here in Georgia with a bill introduced in the 2019 General Assembly session. If adopted the bill would overturn long-standing state laws and could invite more industrial-style farms to Georgia.



THE WATER BODY:

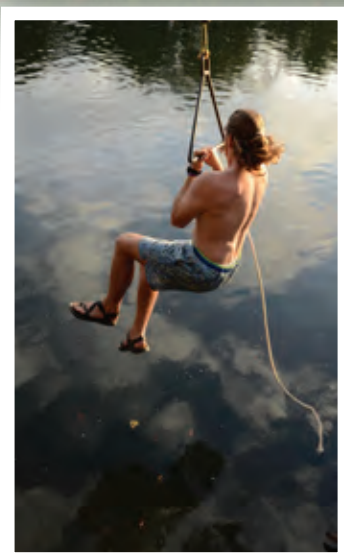
Industrial-scale agriculture where animals are confined and animal waste is concentrated poses serious risks to streams, rivers and lakes where ever they operate. Georgia's more than 70,000 miles of streams and rivers, 425,000 acres of lakes and vast stores of groundwater could all be threatened by industrial-scale agriculture. In 1995, more than 10 million fish were killed in North Carolina's New River when a hog farm waste lagoon ruptured. A similar incident occurred in Georgia the same year, when a lagoon failure sent 12 million gallons of liquid manure into tributaries of the Oconee River. The streams and rivers that flow through Georgia's agriculture communities—and the groundwater that underlies those lands, not only provide drinking water to countless communities, but are also part of the fabric of the state's rural culture serving as places where residents fish, hunt and recreate.

THE DIRT:

Nobody wants to live next to the stench of chicken houses or hog farms, and those retreating to the beauty of rural Georgia as a home usually avoid areas where such operations exist.

2019 GEORGIA'S DIRTY DOZEN

In fact, Georgia's existing "right to farm" law dating to the 1980s prohibits someone from moving next to an agricultural operation and then bringing a nuisance lawsuit against the operation. It's a common sense buyer-beware rule. If you don't want to smell chicken manure, don't build your home next to a chicken farm.



But Georgia's existing law does not protect farms when they move into a community or expand their operations and then create a nuisance. In those situations, neighbors can take legal action to protect their quality of life and their property values.

As is, the law balances property rights and serves as a strong defense against noxious water and air pollution that can harm quality of life and property values in rural areas.

HB 545, introduced in the Georgia General Assembly earlier this year by Rep. Tom McCall (R-Elberton), a farmer himself, turns Georgia's right-to-farm law on its head.

Backed by the Georgia Farm Bureau and the American Farm Bureau Federation, which is headed by Greene County farmer Zippy Duvall, HB 545 mimics North Carolina's recently adopted and controversial law. Similar bills have been adopted in five other states and at least three other states, like Georgia, are debating the measures.

In its effort to protect farmers, HB 545 steps on the rights of farm neighbors who are often farmers themselves. HB 545 wipes out most of the protections in Georgia's current Right to Farm Law, but extends new protections to newly arrived operators.

The law allows existing neighbors one year from the "start of operations" to file a nuisance suit, and after that date, neighbors would have no recourse in courts.

The bill also fails to define the "start of operation." Simply buying the land could potentially be used as the date of the "start of operations." Thus, the nuisance may not take place for many months. This would essentially leave neighbors with no opportunity to file a lawsuit to protect their community and property values.

In addition to infringing on the rights of property owners, HB 545 could open Georgia's door to industrial-style agriculture operations in which thousands of animals are concentrated into urine and feces-belching sites.

WHAT MUST BE DONE:

During the 2019 General Assembly session, HR 545 passed the House, but was met with bi-partisan opposition in the Senate and was held up in the Senate Rules Committee. The legislation remains in play during the 2020 legislative session. The Georgia Senate should hold the bill and let it die.

Top: In Georgia's rural areas, chicken farms and homes coexist under the state's current "right to farm" law. The law protects existing farms from nuisance lawsuits, but also helps prevent industrial scale farming operations from moving into rural residential areas and fouling the air and water. Above: The streams and rivers that flow through Georgia's agriculture communities not only provide drinking water to countless communities, but are also part of the fabric of the state's rural culture serving as places where residents fish, hunt and recreate.

GEORGIA WATER COALITION

For More Information Contact:

Gordon Rogers, Executive Director & Riverkeeper, Flint Riverkeeper, 912-223-6761, gordon@flintriverkeeper.org

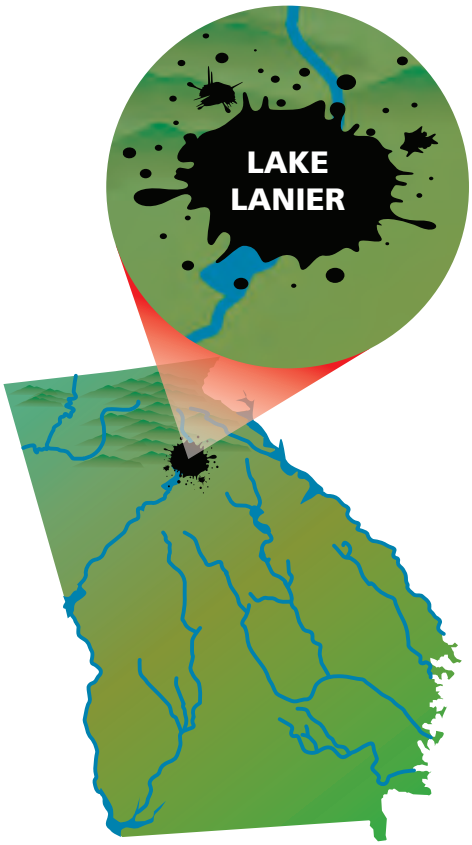
2019's Worst Offenses Against GEORGIA'S WATER

LAKE LANIER

Chronic Pollution at Private Sewage Treatment Plant Highlights State's Failure to Enforce Clean Water Standards

INTRODUCTION:

Across Georgia, Georgia's Environmental Protection Division (EPD) is responsible for monitoring and enforcing wastewater discharge permits for more than 600 public and private sewage treatment plants and industrial facilities. In place since the 1970s, this permitting system sets limits on how much waste can be discharged directly to Georgia's water. It has been critical in cleaning up Georgia's rivers, streams and lakes. But even now, 47 years after the passage of the federal Clean Water Act, many of these facilities regularly pollute our water, and EPD too often fails to enforce corrective action. Such is the case with the Baker and Glover Mobile Home Park in Hall County where a small wastewater treatment plant has repeatedly violated the law and polluted Lake Lanier. Despite 14 violations in the past decade, EPD has not yet forced the operators of the private wastewater treatment plant to upgrade its facilities and eliminate the pollution.



THE WATER BODY:

Lake Lanier, formed by Buford Dam on the Chattahoochee River, plays a role in providing nearly five million people with water, including 72 percent of metro Atlanta's water. Eight local governments pull their drinking water directly from the lake, and there are 33 facilities that discharge treated wastewater to the lake. To improve the lake's water quality, EPD recently implemented a plan to reduce nutrient levels in the lake, but its success depends on these facilities meeting the requirements of their permits. Meanwhile, the lake continues to be the region's outdoor recreation mecca for fishing, boating and other water recreation, hosting some eight million visitors annually. The health and safety of these visitors depends on properly operated wastewater treatment facilities that discharge to the lake.

THE DIRT:

When the residents of the small Baker & Glover Mobile Home Park in Hall County flush their toilets, their sewage—up to 18,300 gallons a

2019 GEORGIA'S DIRTY DOZEN

day—courses through pipes to a small wastewater treatment plant on site before ultimately being released to tributaries of the Little River, which flows into Lake Lanier. Since 2008, the plant, operated by the property owner Greenleaf Investment Partners, has violated its state permit multiple times, sending high levels of fecal bacteria and nutrients like phosphorus to Lake Lanier—the very pollutants causing the lake's current pollution problems.

Those violations have resulted in 14 fines levied by EPD . Unfortunately, these "slap on the wrist" punishments have only empowered repeat offenses rather than deterring future pollution. Fines levied against the facility have ranged from $100 to $440 and totaled only $2,200 for more than a decade of problems. Rather than investing in upgrades to its sewage treatment process, the operators have opted to simply pay the small fines and continue business as usual.

The Baker & Glover sewage plant is just one example of this troubling trend of weak enforcement of water pollution control permits by EPD. While EPD has taken 465 enforcement actions since 2017 under the state Water Quality Control Act, often these punishments involve small fines and do not result in ending the pollution.

The U.S. Environmental Protection Agency (EPA), which periodically reviews state enforcement of pollution control permits, reported in 2015 that 22 percent of Georgia EPD's enforcement actions do not result in return to compliance. A new report from EPA is due out next year; that report is expected to show that this trend persists.

WHAT MUST BE DONE:

EPD must take enforcement actions that deter future violations of pollution control permits. These actions must include impactful fines that reflect the severity or repeated nature of violations and are substantial enough to force operators to end the pollution.

EPD must also require and enforce detailed compliance schedules that include necessary investments in treatment plant upgrades.

Top and above right: These aerial views show the Baker & Glover Mobile Home Park's sewage treatment pond. The small privately-operated wastewater treatment plant discharges up to 18,300 gallons per day of treated sewage to a tributary of Lake Lanier. Though the plant has violated its state permit multiple times during the past decade, and has been subject to fines of up to $50,000 per day per violation. Photo by Henry Jacobs Above left: Lake Lanier, which is harmed by high levels of nutrients and bacteria from wastewater treatment facilities like the one at the Baker & Glover Mobile Home Park, is a recreational mecca for metro Atlanta, hosting some eight million visitors annually.

GEORGIA WATER COALITION

For More Information Contact:

Jason Ulseth, Riverkeeper,
Chattahoochee Riverkeeper,
404-352-9828, julseth@chattahoochee.org

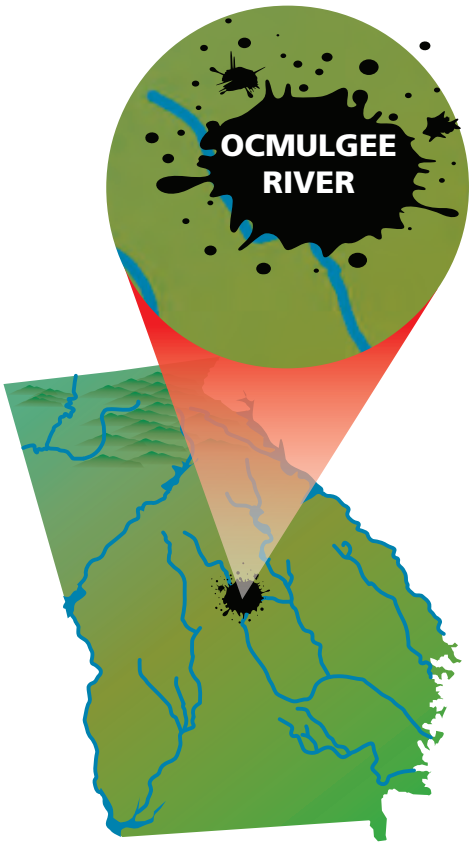
2019's Worst Offenses Against GEORGIA'S WATER

OCMULGEE RIVER, LAKE JULIETTE, GROUNDWATER

Coal Ash Ponds Polluting Drinking Water in Middle Georgia

INTRODUCTION:

Along the Ocmulgee River in middle Georgia, residents with private wells and water utilities providing water to local residents face a dilemma. Their water is subject to ongoing contamination from toxic coal ash, the legacy of Georgia Power Company's Plant Awkright, a circa-1943 coal-fired power plant on the banks of the river in Macon-Bibb County, and Plant Scherer, the nation's largest operating coal-fired power plant in Monroe County that is surrounded by residents dependent upon well water for their drinking water supplies. If Georgia Power has its way, the threat of water contaminated with coal ash toxins will continue indefinitely for Monroe and Macon-Bibb residents. That's because the company's plan for cleaning nearly 16 million tons of coal ash at Awkright and Scherer is to leave it where it is—in unlined pits where it comes in contact with groundwater and leaches into the river.



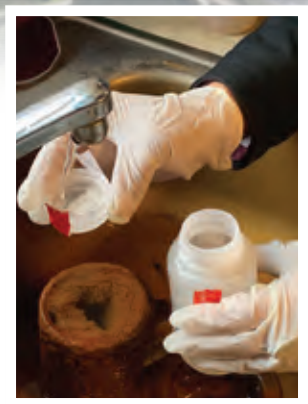
THE WATER BODY:

Formed from the Yellow, Alcovy and South Rivers that rise out of metro Atlanta, the Ocmulgee begins its life below Jackson Lake, a man-made reservoir just north of Juliette. From Lloyd Shoals Dam, it flows some 250 miles to its confluence with the Oconee River to form the Altamaha, Georgia's largest river. Along the river and its tributaries, some 120 communities depend upon surface or groundwater associated with the Ocmulgee, including the people of Macon, located just 15 miles downstream from Plant Scherer and 2 miles from Plant Arkwright. A mecca for paddlers, boaters and anglers, communities along the Ocmulgee are now working to finish a 250-mile-long water trail stretching from Jackson Lake to the Altamaha River. Directly adjacent to Plant Scherer is 3,600-acre Lake Juliette which sits at the heart of the Rum Creek Wildlife Management Area. Lake Juliette is utilized by recreationists and fishermen and the water drains into the Ocmulgee River.

THE DIRT:

Problems with Georgia Power Company's coal ash are nothing new. In fact, this is Plant Scherer's fourth appearance in the Dirty Dozen report.

2019 GEORGIA'S DIRTY DOZEN



Scherer's ash pond covers more than 600 acres and holds 15.7 million tons of coal ash—enough coal ash to fill dump trucks that—if lined up end to end—would stretch unbroken for more than 3,000 miles from Miami, Florida to beyond Seattle, Washington.

All that coal ash sits in an unlined pond, at depths up to 63 feet, coming in contact with groundwater. And, Georgia Power wants to keep it there. Groundwater samples from around the ash pond tested by Georgia Power show that cobalt concentrations are frequently 10 to 20 times higher that EPA's health-based standard. Tests of private wells in the area by Altamaha Riverkeeper have likewise found concerning levels of toxins associated with coal ash. Despite these findings, the company's plan would allow toxic contaminants to continue to leak indefinitely into groundwater and ultimately leach into surface water.

At Plant Awkright, shuttered in 2002 before federal rules went in place requiring proper disposal of coal ash, that's exactly what is happening. According to water tests conducted by Altamaha Riverkeeper and Duke University researchers, a host of toxins—from chromium to lead—are leaking from ash pits into the adjacent Ocmulgee, polluting the river just two miles upstream from Macon-Bibb's drinking water intake, the source of water for 153,000 residents.

While local residents and advocacy groups have called on Georgia Power to remove the toxic coal ash at Awkright and Scherer and place it in lined landfills, the company has thus far refused.

Instead, it is moving forward with plans to merely cap the massive ash pond at Scherer, and consolidate the ash at Awkwright. In a move that appears aimed at limiting the company's liability should local residents find coal ash toxins in their wells, Georgia Power has purchased 52 parcels and some 1,500 acres of property—including residences—surrounding the plant since 2008. These purchases have totaled some $12 million on property valued at just $2.1 million. Georgia Power has insisted the purchases are not connected to groundwater contamination.

Additionally, the company has asked Georgia's Public Service Commission to approve a rate increase to pay for its coal ash pond closure plans, a proposal that would have the company's customers paying for inadequate plans that could leave those same ratepayers with contaminated well water and polluted rivers.

WHAT MUST BE DONE:

The Georgia Public Service Commission should reject rate increases requested by Georgia Power to pay for coal ash disposal plans that do not involve placing the waste in lined storage facilities. Its customers should not be forced to pay for environmental cleanups that fail to protect those very customers. Furthermore, Georgia's Environmental Protection Division, which reviews Georgia Power's coal ash pond closure plans, should require Georgia Power to excavate the coal ash at Plant Scherer and Awkright and removed to safe, lined landfills. If EPD fails to require safe disposal of coal ash at these sites, state legislators must step in to protect the state's drinking water sources in our rivers and groundwater.

Top: Plant Scherer is the nation's largest coal-fired power plant. The facility's ash pond covers more than 600 acres and holds 15.7 million tons of toxic coal ash. Above: Tests of private wells at homes near Plant Scherer conducted by Altamaha Riverkeeper have shown concerning levels of toxins associated with coal ash.

GEORGIA WATER COALITION

For More Information Contact:

Fletcher Sams, Executive Director, Altamaha Riverkeeper, 404-985-9606, fletcher@altamahariverkeeper.org

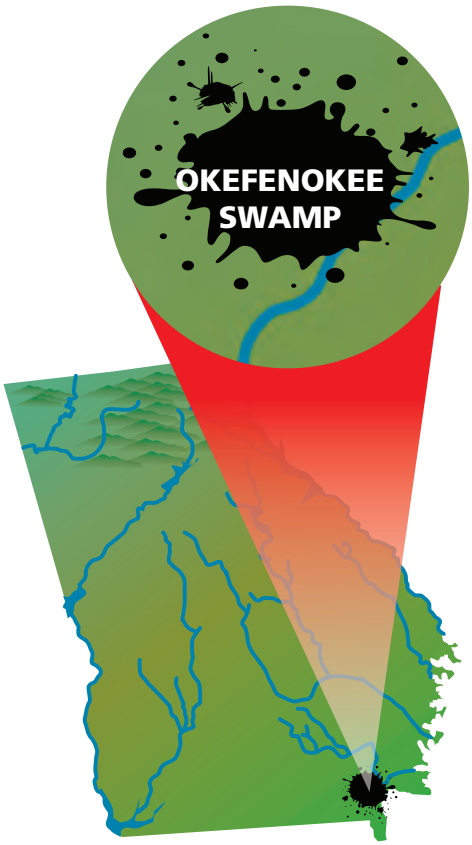
2019's Worst Offenses Against GEORGIA'S WATER

OKEFENOKEE SWAMP, ST. MARYS AND SUWANNEE RIVERS

Proposed 2,400-Acre Titanium Mine Threatens Signature Landscape of Georgia

INTRODUCTION:

Twenty years ago when chemical giant DuPont proposed mining titanium dioxide ore near the Okefenokee Swamp, opposition to the plan was so strong—from local environmental groups all the way up to the Secretary of the Interior—that the company ultimately abandoned its plans. Now, like a monster in a horror film returning from the dead, a new proposal to mine near the largest blackwater wetland in the United States is on the table. Twin Pines Minerals, LLC has asked the U.S. Army Corps of Engineers and Georgia's Environmental Protection Division (EPD) for environmental permits that will allow the company to destroy 587 acres of wetlands and 1.4 miles of streams to strip mine on some 2,400 acres of land located within four miles of the Okefenokee National Wildlife Refuge. The long-term health of the Okefenokee and the rivers it feeds now hang on the decisions of these federal and state agencies.



THE WATER BODY:

The Okefenokee Swamp is a signature landscape of Georgia. Covering 438,000 acres, it is considered the largest blackwater wetland in North America and virtually all of it—some 630 square miles in Charlton, Ware, Brantley and Clinch counties as well as Baker County in Florida—is protected as the Okefenokee National Wildlife Refuge. It is home to a dizzying array of wildlife, with more than 400 species of vertebrates, including 200 varieties of birds and 60 kinds of reptiles. From the swamp flow the St. Marys River to the east, and the fabled Suwannee River to the southwest. These rivers and the swamp are popular tourist and recreation destinations. A U.S. Fish & Wildlife Service report estimated that the National Wildlife Refuge hosts some 650,000 visits annually and generates some $60 million in revenue annually while creating 750 jobs in Georgia and Florida. In addition to supporting local economies, each year the swamp also provides ecological services like storm protection, water quality, commercial fishing habitat and carbon storage that are worth as much as $125,000,000.

THE DIRT:

In the 1990s when DuPont proposed mining along Trail Ridge, the sand ridge bordering the swamp on the east, Interior Secretary Bruce Babbitt urged DuPont to abandon its plans, telling reporters:

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"Titanium is a common mineral, while the Okefenokee is a very uncommon swamp." The fight ended with DuPont abandoning its plans and the permanent protection of some 16,000 acres of land originally slated for mining.

Fast forward 20 years and the Department of Interior is now greasing the skids for mining by classifying titanium as a "critical mineral" for the country's economy and security.

In other words, in today's political climate, don't look for a white knight from the Interior Department riding in to stop the ill-conceived mining plan.

Meanwhile, the documents Twin Pines submitted to federal and state regulators are sorely lacking in information about how much ground and surface water the mine will use as and how the mining will impact the hydrology of the area as the company digs 5,000 square-foot ditches to an average depth of 50 feet in pursuit of the mineral.

What details are available in the company's permit applications show that the company would withdraw groundwater from the Floridan aquifer that underlies the swamp—the very same water that helps maintain water levels within the swamp.

During the public comment period that ended in September, more than 20,000 people submitted their views to the U.S. Army Corps of Engineers (Corps). Among the entities providing letters of concern were both state and federal agencies.

The U.S. Environmental Protection Agency (EPA) told the Corps, "there is potential for this project as proposed to cause adverse effects to water quality and…wildlife dependent on aquatic systems."

Georgia's Environmental Protection Division (EPD) wrote, "We feel it is inappropriate and premature to close the project comment window when such notable elements of the environmental documentation for this project have not yet been made available."

The U.S. Fish and Wildlife Service expressed concerns about the mining taking place in habitat for the federally protected indigo snake and gopher tortoise.

If permits are approved by the Corps and EPD, it will open 2,424 acres to mining in the near term, but Twin Pines' long range plans call for mining some 12,000 acres.

WHAT MUST BE DONE:

Because Twin Pines' applications lack critical information about mining practices, water withdrawals and discharges and hydrological impacts, the Corps must deny the wetlands permit for the project and EPD must deny the surface mining permit and water withdrawal permits. Before moving forward, a thorough study of the project's impacts, known an Environmental Impact Statement, must be required.

Top: Twin Pines Minerals, LLC, an Alabama-based mining company, has submitted applications to secure state and federal environmental permits to allow the company to mine for titanium on 2,400 acres of land near the Okefenokee Swamp. Above: The Okefenokee Swamp is North America's largest blackwater wetland. It is home to more than 400 species of vertebrates, including a large population of American alligators.

GEORGIA WATER COALITION

For More Information Contact:

Megan Desrosiers, Executive Director, One Hundred Miles, 912-223-8608, megan@onehundredmiles.org

John S. Quarterman, Suwannee Riverkeeper, WWALS Watershed Coalition, 229-242-0102, wwalswatersehd@gmail.com

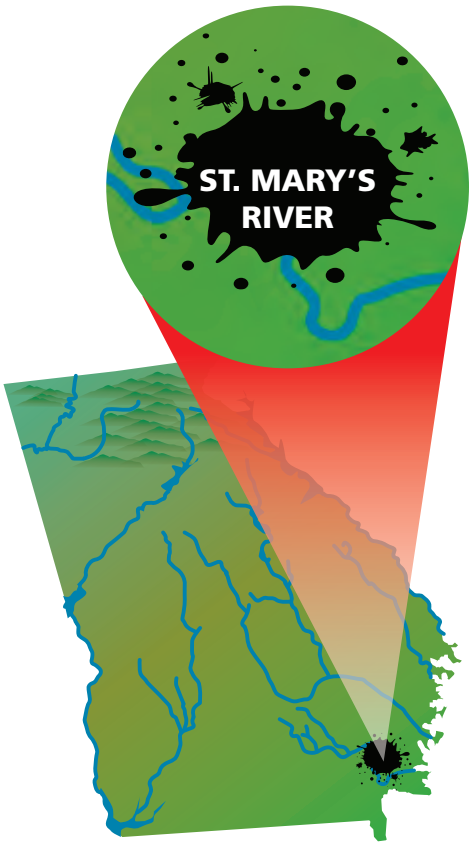
2019's Worst Offenses Against GEORGIA'S WATER

ST. MARY'S RIVER

Legislative Loophole Invites Out-Of-State Coal Ash to Georgia Landfills

INTRODUCTION:

In July, dumping toxic coal ash in certain Georgia landfills became cheaper than dumping household garbage—by a $1.50 a ton. That's because during the 2018 General Assembly session, legislators, caving to pressure from Georgia Power Company and waste management lobbyists, voted to keep surcharges for coal ash waste at $1 per ton while bumping surcharges for household waste to $2.50 per ton. The "coal ash loophole" is now proving a boon for Georgia Power that must dispose of about eight million tons of coal ash in the coming years, and for private landfill operators in Georgia who accept not only locally-produced coal ash, but also out-of-state coal ash. No where is this problem more real than at Waste Management's Chesser Island Road Landfill in Charlton County near the Florida state line. Earlier this year, state regulators cited Waste Management for accepting too much coal ash at the landfill and tests of groundwater there have shown elevated levels of the coal ash toxin vanadium.



THE WATER BODY:

Less than a mile and a half from the Chesser Island Road Landfill, the St. Marys River flows along the Georgia-Florida state line, forming the unique panhandle on the state's southeastern border. Originating in the Okefenokee Swamp, this 130-mile blackwater river remains one of Georgia's wildest and most unspoiled rivers. It is home to 52 species of fish and 35 threatened and endangered plant and animal species. Additionally, it is a popular destination for boating, fishing, hunting, birdwatching and more. Lying beneath the Chesser Island Road Landfill is a vast store of groundwater in the Floridan aquifer that provides drinking water for much of South Georgia.

THE DIRT:

In the waning moments of the 2018 General Assembly session, lobbyists for Georgia Power and waste management companies pressured state legislators into the "coal ash loophole." The loophole, which went into

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effect in July, keeps the surcharge Georgia counties are required to charge private landfills at $1 for every ton of coal ash.

The loophole translates into lost revenue for local governments and increased public health risks in communities surrounding landfills accepting coal ash. But, for Georgia Power, it translates into a potential $12 million windfall. And, it incentivizes the import of out-of-state coal ash at private landfills by keeping overall fees for dumping coal ash in Georgia low.

According to a survey conducted by the Environmental Research and Education Foundation in 2018, average tipping fees in Georgia ($43.80 per ton) are less than neighboring South Carolina ($44.03) and Tennessee ($45.66), and more than $10 less than Florida ($54.67). Only Alabama ($33.49) has significantly lower tipping fees than Georgia.

Not surprisingly, Georgia has seen an influx of out-of-state coal ash. Last year, Chesser Island took in 399,943 tons of coal ash, more than it was permitted to take in during that time period. This prompted Georgia's Environmental Protection Division (EPD) to issue a notice of violation for exceeding its ratio of coal ash to other waste.

EPD has also cited Waste Management for elevated levels of vanadium in groundwater monitoring wells at the landfill. A contaminant associated with coal ash, vanadium can cause a host of health problems and the International Agency for Research on Cancer (IARC) has determined that vanadium is possibly carcinogenic to humans.

Chesser Island, however, is not the only private landfill in Georgia currently taking coal ash or permitted by state regulators to accept coal ash. EPD has given the coal ash green light to landfills in Banks, Meriwether, Taylor, Chatham and Cherokee counties. Waste Management's R & B Landfill in northeast Georgia's Banks County has taken in millions of tons of coal ash in recent years.

During the 2019 legislative session, Sen. William Ligon (R-Brunswick) introduced SB 123 aimed at closing the coal ash loophole. The bill did not move out of committee, but remains in play for the 2020 session.

WHAT MUST BE DONE:

Georgia legislators must close the coal ash loophole by adopting SB 123. The legislation would force Georgia Power and other coal ash producers to pay the same fees that ordinary citizens pay to dump their household waste at private landfills. It would also help de-incentivize the import of out-of-state coal ash and reduce the risk of coal ash contaminating water supplies in Georgia communities.

Top: Waste Management's Chesser Island Road Landfill in Folkston is one of six landfills in Georgia permitted to accept toxic coal ash. A loophole in a state law artificially deflates fees charged for dumping coal ash at these landfills and invites out-of-state coal ash. Photo courtesy of Derby Waters, The Press Sentinel Above: The Chesser Island Road Landfill near Folkston operated by Waste Management is one of several landfills that accept toxic coal ash. The facility took in about 400,000 tons of coal ash last year—much of it from out of state. Photo courtesy of Derby Waters, The Press Sentinel

GEORGIA WATER COALITION

For More Information Contact:

Laura Early, Riverkeeper & Executive Director, Satilla RIverkeeper, 912-462-5094
riverkeeper@satillariverkeeper.org

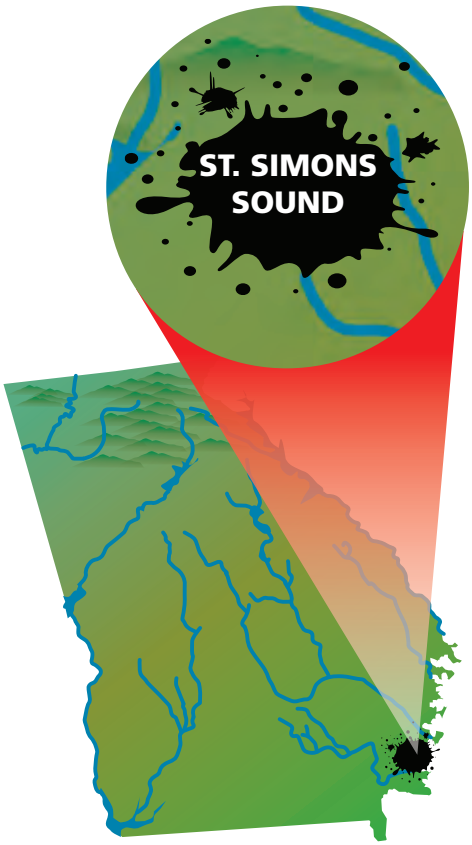
2019's Worst Offenses Against GEORGIA'S WATER

ST. SIMONS SOUND & GEORGIA'S COAST

Cargo Ship Disaster Fouls St. Simons Coast

INTRODUCTION:

In the early hours of Sept. 8, the Golden Ray cargo ship loaded with some 4,000 cars ran aground and rolled on its side in St. Simons Sound. Twenty crew members were quickly rescued by the U.S. Coast Guard, but for the next 40 hours the world watched as workers cut holes in the hull of the ship to rescue four trapped sailors. Over the next several weeks, however, an environmental crisis ensued as four types of petroleum-based fuel contained in the 655-foot-long vessel slowly leaked into St. Simons Sound. During the aftermath, the U.S. Coast Guard and private contractors for the owner of the wrecked vessel, South Korean-based Hyundai Glovis, failed to properly implement federal disaster protocol, leading to the oiling of some 30 miles of coastal marshes and beaches.



THE WATER BODY:

Georgia's 100-mile coast is a desirable destination and place to live. 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. Likewise, the ports at Brunswick and Savannah support more than 430,000 full and part time jobs statewide. 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 birds, seabirds and shorebirds refuel and refuge in the area's nearly 400,000 acres of salt marsh, 14 barrier islands and 100 miles of coastline. Recognized as a globally significant ecosystem, Georgia's coast is one of the state's signature landscapes.

THE DIRT:

After the initial drama of the Golden Ray disaster and rescue of the trapped crew, authorities informed the public that the vessel's stores of oil were secure and posed no threat to surrounding water and wildlife, but soon that assessment proved premature.

2019 GEORGIA'S DIRTY DOZEN

In the weeks following the wreck, petroleum leaked from the vessel as the St. Simons Sound Incident Response Team, consisting of the U.S. Coast Guard, Georgia Department of Natural Resources and private contractors worked to contain the spill.

That containment was guided by emergency response protocol that was developed for the Georgia coast in the aftermath of the catastrophic 1989 Exxon Valdez oil spill in Alaska. That incident prompted Congress to adopt laws mandating that federal agencies develop detailed emergency response plans to mitigate oil spills.

In this emergency, however, the U.S. Coast Guard's detailed action plan for containing oil was not implemented until weeks after the spill and even then, it was not properly implemented.

For example, to capture oil moving into the coastal area with high tides, the plan called for the installation of oil containment booms and oil skimming boats at multiple locations identified as environmentally sensitive areas, including the major creeks and rivers surrounding St. Simons Sound. Because of delayed placement and improper positioning, the booms didn't contain the pollution. Oil residue caked on marsh grass and tar balls washed up on beaches.

Crews began pumping oil from the ship in late September and by Oct. 20 had removed more than 250,000 gallons. During the response, dozens of vessels and hundreds of workers were involved in mitigating the damage and salvaging the ship, but for many coastal residents the effort seemed too little and too late. Outfitters, commercial fishermen, hoteliers and others whose livelihood depends on access to a healthy ocean lost bookings and work days as a result. They continue to wait anxiously for information from the tight-lipped St. Simons Sound Incident Response Team about the extent of the spill and timeline for cleanup.

Today, the ship remains in the sound, and plans call for the cargo and the massive vessel to be dismantled and hauled away in pieces. The cause of the wreck is under investigation.

Top: Oil issues forth from the Golden Ray cargo ship into St. Simons Sound. As a result of the spill, outfitters, commercial fishermen, hoteliers and others whose livelihood depends on access to a healthy ocean lost bookings and work days. Above: Oil from the wrecked Golden Ray cargo ship polluted some 30 miles of coastal marshes and beaches.

WHAT MUST BE DONE:

Mitigation of future oil spills from the vessel and restoration of damage wrought by the disaster on marshes, beaches and wildlife must continue, and the effort must be completely transparent so that coastal stakeholders understand how these ongoing efforts will affect treasured coastal resources. State officials must request a Natural Resource Damage Assessment be conducted by the National Oceanic and Atmospheric Administration. That assessment will determine the extent of the damage and best restoration plans. Responsible parties must be held accountable.

GEORGIA WATER COALITION

For More Information Contact:

Megan Desrosiers, Executive Director, One Hundred Miles, 912-223-8608, megan@onehundredmiles.org

Fletcher Sams, Executive Director, Altamaha Riverkeeper, 404-985-9606, fletcher@altamahariverkeeper.org

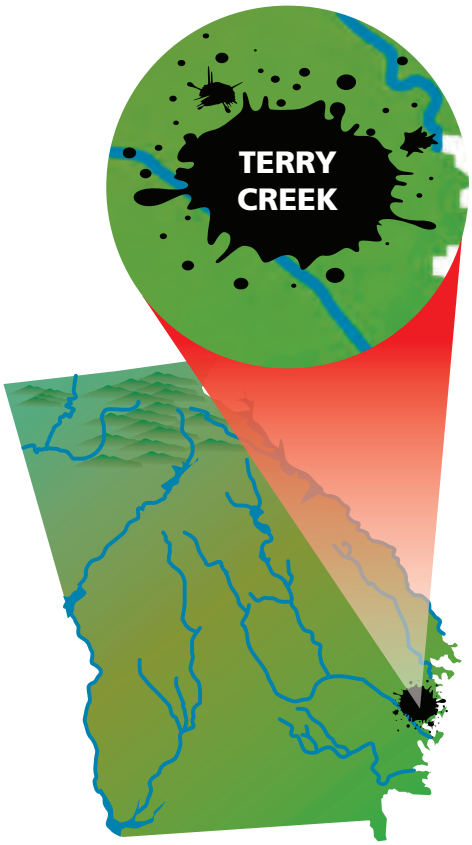
2019's Worst Offenses Against GEORGIA'S WATER

TERRY CREEK, DUPREE CREEK AND THE MARSHES OF GLYNN

Proposed Federal Cleanup Plan Leaves Locals Fuming Over Toxic Site

INTRODUCTION:

From 1948 to 1980, Hercules Inc. in Brunswick produced a pesticide used by cotton and soybean farmers marketed under the name toxaphene. As it turned out, the chemical wasn't just toxic to insects, but humans as well. A known cancer-causing chemical, once released to the environment, it persists for decades and accumulates in the food chain. Now 30 years after the federal government banned the chemical, it still haunts Brunswick and the community surrounding the chemical manufacturing site situated adjacent to the coast's iconic marshes and along one of Brunswick's major thoroughfares. Earlier this year, the U.S. Environmental Protection Agency (EPA) proposed a final cleanup plan for the site that ignores the wishes of the community and local leaders in favor of the cheapest alternative—one that leaves toxins in place and prevents the community from fully reusing the site.



THE WATER BODY:

Terry Creek and Dupree Creek are part of the network of sinuous coastal creeks winding serenely through the famous marshes of Glynn. Through the years, Georgia's 365,000 acres of salt marshes have provided sustenance, inspired poets and artists, and have invited visitors to flock to the area. The coast hosts an estimated 15 million visitors each year, and the marshes and barrier islands support some 24,000 tourism and fisheries jobs for Georgia citizens. Terry and Dupree creeks are enjoyed by boaters and anglers, many of whom catch and eat fish from the creek, putting themselves at risk to consuming toxins linked to the Hercules site that have leached into waterways and accumulated in fish.

THE DIRT:

EPA's Superfund program is responsible for cleaning up some of the nation's most contaminated sites. The agency advertises that its goal is "making a visible and lasting difference in communities, ensuring that people can live and work in healthy, vibrant places."

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Many Brunswick residents might call that false advertising. At the Hercules Terry Creek Superfund site, the federal agency has chosen a cleanup plan that is opposed by local residents, the Brunswick City Commission and the Glynn County Commission. State representatives and senators as well as Georgia's congressional delegation have also challenged EPA's proposed cleanup plan.

After considering eleven alternative cleanup plans, EPA chose the cheapest one. Rather than forcing Hercules, now owned by Ashland, a global specialty chemical company, to remove toxins that threaten wildlife, humans and the area's extensive marshes, EPA has called on the company to spend some $3 million to reroute and line an outfall ditch that spills into nearby Terry and Dupree creeks. The plan also calls for blocking human use of the area indefinitely.

Locals have soundly rejected that plan because it leaves many toxins in place and limits redevelopment possibilities for the property. The community-preferred plan would cost $5.8 million, $2.8 million more than the one EPA prefers—less than one fifth of one percent of Ashland's reported 2018 revenue of $3.7 billion.

Georgia's Environmental Protection Division (EPD) has also been complicit in the bad cleanup plan by ignoring local concerns and concurring with EPA.

Local leaders are especially frustrated because the plan prevents reuse of the marsh-front property. In 2018, Brunswick adopted a Glynn Avenue Design Framework that would usher in revitalization of the marsh-front corridor partially occupied by the Hercules site. EPA's proposed cleanup plan would leave a blighted site in the middle of this corridor.

Meanwhile, the cleanup plan keeps more toxins on the site that can continue to contaminate fish in the area, leaving them unfit for human consumption. EPD, which annually publishes fish consumption guidelines for the state's waterways, recommends that anglers limit consumption of a host of fish landed in Terry Creek including whiting, yellowtail, striped mullet and Atlantic croaker.

Top: This outfall ditch drains the Hercules pesticide manufacturing facility in Brunswick. EPA's proposed cleanup plan would leave toxins in this waterway and block human use of the area indefinitely. Photo courtesy of Glynn Environmental Coalition. Above: Local citizens demonstrate earlier this year along Glynn Avenue in Brunswick. Both the Glynn County Commission and the Brunswick City Commission have asked EPA to remove more contaminated soil from the Hercules site and make it available for reuse. Photo courtesy of One Hundred Miles.

WHAT MUST BE DONE:

Currently, EPA's agreement with Hercules is being reviewed in court. U.S. District Court Judge Stan Baker should reject the consent decree reached between EPA and the polluters and demand a better cleanup plan that allows for the redevelopment of the Hercules Terry Creek site. Additionally, the Georgia General Assembly should adopt legislation that requires EPD to represent local considerations when reviewing EPA Superfund cleanup decisions.

GEORGIA WATER COALITION

For More Information Contact:

Alice M. Keyes, Vice President of Coastal Conservation, One Hundred Miles, 912-230-6494, alice@onehundredmiles.org