

**2018** **GEORGIA'S**  
**DIRTY**  
**DOZEN**



**GEORGIA**  
**WATER**  
**COALITION**

# 2018's Worst Offenses Against GEORGIA'S WATER

## GEORGIA WATER COALITION'S DIRTY DOZEN A Call to Action

Which is dirtier: Georgia's streams, rivers and lakes or Georgia's politics?

Consider that after the state lost a clean water lawsuit brought by a river protection group, its top environmental board simply changed the law to continue protecting a corporate polluter.

Consider that though legislators have promised to spend certain fees we pay to the state on clean community programs, they have shortchanged those programs by more than \$200 million over the past 25 years.

And, consider that during this year's legislative session, one of the state's most powerful corporations persuaded legislators to give the company a potential \$12 million windfall at the expense of our water, local governments and communities.

In Georgia, too often, dirty politics leads to dirty water.

The Georgia Water Coalition's (GWC) Dirty Dozen report, rather than identifying the "most polluted places" in Georgia instead highlights the politics, policies and issues that threaten the health of Georgia's water and the well being of 10 million Georgians.

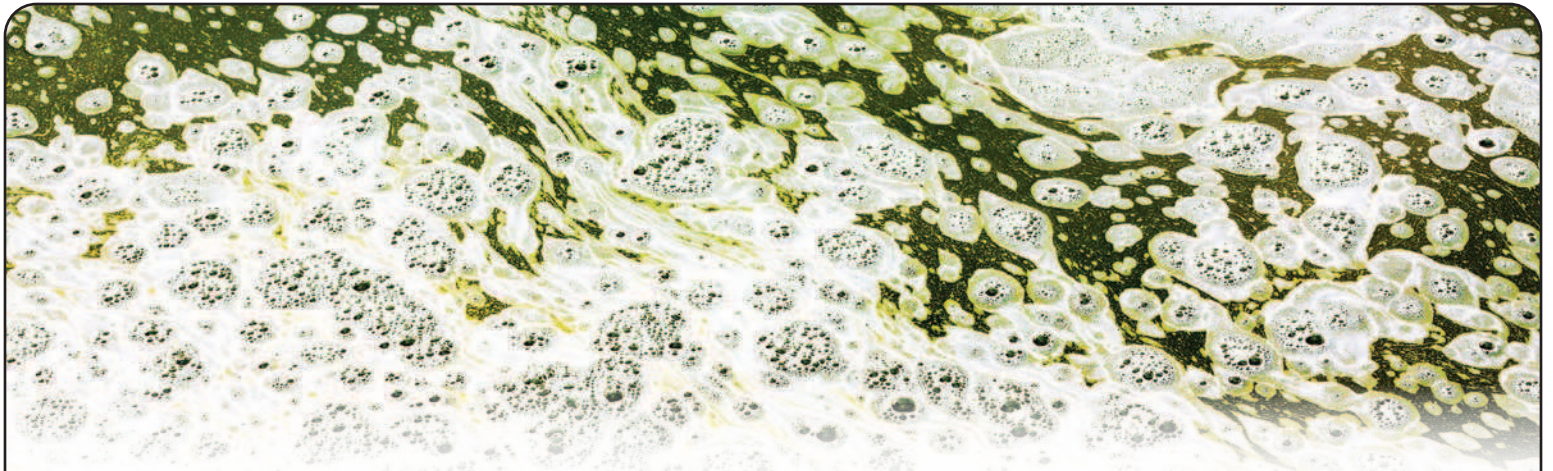
In March, the 19-member Department of Natural Resources Board voted to weaken Georgia's clean water rules to protect the Rayonier Advanced Materials pulp mill in Jesup. The rule change came on the heels of a state court decision that determined that Rayonier's wastewater discharge into the Altamaha River violated those very rules. The Board vote was unanimous. An executive with Rayonier's Jesup mill sits on that same board.

State budget writers once again looted the Hazardous Waste and Solid Waste Trust Funds, programs designed to clean up hazardous waste sites and illegal tire dumps. Citizens and businesses paid some \$21 million into these funds the previous year, but budget writers provided only \$6.8 million for these programs in the 2019 budget, breaking trust with citizens and leaving about 100 hazardous waste sites still waiting cleanups.



*Scrap tires stretch to the horizon at an illegal dump in DeKalb County. State budget writers have used funds intended to cleanup illegal dumps like this one for other portions of the state budget. In 2017, citizens and businesses paid some \$21 million into the state's clean community programs, but legislators provided only \$6.8 million for these programs in the most recent budget.*





*One of hundreds of known hazardous waste sites, the O'Neill Manufacturing site in Rome is one of several where state funds have been used to begin a cleanup. At current funding levels, it will take the state 176 years to cleanup about 100 hazardous waste sites.*

Finally, in the closing minutes of the General Assembly session, Georgia Power Company, which has made nearly \$400,000 in campaign contributions to Georgia politicians during the 2016 and 2018 election cycles, persuaded legislators to keep landfill tipping fees for toxic coal ash 60 percent less than tipping fees for ordinary household garbage. The move gives the company a potential \$12 million windfall while depriving local governments of important revenue they receive from hosting these regional landfills. The deal also exposes Georgians to more toxic coal ash shipped from out of state.

The legislature also failed to update the state's stream buffer laws. Existing law fails to protect all of Georgia's waterways with a natural vegetated buffer that helps keep pollution out of streams, but for the third session, legislators were unable to adopt measures to remedy the problem.

Other issues included in the report are a slate of problems impacting Georgia's coast.

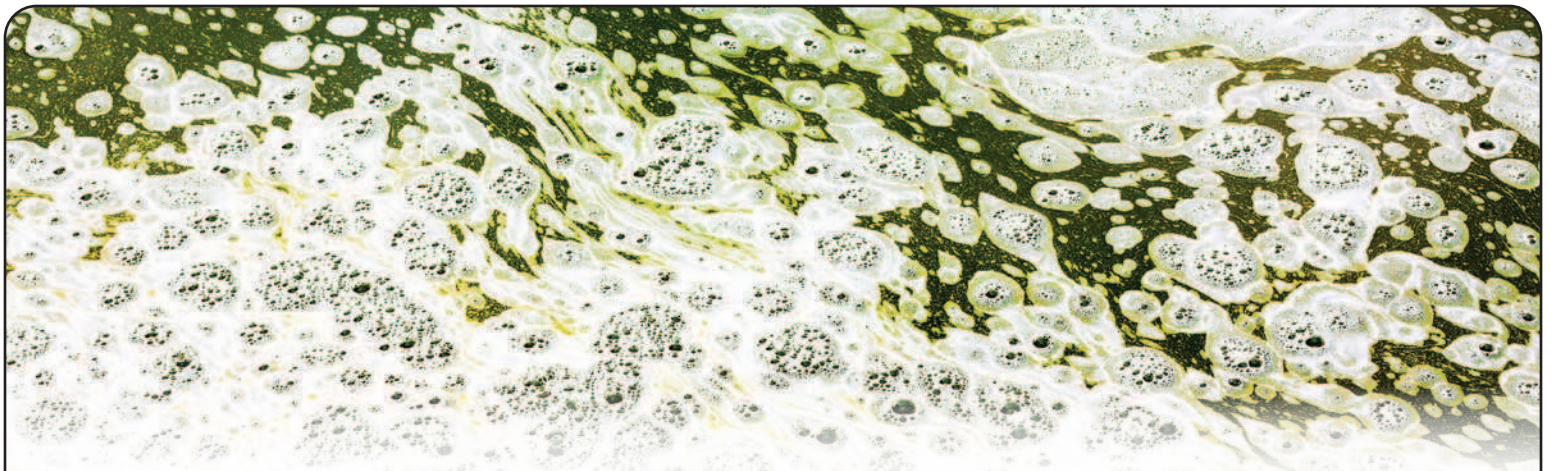
A proposed spaceport threatens Camden County's tourism economy centered around Cumberland and Little Cumberland Island with rocket launches that could force the regular evacuation of the two popular barrier islands. Launch failures could also rain debris and fire down on those same islands.

Offshore, the Trump administration's proposal to open the Atlantic seaboard to oil and gas exploration has been met with opposition from all but two East Coast governors. Gov. Nathan Deal has been mostly silent on this issue; instead directing state agencies to conduct a study of the potential impacts of offshore drilling.

In the aftermath of recent powerful hurricanes, a plan to build mansions on a narrow strip of land on Sea Island and protect them with a rock "groin" extending into the Atlantic Ocean can only be considered ill-conceived. If built the project could lead to the accelerated erosion of public beaches nearby.

Inland, state and local leaders must solve problems both big and small.





On the Savannah River, the over budget and behind schedule nuclear reactors at Plant Vogtle continue to be a burden on utility ratepayers and taxpayers. The Georgia Public Service Commission could decide in February how much Georgia consumers will pay for this project that also threatens the health of the Savannah River.

North of Macon sits the country's biggest coal-fired power plant in Georgia Power Company's Plant Scherer. The mammoth plant produces millions of tons of toxic coal ash and stores it in an unlined 553-acre pond that is now polluting groundwater.

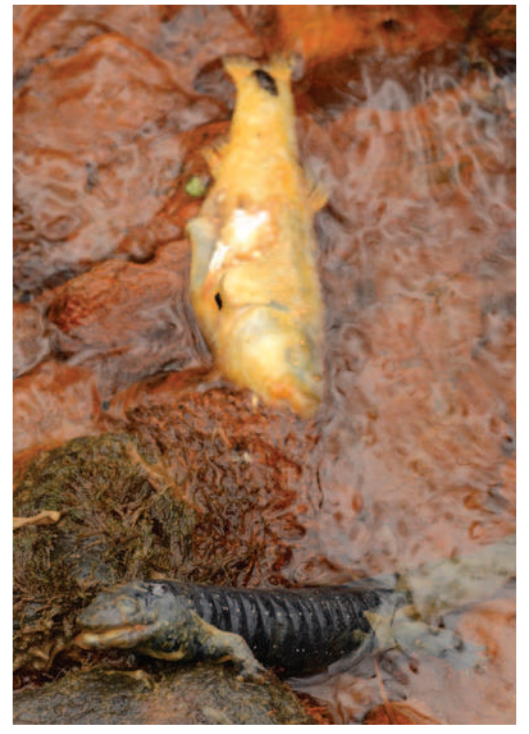
On the Apalachee River, Walton County wants to build an unnecessary drinking water intake that could remove more than 75 percent of the river's flow at certain times of the year, raising concerns among river users and downstream property owners.

In the mountains, a March chemical spill in Dawsonville that killed more than 8,000 fish exposed the failure of state leaders to properly fund that state's Environmental Protection Division (EPD). The EPD program charged with preventing tragedies like this has only two full-time staffers that must oversee industrial stormwater protection plans for some 2800 facilities.

Funding for EPD has remained stagnant despite growing state revenues. In the state's 2019 budget, the agency received less in state funding than it did in 2005. Adjusted for inflation, EPD has seen the state portion of its budget reduced by about 21 percent in the past 14 years.

Finally, proposed changes to the Clean Water Act made by the Trump administration puts Georgia's water in the crosshairs. If the Clean Water Act is revised as President Trump has proposed, as much as 56 percent of the stream miles in Georgia could lose important protections.

The GWC publishes this report as a call to action for our state's leaders and its citizens. GWC 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



*Dead salamanders and fish litter Flat Creek in Dawsonville after a March chemical spill at a chicken processing facility. The spill killed more than 8,000 fish, and could have been prevented. Lack of funding for Georgia's Environmental Protection Division means that few of the state 2800 industrial facilities are inspected annually. The Dawsonville facility had not been inspected in the previous five years.*





# 2018's Worst Offenses Against GEORGIA'S WATER

## FLAT CREEK

Chemical Spill Kills Mountain Stream, Endangered Species;  
Highlights Weak State Oversight of Industrial Sites

### INTRODUCTION:

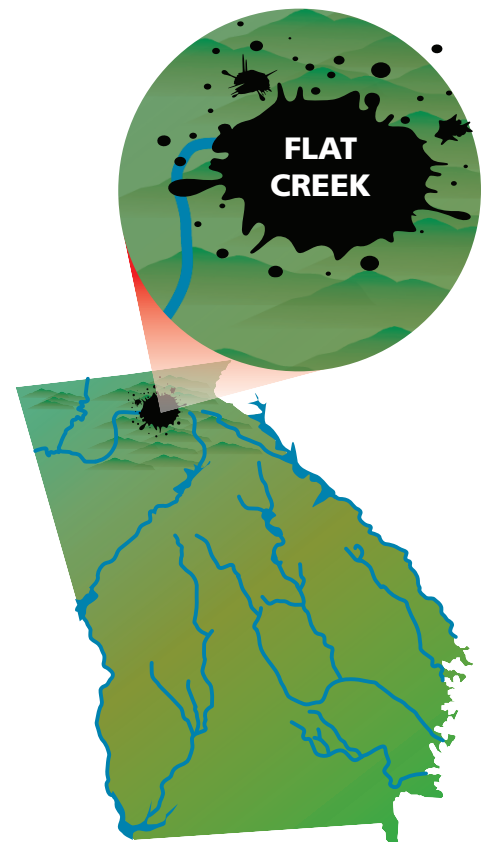
When a chemical spill at a Dawsonville chicken processing plant wiped out all aquatic life on a 3.7-mile stretch of Flat Creek, it did more than kill nearly 2,000 federally protected fish; it exposed the glaring weaknesses in Georgia's underfunded and understaffed industrial stormwater program. Every industrial facility in Georgia (about 2,800 sites) is supposed to have a plan in place to control spills and polluted runoff to prevent tragedies like the one that occurred on Flat Creek in March. But Georgia's Environmental Protection Division (EPD), with only two and a half employees dedicated to reviewing these stormwater plans, is hamstrung when it comes to identifying those facilities that need to improve. In the case of Gold Creek Foods in Dawsonville, EPD's industrial stormwater team had not inspected the facility in the previous five years.

### THE WATER BODY:

Flat Creek, a tributary of Shoal Creek and the Etowah River, actually has its beginning in stormwater flow leaving the Gold Creek Foods processing facility in Dawsonville. From there it splashes over shoals for nearly four miles to Shoal Creek which, in turn, flows to the Etowah River within the Dawson Forest Wildlife Management Area. The creeks of the Etowah River basin are known for their aquatic biodiversity. The river basin is home to 76 fish species, including three species—Etowah, Cherokee and amber darters that are federally protected. Etowah and Cherokee darters are found only in the Etowah and creeks feeding it and no where else in the world. Downstream from Dawsonville, the Etowah provides about 13 percent of metro Atlanta's drinking water, including large portions of Cherokee, Cobb and Paulding counties.

### THE DIRT:

On the rainy night of March 20, a forklift driver at Gold Creek Foods punctured a 55-gallon barrel of ferric chloride, an acid used in water treatment at the plant. More than 40 gallons flowed downhill to a retention pond and then on to Flat Creek. Two days later, Dawsonville





city workers noticed the creek flowing bright orange, saw dozens of dead fish and quickly traced the problem to Gold Creek Foods.

The spill killed virtually all aquatic life in Flat Creek for nearly 4 miles. Crayfish, salamanders and fish littered the orange-tinged water of the creek as it flowed past a local elementary school and residential areas in Dawsonville. Georgia Department of Natural Resources investigators estimated that 8,262 fish perished, including 1,990 Cherokee darters.

Further inspection of the Gold Creek Foods facility found that the area where ferric chloride and other chemicals were stored lacked structures to contain spills and prevent them from flowing to Flat Creek.

In previous years, numerous complaints about pollution from Gold Creek Foods prompted regional EPD personnel to visit the facility. During one of those visits, the improper storage of chemical drums was noted and the company's Stormwater Pollution Prevention Plan (SWPPP) was discussed. In fact, records show that water monitoring required by the SWPPP and conducted by Gold Creek Foods from 2015-2017 indicated regular violations of clean water benchmarks. But, EPD staff in Atlanta with the industrial stormwater team never completed a thorough review of the site, this data or the SWPPP.

In the end, Gold Creek Foods got a slap on the wrist and Georgia taxpayers were left paying for the pollution. While EPD required Gold Creek Foods to cleanup contaminated soil on their property and update its SWPPP to prevent future spills, they assessed a monetary penalty of just \$15,000. Department of Natural Resources personnel spent dozens of hours addressing and investigating the spill. The cost of the fish kill survey alone amounted to nearly \$6000.

Meanwhile, with some 2800 facilities to regulate, EPD's industrial stormwater staff labors under a heavy workload. The two and a half person staff has a goal of inspecting and reviewing 124 facilities annually. At that rate, it will take the team about 22 years to visit all of Georgia's industrial sites.



## WHAT MUST BE DONE:

To prevent future tragedies like the Flat Creek fish kill, Georgia's leaders should provide more funding for Georgia's Environmental Protection Division to improve its industrial stormwater inspection program. And though the state issued a nominal penalty, the U.S. Fish and Wildlife Service through the Endangered Species Act has the authority to require Gold Creek Foods to fund restoration projects to benefit federally threatened Cherokee darters. The Service should use that authority and require the company to restore habitat on Flat Creek or other streams in the Etowah River basin that support populations of Cherokee darters.

*Top: The Etowah River downstream from Flat Creek in the Dawson Forest Wildlife Management Area is a popular paddling destination. In addition to hosting 76 fish species, the Etowah also provides about 13 percent of Metro Atlanta's drinking water. Above left: Dead fish litter Flat Creek in Dawsonville. The release of ferric chloride to Flat Creek was blamed on the failure of Gold Creek Foods to have containment measures in place to prevent spills from reaching local water bodies. Above right: Flat Creek following the spill of ferric chloride at Gold Creek Foods. The iron in the acid colored the creek bright orange.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## ALTAMAHA RIVER

State Environmental Regulators Change The Rules to Allow Pulp Mill To Continue Polluting

### INTRODUCTION:

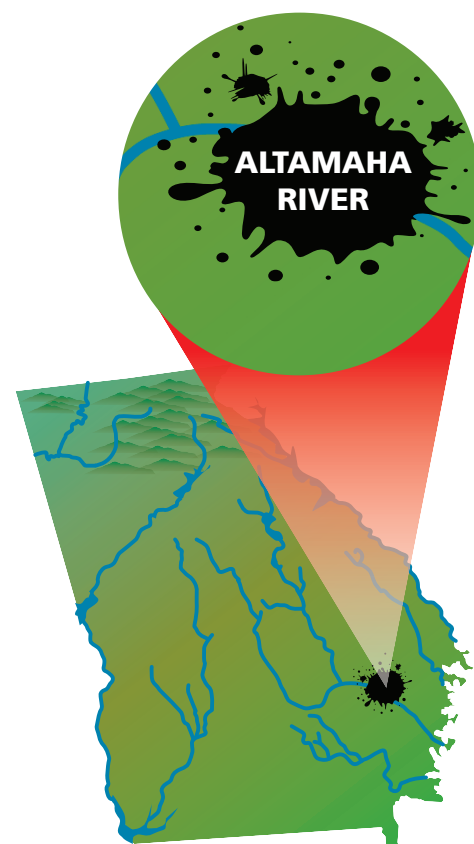
In the latest chapter in the decades-long battle to stop a Jesup pulp mill from fouling the Altamaha River, Georgia's Environmental Protection Division (EPD) and state leaders have stooped to a new low. When a state administrative law judge ruled against EPD and in favor of Altamaha Riverkeeper, concluding that the discharge from the Rayonier Advanced Materials (Rayonier AM) chemical pulp mill violated state laws, EPD simply changed the law. With that change, Rayonier AM can now continue to foul the river with its dark, noxious discharge that leaves river users holding their noses and refusing to swim or otherwise recreate in the river downstream from the mill. What's worse, the rule change opens up every other water body in Georgia to the same kind of ugly discharge that has sullied the Altamaha for decades. In recent years, it is among the most glaring examples of state leaders coddling big business at the expense of ordinary citizens.

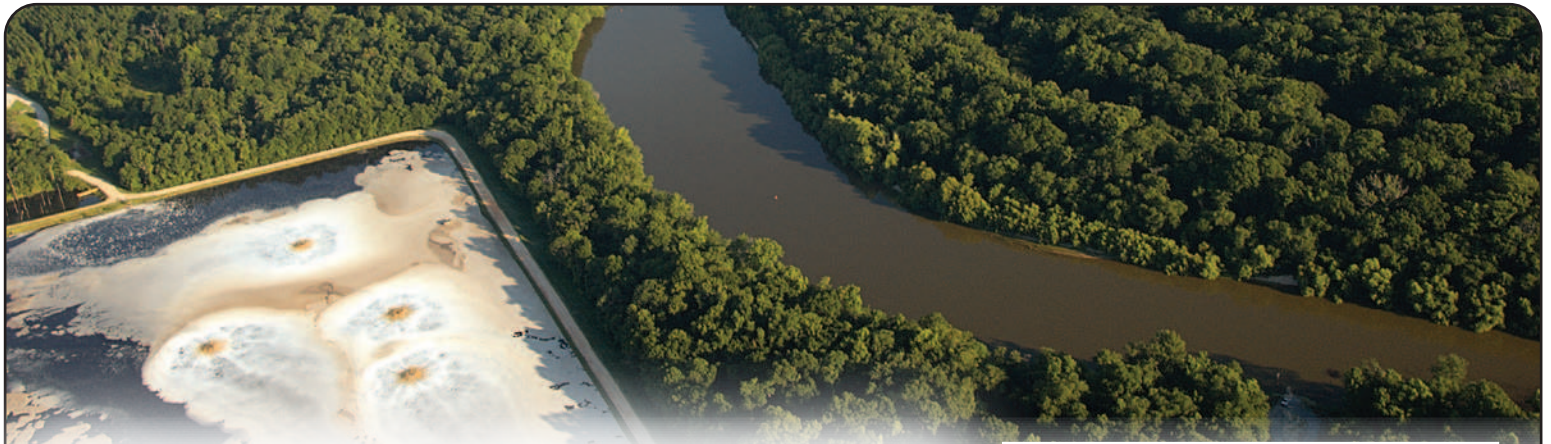
### THE WATER BODY:

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:

To fully appreciate the extent of the harm caused to the Altamaha by Raynoier AM, it is instructive to sift through the mill's 64-year history. Shortly after the plant opened in 1954, a massive fish kill occurred on 40 miles of the river between the mill and the Atlantic Ocean, with "dead fish by the thousands" lining the river's banks. In the 1960s, the river was





plagued by a “crude slime” prompting state regulators to require the mill to install a wastewater treatment system. In 2008, after multiple complaints by citizens and Altamaha Riverkeeper, Rayonier agreed to take steps to reduce the dark, black discharge that discolored the river and left it foul smelling.

By all accounts, the presence of the mill has forever changed the character of the river and changed the way both locals and visitors use and enjoy the Altamaha.

When Altamaha Riverkeeper challenged Rayonier AM’s pollution control permit in 2016, the court heard testimony of local anglers who refuse to eat fish they catch because the flesh smells of the mill. Other witnesses said they would not swim in the river downstream of mill because of its foul condition.



That testimony and other evidence presented led a state administrative law judge to rule in favor of Altamaha Riverkeeper, a decision that would force the company to finally address the color and odor of its wastewater pumped to the Altamaha.

But, Rayonier and EPD appealed that decision. Then, EPD took an extraordinary step to ensure that the company could continue polluting regardless of how higher courts might rule: they simply changed the law.

Within the rules and regulations for water quality standards, EPD proposed removing language that protected all “legitimate water uses” of the river with language that would make Rayonier’s discharge illegal only if it “unreasonably” interfered with the “designated uses” of the river. This meant that because the state had designated the Altamaha as needing protection for “fishing” (not swimming and other water recreation), the color and odor of Rayonier AM’s discharge did not “reasonably” interfere with “designated uses.”

In March, the 19-member Department of Natural Resources Board that includes a manager at Rayonier AM’s Jesup mill voted unanimously to accept EPD’s rule change.

In protecting Rayonier and its \$82 million in net income during 2017, state leaders have opened the door to similar pollution on every water body in Georgia.

“They (EPD) control the rules and they rewrite the rules when they need to. And, they are relatively transparent about it,” said Hutton Brown, an attorney with the Southern Environmental Law Center who represented Altamaha Riverkeeper, “They didn’t want to lose this case, so they changed the rules.”

## WHAT MUST BE DONE:

Before EPD’s rule change goes into effect, the U.S. Environmental Protection Agency (EPA) must review and approve it. EPD is currently awaiting approval. EPA should reject the proposed rule change and state leaders should more appropriately balance the public’s use of our rivers with the profits of global corporations like Rayonier.

*Top: The Rayonier AM pulp mill has operated on the Altamaha River since 1954. Over the years, the mill has caused fish kills, created chronic slime in the river and caused the color and odor of the river to change. Above right: Kayakers paddle past the waste ponds at Rayonier AM’s pulp mill on the Altamaha River near Jesup. Pollution from the pulp mill dramatically changes the character of the river downstream from the mill’s discharge. Photos courtesy of Brian Brown/Vanishing Coastal Georgia*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## GEORGIA'S PUBLIC HEALTH

Legislative Budget Writers Keep Stealing From Environmental Funds

### INTRODUCTION:

During the 2018 legislative session, a handful of powerful legislators derailed efforts to ensure that the fees citizens and businesses pay to the state to fund important environmental programs are spent for their intended purposes. HR 158, a measure sponsored by Chairman Jay Powell (R-Camilla) that would put an end to the deceit and shore up the state's environmental programs, sailed through the House of Representatives by a 166-1 vote, but then it landed in Chairman Jack Hill's (R-Reidsville) Senate Appropriations Committee. There it was stonewalled, allowing budget writers to continue to divert millions from the state's Hazardous Waste and Solid Waste Trust Funds. Since these funds were created in the early 1990s, the state has collected some \$510 million from citizens and businesses specifically intended for environmental programs, but about \$212 million has been diverted for other uses.

### 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.





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 the most recent fiscal year, 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, \$212 million, or about 42 percent of the funds collected have been used to fund other portions of the state budget.

As Rep. Al Williams (D-Midway) told the Savannah Morning News during the legislative session: "That's misleading. If you collect it for trauma or tires or waste management, whatever, use it for that. It's transparency. Voters lose faith in elected officials if they tell them one thing and do another."

As HR 158 died in the waning moments of the session and appropriators funded legislators' pet projects, about 100 hazardous waste sites awaited state-funded cleanups.

Georgia's Environmental Protection Division (EPD) estimates that it will take \$88 million to complete these cleanups. 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.

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. In 2017, \$128,884 (of the \$7.1 million in Solid Waste Trust Fund collections) was made available to support local waste reduction and recycling programs.

## WHAT MUST BE DONE:

Both the Hazardous Waste and Solid Waste Trust Funds are up for reauthorization in 2019. Legislators should reauthorize these important fee programs, and further take action to ensure that all collections are appropriated for their intended purposes.



*Top: Hazardous waste sites and illegal tire dumps threaten Georgia's drinking water and our recreational waters. About 100 hazardous waste sites await state-funded cleanups, but legislators appropriate only a fraction of the money raised to cleanup these sites each year. Above left: To support passage of HR 158 sponsored by Chairman Jay Powell (R-Camilla), Georgia Water Coalition volunteers pushed this tire around the state capitol for 24 hours straight. The measure passed the House 166-1 but died in the Senate Appropriations Committee. Above right: An illegal tire dump in DeKalb County awaits cleanup earlier this year. Georgia Environmental Protection Division staff are monitoring dozens of illegal tire dumps across the state.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## GEORGIA'S DRINKING WATER

Powerful Lobbyists Secure Loophole Inviting Out-Of-State Coal Ash To Georgia Landfills

### INTRODUCTION:

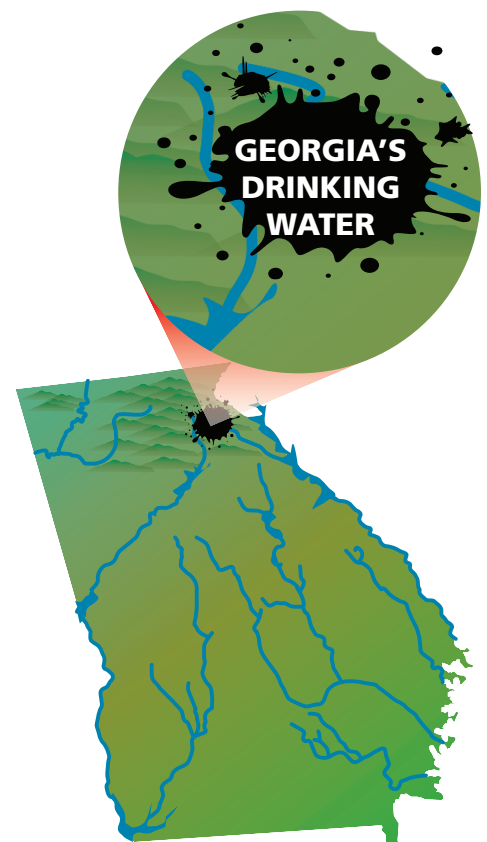
Thanks to behind the scenes lobbying by the Georgia Power Company, it will soon be cheaper to dump toxic coal ash in some Georgia landfills than it is to dump ordinary household trash in those same landfills. In the waning moments of this year's General Assembly session, the state's largest energy provider (and largest producer of coal ash) persuaded legislators to carve out an exception to a proposed increase to landfill tipping fees charged by local governments to operators of private landfills. With the passage of HB 792, beginning in July 2019, local governments will charge landfill operators \$2.50 for every ton of household garbage collected, but only \$1 per ton for coal ash. With some 8 million tons to dispose of at local landfills, this translates into a potential \$12 million windfall for Georgia Power. What's worse, the coal-ash loophole means that Georgia will continue to be a dumping ground for out-of-state coal ash.

### THE WATER BODY:

Currently, landfills located in Cherokee, Meriwether, Banks, Taylor, Chatham and Charlton counties can accept coal ash waste. These landfills are situated along streams and rivers and above vital groundwater sources that supply hundreds of thousands of Georgians with drinking water. While these facilities have been approved by Georgia's Environmental Protection Division to accept coal ash waste, concerns that coal ash toxins like arsenic, lead, mercury and selenium could leak out remain. Furthermore, these landfills are allowed to operate in wetlands and floodplains, increasing the risks of pollution. This leaves groundwater surrounding these landfills and tributaries of the Etowah, Chattahoochee, Savannah, Flint, Ogeechee and St. Mary's rivers all at risk to this toxic pollution.

### THE DIRT:

What does nearly \$400,000 in campaign contributions buy you at Georgia's state capitol? Apparently, lots of influence. That's how much Georgia Power Company has contributed thus far to candidates for office in Georgia during the 2016 and 2018 election cycles. So, it





came as no surprise that lobbyists with the electric utility giant were successful in saving the company money at the expense of local communities. In the waning moments of the 2018 General Assembly session, the electric utility persuaded legislators to insert a last minute amendment into a bill giving the company a potential \$12 million windfall when it comes to disposing of the company's toxic coal ash waste at municipal solid waste landfills.

HB 792 raised the amount on tipping fees that local governments charge to private landfills operating in their communities to \$2.50 per ton from \$1 per ton, but the amendment pushed by Georgia Power kept the fee for coal ash waste at \$1 per ton until 2025—coinciding with the time frame the company plans to dispose of about 8 million tons at local landfills.

The real losers are local governments and the communities surrounding the landfills. The tipping fees are intended to help these governments offset some of the costs inherent in hosting large regional landfills, including funding for repair of damaged roads, groundwater monitoring, remediation of closed landfills and even the purchase of land adjacent to the landfill to lessen the impact of the facility on neighboring property owners.

And, the low tipping fee for coal ash invites the continued disposal of out-of-state ash. In 2017, Waste Management's R & B Landfill in Banks County and Chesser Island Landfill in Charlton County took in more than 2.5 billion pounds of out-of-state coal ash. If coal ash continues flowing to these landfills at similar rates in the future, the sweetheart deal legislators carved out for Georgia Power could mean a loss of about \$2 million in revenue from out-of-state coal ash for the host counties.

Unless the General Assembly fixes this last-minute deal during the upcoming legislative session, Georgia Power will get cheap disposal of coal ash while local governments will receive less in return for serving as the dump for their toxic waste. Meanwhile, Georgia will continue to be the dumping ground for out-of-state coal ash, unnecessarily exposing Georgians and the water they drink to the risks associated with coal ash disposal.

## WHAT MUST BE DONE:

State leaders must undo the damage done by HB 792. They should introduce legislation repealing the provision in HB 792 that gave Georgia Power and out-of-state waste generators a free pass to dump coal ash waste on Georgians.

*Top: Over the next several years, Georgia Power Company expects to transfer millions of tons of coal ash from its coal-fired power plants to municipal solid waste landfills, and thanks to a sweetheart deal from the Georgia legislature, it will do so at greatly reduced costs. Above left: Citizens participate in the Georgia Water Coalition's Capitol Conservation Day. Citizen lobbyists face a challenge influencing legislators when large corporations like Georgia Power Company donate hundreds of thousands to candidates for state offices. During the 2018 session, Georgia Power lobbyists successfully convinced legislators to provide the company with a potential \$12 million windfall at the expense of local governments.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## **STREAM BUFFERS**

Legislative Inaction Leaves a Bedrock Clean Water Law in Limbo

### **INTRODUCTION:**

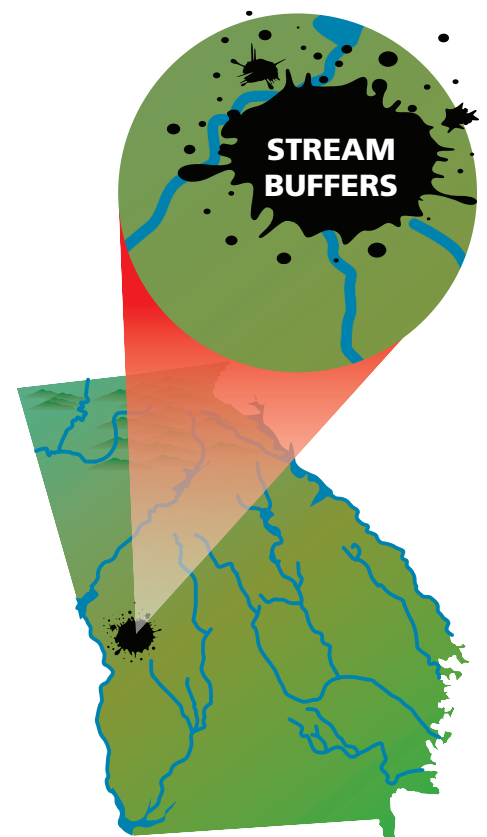
For the past three years, one of our state's most important laws for keeping our rivers and streams clean has been in legislative limbo. In 2015 Georgia's Supreme Court recommended lawmakers fix language in Georgia's stream buffer laws, but three legislative sessions have come and gone with no action. In 2016, legislators introduced bills to solve the problem, but at every turn they were met with opposition. In 2017, when those same solutions were brought up, legislative leaders instead created a committee to "study" the issue—a maneuver often used to squelch meaningful action on contentious issues. And in 2018 even after the results of that study committee confirmed the problem originally identified by the Supreme Court, legislators again sat on their hands. As a result, some water bodies in Georgia remain unprotected by a bedrock water protection law—one that prevents disturbing the natural areas along our state's rivers, streams and lakes.

### **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, streams and lakes 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:**

Stream "buffers" are the first line of defense for clean water. These natural areas along rivers, streams and lakes filled with grasses, shrubs and trees help prevent pollution from entering our water and perform valuable functions for aquatic wildlife and the anglers that pursue Georgia's sport fish from brook trout in the North Georgia mountains to redbreast sunfish in South Georgia's blackwater streams. That's why the state has long prohibited land disturbances within 25 feet of warm water streams and 50 feet of North Georgia's cold water streams.





Those 25 and 50-foot buffers are measured from the point of “wrested vegetation,” the place along the stream bank where the flow of the water prevents plants from growing.

But, as the Supreme Court recognized in 2015, there are many places along Georgia streams where this line of “wrested vegetation” cannot be easily found, leading to considerable confusion about where the buffer should be measured. Georgia’s Environmental Protection Division (EPD) which is charged with enforcing the law, has chosen not to enforce a buffer in such situations.

Though there are other simple tests for determining where the water ends and land begins and thus measure the buffer, and while legislators have put forth bills that would codify these tests, no measures have moved beyond committee hearings.

That’s because stream buffers are controversial. Some contend that the state-imposed buffers lessen the development potential and thus the value of property. Furthermore, they argue that buffers amount to the state government “taking” a landowner’s property while at the same time allowing local governments to tax that very property.

But those long-standing arguments may have met their Waterloo during the proceedings of the study committee on stream buffers created during the 2017 legislative session.

At committee hearings, legislators learned from the Georgia Association of Assessing Officials, the trade organization for property appraisers and tax assessors, that tax assessors take into consideration buffers when determining a property’s value for tax purposes. In other words, if you own property with buffers you are not paying high taxes on those buffers. But, if you were to sell that property, it is likely that the presence of a healthy buffer and water body would command a higher sales price.

At those same hearings, EPD confirmed the difficulty their employees face in identifying and properly measuring buffers due to the ambiguity of the law and acknowledged that currently some water bodies are not protected consistently.

Yet, despite these important findings, the committee recommended further study, and the 2018 session passed with no bills to fix Georgia’s stream buffer problem advancing.

## WHAT MUST BE DONE:

The Georgia Supreme Court recognized a problem in the state’s stream buffer laws that prevents all of Georgia’s water from being protected by natural buffers. EPD, the lead state agency on enforcing buffer laws, likewise acknowledges the problem. Georgia legislators now must act to fix the state’s confusing “wrested vegetation” stream buffer test by passing legislation during the 2019 session that protects all of Georgia’s rivers, streams and lakes along with those citizens who own property along them.

*Top: Charged with enforcing stream buffer laws, Georgia’s Environmental Protection Division may find it difficult to identify a point of “wrested vegetation” on this water body in Jackson County. EPD told legislators that on slow-moving water bodies where there is no point of wrested vegetation, there is no enforced buffer.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## CUMBERLAND & LITTLE CUMBERLAND ISLANDS

Proposed Spaceport on Georgia Coast Threatens Premiere Barrier Islands

### INTRODUCTION:

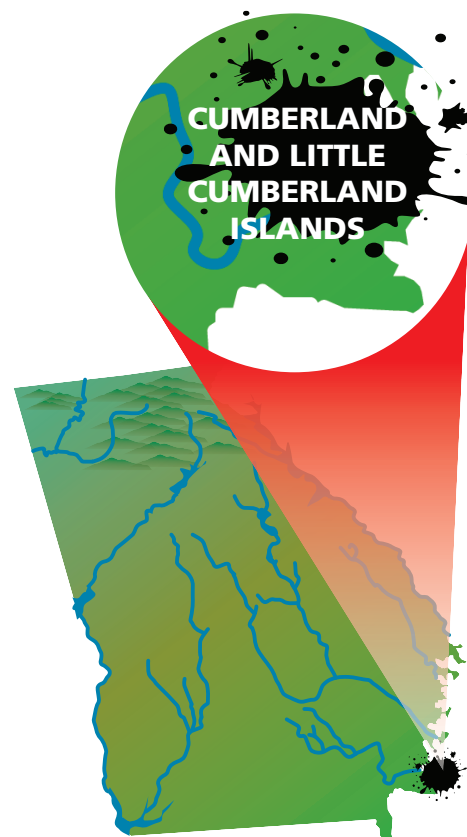
When residents of coastal Georgia think disaster, they think hurricanes, but on Little Cumberland and Cumberland Islands, they've begun worrying about rockets falling from the sky, and with good reason. Camden County has proposed constructing a rocket launching facility near the mouth of the Satilla River. The launch pad would be situated within a handful of miles of homes on the barrier islands and the Cumberland Island National Seashore visited by thousands each year. While other launch facilities typically have a safety zone of 10 to 20 miles from which people are excluded during launches to reduce risks associated with failed launches, Spaceport Camden would be located within five miles of Little Cumberland Island homes and campgrounds on Cumberland Island. If approved, it would be the only facility in the country to launch rockets over such an inhabited and heavily-visited area.

### THE WATER BODY:

If built, Spaceport Camden would sit on the banks of Todd Creek, an important tributary to the Satilla River. Cumberland and Little Cumberland Islands are surrounded by water, and Christmas Creek, which divides the two islands, is said to be the best fishing spot on Georgia's coast. The Atlantic Ocean crashes on the islands' east-facing beaches and provides the network for some 10,000-acres of tidal marshes and creeks lapping their western shores. These pristine waters are the reason up to 60,000 visitors come to the island annually, supporting some 750 tourism-related jobs in Camden County alone and accounting for some \$86.9 million in annual economic activity. Cumberland Island is home to the largest maritime forest on the east coast with some 19,000 acres protected, including some 18 miles of undeveloped shoreline. In short, it is a coastal paradise playground for its year-round and seasonal residents and for those who visit for a day or more.

### THE DIRT:

Rocket launches are not always successful. The tragedy of the Space Shuttle Challenger in 1986 made that abundantly clear. According to the Spaceport Camden draft Environmental Impact Statement (EIS),





2.6 to 6 percent of commercial launches fail, sometimes spreading rocket fuel and flaming debris across a wide field. Because of that danger, large areas around launch sites (typically 10-20 miles surrounding the flight path) are evacuated.

But, at Spaceport Camden, the margin for error is small. Residences on Little Cumberland Island are within five miles of the launch pad, as are areas of the Cumberland Island National Seashore used by visitors.

And, because the Federal Aviation Administration (FAA) and Camden County refuse to release the risk analysis associated with the project, it remains unclear whether private property and the recreational and commercial fishing waters surrounding them would need to be evacuated during launches.

If so, life on the islands could be disrupted regularly as Camden County's current plan calls for 12 launches annually. Should debris from a failed launch fall on the island even more havoc could ensue. With no fire protection on the island, a rocket-induced fire could ravage the island's maritime forest.

The draft EIS released by FAA earlier this year was riddled with errors, most notably failing to thoroughly evaluate the potential impacts of failed launches.

For Camden County taxpayers, the project—with more than \$5 million in local tax funds already invested—is increasingly looking like the launch pad to nowhere.

Aerospace business experts have questioned the viability of the project, especially given the problems of launching over residential areas and the National Seashore as well as the presence of competing launch sites in Florida and Virginia.

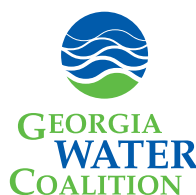
Ray Lupo, director of the Florida Space Institute in Orlando, which supports space research, development and education activities at the University of Central Florida, said that it's rare for commercial ports to succeed. "Given that there hasn't been a commercial spaceport that is breaking even or making money, tell me why Camden should be different?" he asked. "I'm struggling with what's the business case."

Opponents of the project point to the business case made by the already existing \$86.9 million tourism and recreation economies in Camden County that depend on the natural beauty of the area and year-round access to Cumberland Island.

## WHAT MUST BE DONE:

In October, the Southern Environmental Law Center filed a lawsuit against the Federal Aviation Administration (FAA) to force the agency to release its risk analysis to the public so that Camden residents can fully understand the hazards that Spaceport Camden poses. The FAA should release this report, and it should ultimately deny Camden County's request for a Site Operator's License. Camden County Commissioners should abort their spaceport mission and cease investing taxpayer funds in this ill-conceived project.

*Top: The fear of fire on the Cumberland Island is well founded. The Carnegie family's 59-room Dungeness Mansion succumbed to fire in 1959, leaving behind these ruins which help attract some 60,000 visitors to the island annually. Top left: When rockets are launched at the proposed Spaceport Camden, it could force the closure of large areas of the coast, interfering with recreational and commercial fishing around Cumberland Island.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## OFFSHORE DRILLING

Governor Nathan Deal's Silence on Trump Administration Proposal To Drill for Oil off Georgia's Coast Betrays Coastal Communities

### INTRODUCTION:

Since the Trump Administration rolled out its plan to open the entire Atlantic coast to offshore drilling for oil, every governor of Atlantic coast states has come out in opposition to the proposal, except two...Maine's Gov. Paul LePage and Georgia's Gov. Nathan Deal. Gov. Deal has remained conspicuously silent on the issue despite opposition to the proposal from numerous coastal communities as well as a contingent of a dozen state legislators. Offshore drilling and the seismic testing used to locate oil reserves pose serious threats to marine wildlife as well as the coast's natural beauty and the state's tourism and seafood industries.

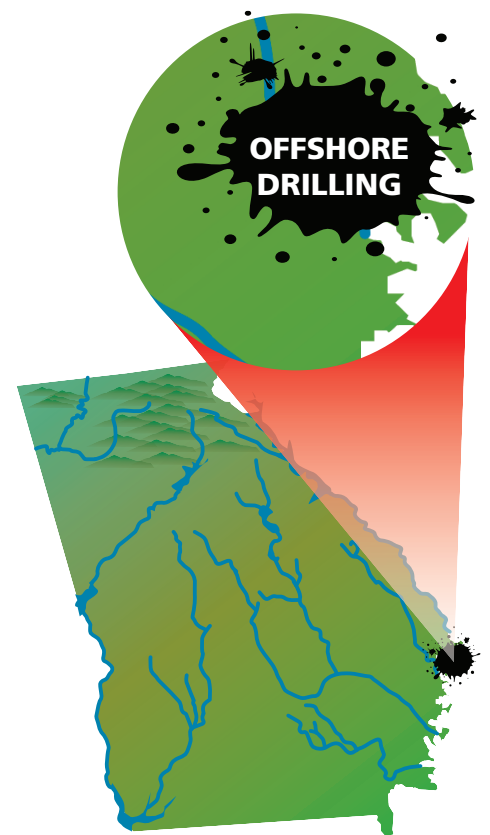
### THE WATER BODY:

Georgia's 100-mile coast is a destination and desirable 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. 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 368,000 acres of salt marsh and 100 miles of coastline. Recognized as a globally significant ecosystem, Georgia's coast is one of the state's signature landscapes.

### THE DIRT:

Dr. Martin Luther King, Jr. once said that there comes a time when "silence is betrayal." The civil rights leader's words might well apply to Gov. Nathan Deal when it comes to the issue of drilling for fossil fuels on Georgia's coast.

Though all 12 of Georgia's coastal legislators sponsored and endorsed resolutions opposing oil and gas drilling activities on the coast; though city leaders in Savannah, Richmond Hill, Brunswick, Hinesville,





Kingsland, Thunderbolt, Tybee Island and St. Marys have all adopted resolutions opposing offshore oil exploration; though about 5,000 Georgians have petitioned Gov. Deal to oppose offshore drilling; and though 12 other Atlantic coast governors have stated their opposition, Gov. Deal has yet to take a stand on the Trump Administration's proposal to open the entire eastern seaboard to oil exploration.



In February, Gov. Deal expressed concerns about Georgia's coastal tourism industry and requested that the Department of Natural Resources conduct a study on the "viability and risks associated with offshore drilling." That study is expected to be completed soon.

Likewise, the U.S. Bureau of Ocean Energy Management (BOEM) is expected to release a draft of its offshore oil and gas development plan before year's end, at which time, the public will have the opportunity to comment on the proposal. The plan will govern offshore energy development from 2019-2024.

In opposing offshore drilling, coastal legislators and locally-elected officials cited the risk of oil spills and their impact on the coast's tourism and fishing industry as well as the impact onshore infrastructure to support oil rigs might have on the "character of our coastal landscapes and our communities."

Legislators also cited the risks to marine life posed by seismic testing. 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.

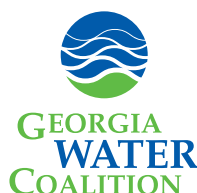
Most at risk are the federally endangered North Atlantic right whales (Georgia's official marine mammal) which travel to the Georgia coast each winter to give birth. Scientists believe that fewer than 400 of these animals still exist, and whale experts have warned that seismic testing could lead to the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

Further studies have shown that in areas where seismic testing has occurred, commercial catch rates have plummeted by as much as 80 percent, and zooplankton, the base of the ocean food chain, are decimated within three-quarters of a mile from the point of the seismic blasts.

## WHAT MUST BE DONE:

Legally, the BOEM must confer with all coastal state governors before finalizing the federal plan for offshore drilling on the Atlantic coast. Gov. Deal should use that opportunity to support his coastal constituents in opposing oil and gas exploration. When the BOEM releases its draft plan, Georgians and their leaders should voice their opposition to any proposal that includes oil and gas exploration on the coast.

*Top: Opponents of offshore drilling fear that onshore infrastructure to support coastal oil rigs could negatively impact the natural beauty of Georgia's coast. This facility looms over the Gulf Coast near New Orleans. Above left: Georgia's coast, with 14 primary barrier islands and some 368,000 acres of salt marsh, is a natural playground. These amenities help support 24,000 tourism and fisheries jobs for Georgia's citizens.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## GEORGIA'S COAST

Shoreline Engineering Project for Luxury Development Threatens Neighboring Beaches, Wildlife

### INTRODUCTION:

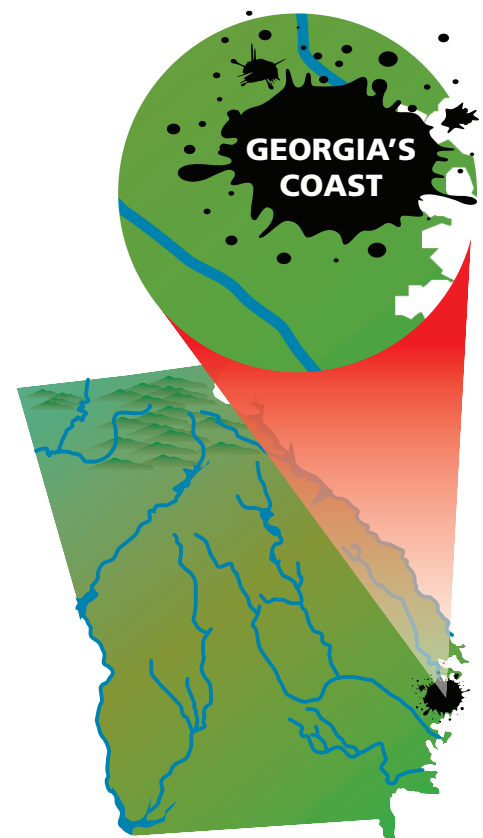
In the last two months, Hurricanes Florence and Michael have battered communities across the South, wreaking havoc on oceanfront properties with high winds, storm surge and inland flooding. The damage caused by the storms exposes the inherent risks of building on our vulnerable coastlines. As extreme weather continues to intensify throughout the Southeast, one of Georgia's premiere coastal resorts is proposing to sell eight lots for building luxury homes along "the Spit," a narrow strip of ecologically-sensitive land on the southern end of Sea Island. With the price tag for these lots in the \$3 to \$8 million range, the private developer contends it needs to construct a rock "groin," a wall built perpendicular to the beach, to protect the lots. State and federal regulators have given this project the green light in spite of the fact that any houses built on the spit will be highly vulnerable to hurricanes and other extreme weather events.

### THE WATER BODY:

Georgia's coast has become a world-renowned vacation destination. Our healthy waters and pristine beaches are a major draw for tourism, supporting more than 24,000 jobs and contributing over \$1.2 billion to Georgia's economy. Meanwhile the surrounding landscape of sand beaches, endless salt marshes and barrier islands provides habitat for 71 high priority animal species and 91 high priority plant species. The estuarine waters serve as nurseries for 70 percent of the species of fish and shellfish harvested off the Georgia coast, supporting commercial and recreational fisheries that contribute some \$400 million to Georgia's economy. Sea Island itself serves as an important nursery for threatened and endangered sea turtles and critical habitat for numerous shorebirds.

### THE DIRT:

In addition to attracting visitors from across the state and beyond, the region's natural beauty and rich coastal resources have spurred intense development pressures. If not for the location amidst Georgia's





beautiful barrier islands, the Spit would likely be the last place you'd want to build a multi-million dollar home. But Sea Island intends to construct the groin, as well as build 1,200 feet of new sand dunes and beach to make them more attractive, a project that will involve dredging sand from the ocean floor.

The U.S. Army Corps of Engineers (Corps) has acknowledged that groins have often been misused and can cause significant erosion.

In fact, the Corps has established that an existing groin on Sea Island has contributed to the accelerated erosion of the very beachfront Sea Island Acquisitions is now attempting to "rebuild." Since its construction in 1990, the groin has caused hundreds of feet of beaches and dunes south of the structure to be eaten away.



Coastal experts argue that the project will jeopardize the ecological integrity of the Spit and prevent the natural movement of sand to other coastal areas, potentially further diminishing beaches on nearby St. Simons Island.

In addition to increased shoreline erosion, the development could disrupt nesting sites for federally endangered loggerhead and other sea turtles and impact habitat for shorebirds and migratory species. In 2017, the Western Hemispheric Shorebird Reserve Network named Georgia's barrier islands as a "landscape of hemispheric importance."

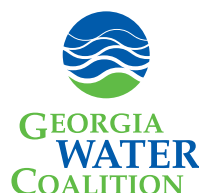
Despite the Corps' own concerns about the harmful impacts caused by groins and public outcry over the project from local residents, conservation groups, elected officials and wildlife officials, the federal agency approved Sea Island Acquisition's plans in September.

As extreme weather events, sea level rise and related shoreline retreat are increasingly impacting the Georgia coast, it's critical to look to solutions that will provide the greatest benefit to the environment and to the people and wildlife that depend on healthy shorelines and beaches. Georgia's coastal resources are far too important to risk on poorly-planned development decisions.

## **WHAT MUST BE DONE:**

With both state and federal environmental permits in hand, Sea Island Acquisition is poised to build the groin and begin marketing their eight luxury lots. Coastal and state leaders need to make sure that this type of harmful project is not repeated in other places along the coast, especially when it is designed to protect areas on which houses should not be built.

*Top: Georgia's coastal barrier islands and the beaches and dunes that front them are the state's first line of defense against extreme weather events. They buffer inland communities from the ravages of hurricanes. Above right: An aerial view of Sea Island's existing groin shows how it has accelerated erosion of the beach to its south. The luxury home lots that Sea Island wants to develop would be located on this narrow spit of land.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## SAVANNAH RIVER

Nuclear Money Pit Saddles Taxpayers, Ratepayers with Billions

### INTRODUCTION:

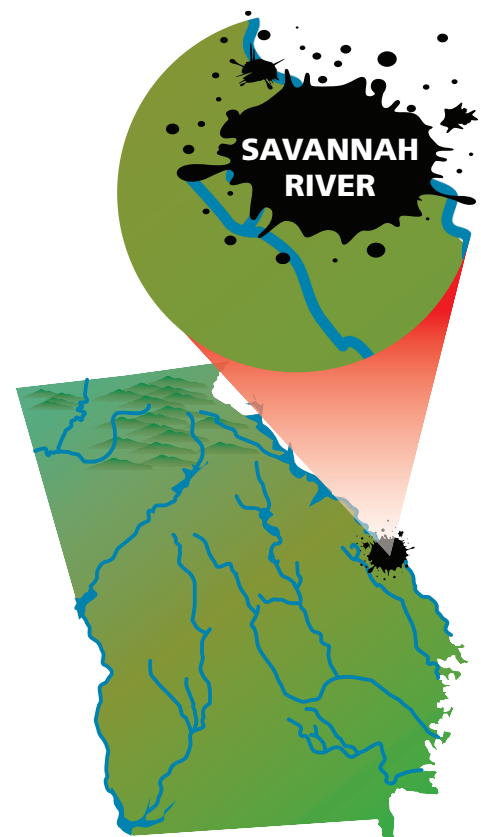
"Like watching a slow moving train wreck," "A nuclear Solyndra," "A money pit," "Outrageous!" Were these movie reviews, you'd be looking at a box office disaster. Instead, these are reviews of Plant Vogtle, the only remaining new nuclear construction project in the U.S. in the past 30 years and one that is more than \$14 billion over budget and still only half complete. Despite these cost overruns and construction delays, and despite recommendations from the Georgia Public Service Commission (PSC) staff that the project was not economical to continue, the project persists. In fact, the PSC's elected officials have lent their support, and the U.S. Department of Energy is now deciding if it should issue another \$3.7 billion taxpayer-backed federal loan for the project, on top of an earlier \$8.3 billion loan. In September, Georgia Power Company's partners in the nuclear expansion voted to continue the project, setting the stage for a critical vote by the statewide-elected PSC Commissioners in February. That vote could determine how much Georgia consumers will be on the hook for in this seemingly never-ending story of cost overruns.

### THE WATER BODY:

Flowing more than 300 miles along the Georgia-South Carolina state line, the Savannah River is Georgia's second largest river basin. At the Georgia coast, it supports the fourth largest port in the United States. Up river, it is no less important, supplying drinking water for 1.4 million people, including its namesake city as well as Augusta, among other municipalities. Three federal reservoirs above Augusta provide recreational opportunities and hydropower for the region. Together Clarks Hill, Russell and Hartwell reservoirs attract 17.5 million visitors annually. Meanwhile, beneath the river's surface is a treasure trove of biological diversity, including the federally protected Atlantic and shortnose sturgeons that spawn in the Savannah.

### THE DIRT:

In 2009, as the Georgia General Assembly debated a Georgia Power Company-backed bill that would allow the company to charge customers in advance to pay for financing costs for the Vogtle nuclear expansion, clean energy advocates warned of a financial boondoggle





and urged legislators to support clean energy alternatives and energy efficiency programs. Those arguments fell on mostly deaf ears as Georgia Power received its golden ticket.

Now, nine years later, as costs for Vogtle's two new nuclear reactors have more than doubled and ratepayers have paid more than \$2 billion for the Vogtle project, legislators have seen the error of their ways. During the 2018 session, they adopted and Gov. Nathan Deal signed a bill that would prohibit Georgia Power from financing future nuclear projects the same way. Unfortunately, the legislation has no effect on the Vogtle debacle. Since 2011 when it went into effect, the average consumer has paid an extra \$10 per month or about \$500 extra on their power bills.

While the September decisions of support by Georgia Power partners, Oglethorpe Power, Dalton Utilities, and the Municipal Electric Authority Of Georgia (MEAG), ensured that construction will continue for the time being, a \$3.7 billion federal loan is still pending and in February the Georgia Public Service Commissioners could decide whether the state's electric consumers will shoulder additional Vogtle costs.

If ever made operational, the nuclear reactors pose a serious threat to the Savannah River. The two additional reactors at Plant Vogtle will demand up to 74 million gallons a day, with more than half of that permanently removed from the river. Along with the two already existing reactors, the plant could ultimately consume enough water each day to supply more than 1.1 million Georgians with drinking water.

Plant Vogtle's expansion would further stress the heavily burdened Savannah by discharging warm water back into the river, harming habitat for aquatic wildlife. The reactors also produce radioactive waste that must be permanently and safely stored. In Georgia, there's already more than 2,490 metric tons of highly radioactive spent nuclear fuel in storage.

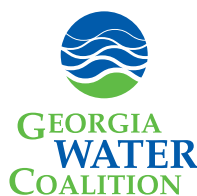
Meanwhile, affordable, clean and safe energy options that save water are available. Georgia now ranks in the top 10 solar states in the country with some 1500 megawatts of solar capacity—enough to power 175,000 homes. What's more, the cost of producing electricity through solar and wind is about one-third the cost per megawatt as nuclear and requires no water.



## WHAT MUST BE DONE:

Public Hearings will be held in November and December before the Georgia Public Service Commission (PSC). The PSC should deny additional cost increases for Vogtle and require Southern Company (the parent company of Georgia Power) to shoulder the financial burden of the project. Likewise, the Department of Energy should not approve further taxpayer-backed loans for the project. Georgia leaders should continue to promote and support low cost energy alternatives like solar, wind and energy efficiency that do not place unnecessary strains on the state's water resources.

*Top: The Savannah River flows for more than 300 miles along the Georgia-South Carolina border. It supports the fourth largest port in the country and supplies drinking water for some 1.4 million people. Above right: The unfinished cooling towers of Plant Vogtle's two nuclear reactors rise above the facility's construction area. If ever made operational, the units will demand some 74 million gallons a day from the Savannah River.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

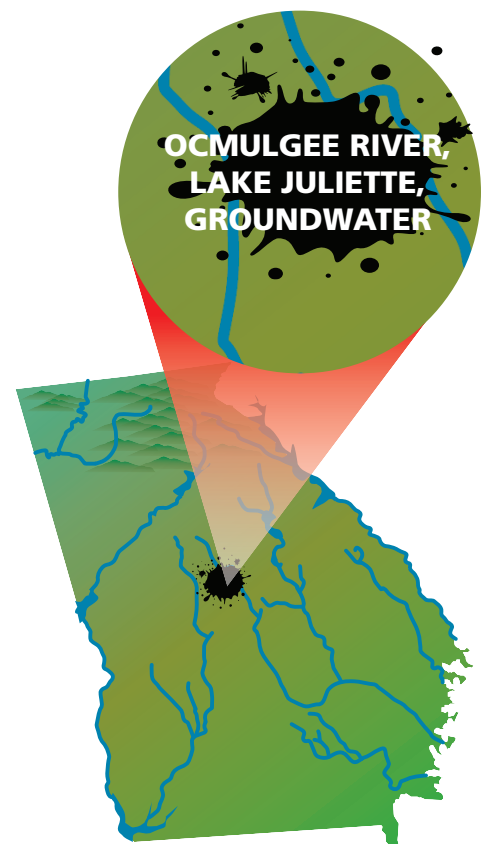
## OCMULGEE RIVER, LAKE JULIETTE, GROUNDWATER Coal Ash Ponds Polluting Groundwater in Middle Georgia

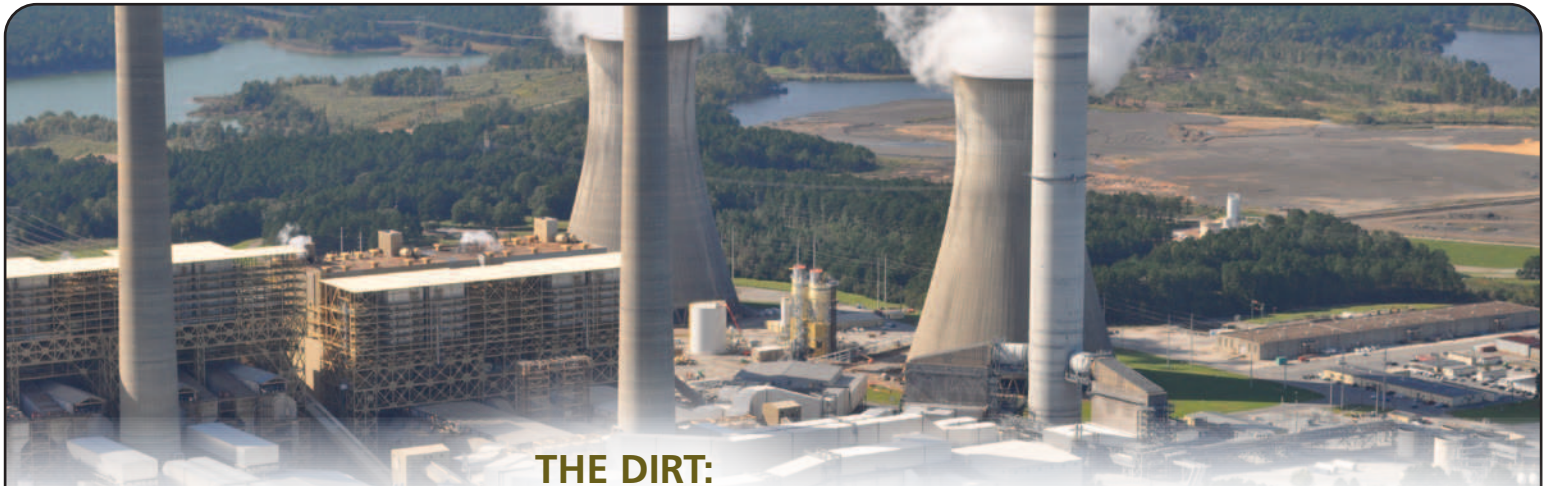
### INTRODUCTION:

In August, Georgia Power Company announced plans to excavate coal ash ponds at Plant Bowen near Cartersville and Plant Branch near Milledgeville and move the ash to lined landfills. Communities surrounding these facilities applauded this decision for coal ash, the spent remains of burnt coal used to produce electricity, contains multiple toxic substances. And, at both plants, those toxic ash ponds sit adjacent to rivers where the threat of a blowout like the ones that have decimated land and water in neighboring Tennessee and North Carolina looms large. But, as Georgia Power works to excavate and line some of its toxic coal ash ponds, the company has yet to commit to storing all of its coal ash in lined and capped facilities. Plant Scherer, the largest operating coal plant in the country located just north of Macon, is the most glaring example. Though Georgia Power has found unsafe levels of toxins in groundwater beneath its 553-acre unlined ash pond at the facility in Monroe County, it currently plans to close that pond in place, risking the groundwater of the area as well as Lake Juliette and the nearby Ocmulgee River.

### THE WATER BODY:

Formed by the Yellow, Alcovy and South Rivers that rise in metro Atlanta, the Ocmulgee begins its life at Lake Jackson, a man-made reservoir just north of Juliette formed by Lloyd Shoals Dam. From the 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. A mecca for paddlers, boaters and anglers, communities along the Ocmulgee are now working to create a 250-mile-long water trail stretching from Lake Jackson 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. Beneath Plant Scherer are vast reserves of groundwater, some of which are tapped by local residents through private wells.





## THE DIRT:



Georgia Power Company's Plant Scherer near the Ocmulgee River in Monroe County is big and dirty. In 2013, Environment Georgia identified it as the largest polluter of carbon dioxide among the nation's power plants. Capable of producing 3,600 MW of electricity, the Plant also produces massive amounts of coal ash waste. The 553-acre ash pond at the facility contains an estimated 15.4 million tons of coal ash.

Tests conducted by Georgia Power have shown groundwater surrounding the Scherer pond with high levels of cobalt and boron, both of which pose health risks to humans. In some cases, cobalt levels were 20 times higher than the U.S. Environmental Protection Agency's health-based screening levels.

The Altamaha Riverkeeper tested wells on private property around Plant Scherer and found concerning levels of hexavalent chromium, the infamous cancer-causing toxin at the center of the Erin Brockovich movie.

In recent years, Georgia Power has actively worked to eliminate neighbors to the Plant Scherer ash pond by buying properties and filling private wells.

Yet, despite these signs of the impacts of improper coal ash disposal at the plant, Georgia Power's solution thus far has been to keep the ash in this unlined storage pond and use what the company has called "advanced engineering methods" to prevent further migration of toxins to groundwater.

The problem of coal ash ponds leaching into groundwater is not unique to Plant Scherer. Georgia Power currently plans to close in place ash ponds located at Plant Hammond on the Coosa River near Rome and at the following Chattahoochee River-based facilities: Plant McDonough in Atlanta, Plant Wansley near Carrollton and Plant Yates near Newnan. Toxins found in groundwater beneath these storage ponds include arsenic, molybdenum, selenium, beryllium, radium and lithium.

## WHAT MUST BE DONE:

To prevent the migration of toxins from coal ash ponds to groundwater and surface water, Georgia Power Company should remove coal ash from all its unlined storage facilities and move this toxic waste to lined storage facilities.



*Top: Georgia Power Company's Plant Scherer located just north of Macon is considered the largest operating coal-fired power plant in the country. Above left: Plant Scherer is surrounded by Lake Juliette, a manmade reservoir within the Rum Creek Wildlife Management Area. Coal ash stored at the facility poses a threat to groundwater as well as Lake Juliette and the nearby Ocmulgee River. Above right: Toxic coal ash is piled in a 553-acre pond at Plant Scherer. The pond contains an estimated 15.4 million tons of coal ash.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## APALACHEE RIVER

Proposed Water Withdrawal Threatens Flows, Fish, Property Owners

### INTRODUCTION:

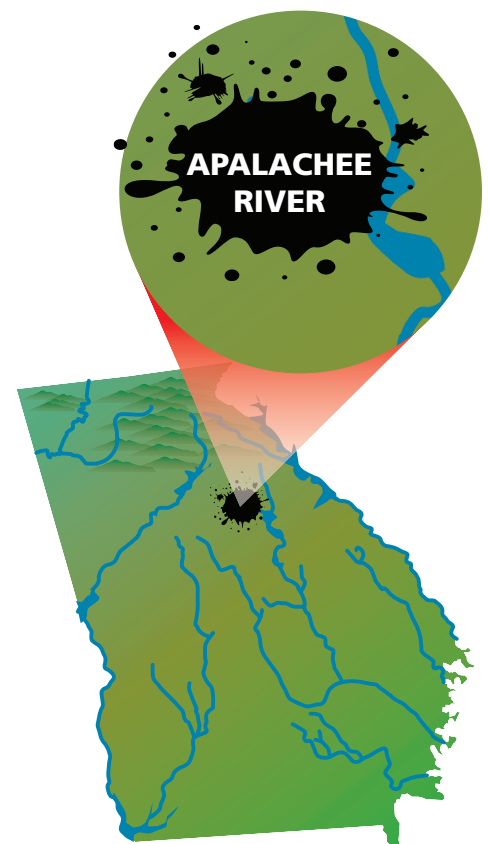
In Walton County, you'd think they were starved for water. What else could explain Walton County Water and Sewerage Authority's recent request to federal and state regulators to install pumps on the Apalachee River to take an average of 33 million gallons a day, a withdrawal that on a normal day would remove about 26 percent of the water in the river. The truth is Walton County has enough water supplies to meet the needs of area residents for the next 25 years. In fact, the recently completed \$85 million Hard Labor Creek water supply reservoir with its 12 billion gallons of water currently sits unused. Nevertheless, the Authority is moving forward with its Apalachee pump plans that could ultimately harm the river, its rare fish, recreation and river front property owners.

### THE WATER BODY:

With its smallest feeder streams beginning in Atlanta's eastern suburbs, the Apalachee River flows some 65 miles through Gwinnett, Barrow, Oconee, Walton, Morgan and Greene counties before merging with the Oconee River on the upper end of Lake Oconee. Though small in size, it is considered large in stature. The Georgia Department of Natural Resources considers it "high priority water" because it is home to rare fish including the Altamaha shiner and the Altamaha bass, fish found in the larger Altamaha River basin and no where else in the world. The Apalachee is also a popular river recreation destination, and the site of Walton County's proposed water intake structure lies just upstream from historic, water-powered textile mill sites at High Shoals.

### THE DIRT:

Before the 2008 recession when metro Atlanta's growth seemed unstoppable and when local governments were scrambling to secure water supplies for their ever-growing populations, Walton County secured necessary state and federal environmental permits to build the 1,370-acre, \$85 million Hard Labor Creek Reservoir. County leaders said they needed the reservoir to supply more than 50 million gallons a day (MGD) to area residents.





Those environmental permits, first issued in 2004, also enabled the Walton County Water and Sewerage Authority to construct a water intake on the Apalachee River that would pipe water 16 miles overland to fill Hard Labor Creek Reservoir as necessary.

But since 2004, much has changed. Hard Labor Creek Reservoir now sits brimming with water that nobody needs or is currently using. Oconee County water managers recently said they wouldn't need water from the reservoir until 2050, and with the water already available in the reservoir, Walton County can supply its needs for several decades. As for selling water to neighboring metro counties, the Metropolitan North Georgia Water District reports that the water needs of the 15-county metro Atlanta area can be met with already planned water sources—which do not include Hard Labor Creek Reservoir.

This renders Walton County Water And Sewerage Authority's proposed Apalachee water intake structure an investment in a product for which there are no consumers.

For the Apalachee, the aquatic wildlife it harbors and the people who live along and play in it, this proposed withdrawal creates other problems simply because it is super-sized for such a small river.

Walton County proposes pumping as much as 60 MGD, and on average, 33 MGD from a location on the river where average flows are about 126 MGD. That's more than 26 percent of the river's average volume, and during periods of low flows, a 33 MGD withdrawal would remove more than 75 percent of the river's volume.

That's a "significant problem" for rare fish like the Altamaha shiner and bass, according to the Department of Natural Resources' State Wildlife Action Plan which has identified this stretch of the Apalachee as a high priority watershed.

Meanwhile riverfront property owners downstream from the proposed water intake fear that diminished flows will harm their use and enjoyment of the river, not to mention their property values.

As was the case with the Hard Labor Creek Reservoir itself, the water intake structure appears to be an exercise in overbuilding. Declining population growth and more efficient use of existing water supplies has rendered unnecessary many of the water supply projects planned prior to the recession. Already, proposed water supply reservoirs in Newton, Fulton and Hall counties have been tabled for lack of need.

## WHAT MUST BE DONE:

Currently, the U.S. Army Corps of Engineers (USCOE) and Georgia's Environmental Protection Division (EPD) are reviewing Walton County Water and Sewerage Authority's proposal to build the intake structure. Given that the existing Hard Labor Creek Reservoir can safely provide more than 13 MGD without supplemental water pumped from the Apalachee River and that there appears to be little demand for the reservoir's existing supplies for at least 25 years, both agencies should say, "No" to the proposed Apalachee intake.

*Top: The proposed water intake for Hard Labor Creek Reservoir could significantly reduce flows at these shoals located downstream. The Apalachee is habitat for two rare fish species, the Altamaha shiner and the Altamaha bass.*



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# 2018's Worst Offenses Against GEORGIA'S WATER

## GEORGIA'S STREAMS & WETLANDS

Federal Government Assault on Clean Water Act  
Threatens State's Drinking Water

### INTRODUCTION:

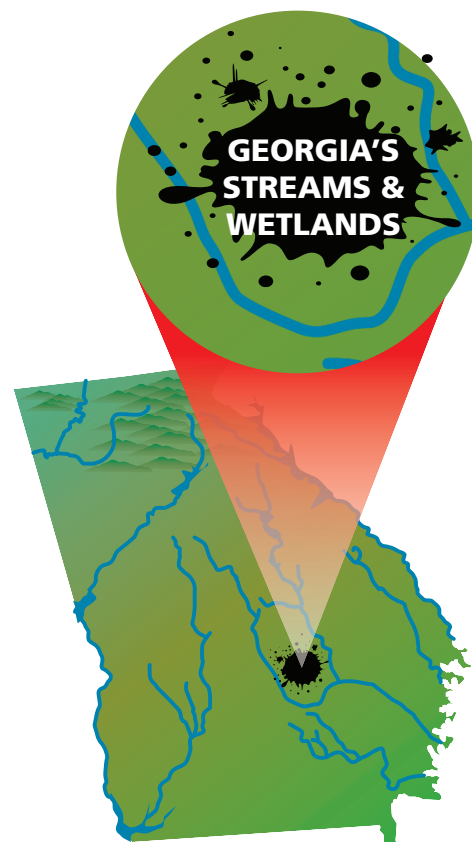
It's elementary. Water flows downhill. Georgia's smallest streams flow to larger streams; those in turn flow to even larger streams that empty into the rivers and lakes from which more than half of Georgia's citizens get their drinking water. The health of these large water bodies is dependent on the health of the thousands of tiny streams that feed them. When the smallest creeks become polluted so does our drinking water, but the Trump administration has chosen to ignore this science. Earlier this year, the administration signaled plans to gut laws that have protected our drinking water and recreational waters for more than 50 years, and is expected to release a new proposal that would strip away safeguards for a host of small streams and millions of acres of wetlands. If adopted, the rule would lead to more pollution flowing into our drinking water sources and fewer opportunities for citizens to stop pollution from impacting their communities.

### THE WATER BODY:

In any given river system in Georgia, tiny streams make up at least 80 percent of the total miles of flowing water. Wetlands comprise about 13 percent of Georgia's land area. Together, these small streams and wetlands provide the network that delivers clean water to the large rivers and lakes where Georgians swim, fish, boat and obtain their drinking water. These small and sometimes geographically isolated water bodies serve numerous functions. They reduce floodwaters, store water to mitigate the impacts of droughts, filter and clean water and provide habitat for both predators and prey—including important sport fish like brook trout and commercially important seafood like shrimp. The health of Georgia's rivers is determined by the cumulative health of smaller waters and wetlands that feed those rivers.

### THE DIRT:

Executive and legislative attempts to rescind the 2015 Clean Water Rule, which clarified protections for sensitive waters per direction from





the Supreme Court, are moving forward. Putting the interest of polluting industries over Georgia's communities who depend on clean water, the new rule is expected to narrowly define the waters protected under the Clean Water Act. This will leave smaller headwater streams and wetlands that act as pollution filters vulnerable to potential filling, dredging and destruction.

In Georgia, this means that if an industry wants to dump pollutants in one of these streams, the Clean Water Act couldn't be used to force them to limit the pollutants they discharge. Likewise, if a developer wants to fill a wetland to build a shopping center, they would not be required to limit their impacts or notify the public that their project might increase flooding or harm local water supplies.

Under the Trump administration's proposal, at least 56 percent of Georgia's stream miles and millions of acres of wetlands nationwide will be at risk from pollution and destruction. Thousands of miles of streams that feed into Georgia's drinking water sources will lose protections.

The proposed changes favor big business at the expense of ordinary citizens who overwhelmingly supported the 2015 rule, and who swim, fish, hunt and boat in these waters. For Georgians especially, these water bodies are part of our cultural and natural inheritance and a big part of our economy.

The U.S. Fish & Wildlife Service reported that in 2011 more than 3.1 million people participated in wildlife-related recreation in Georgia, generating \$4.6 billion in economic activity. Georgia's tourism industry as a whole contributed a record-breaking \$63.1 billion to the state's economy in 2017.

Clean and healthy rivers, lakes and coastal waters attract tourists, but if the Trump administration is successful in dismantling long-standing Clean Water Act protections, dirty water may be in our future.

## WHAT MUST BE DONE:

While it is likely that federal courts will ultimately decide the fate of any rule adopted, community groups and conservation organizations nationwide are asking citizens to contact congressional leaders and urge them to take action against the administration's proposal to shrink the Clean Water Act's protective shield. Georgia residents can sign a petition at [www.southernenvironment.org/protect-southern-water](http://www.southernenvironment.org/protect-southern-water) that will be delivered to the U.S. Environmental Protection Agency.

*Top: The health of Georgia's rivers and streams--and our use and enjoyment of them--is at stake as the Trump administration attempts to greatly reduce the water bodies that are protected by the federal Clean Water Act. Above left: For Georgians, outdoor recreation like fishing is part of our cultural heritage and a big part of our economy. A 2011 U.S. Fish & Wildlife Service study showed that more than 3.1 million people participated in wildlife-related recreation in Georgia, generating \$4.6 billion in economic activity.*



**For More Information Contact:**

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# UPDATES FROM PREVIOUS DIRTY DOZEN REPORTS

## **2017: Terry Creek: Local Governments Request Complete Cleanup at Toxic Waste Site in Brunswick**

From 1948 to 1980, Hercules Inc. in Brunswick produced a pesticide used by cotton and soybean farmers marketed under the name toxaphane. They didn't realize how appropriate the name was. A known cancer-causing chemical, toxaphane persists in the environment for decades, and it now contaminates Hercules former manufacturing site. Recently, the U.S. Environmental Protection Agency (EPA) released its cleanup plan for the site that includes leaving too many contaminated soils in place. In response, Glynn County and the City of Brunswick commissions have both adopted resolutions demanding a complete cleanup of the site. Local legislators have also supported these resolutions. Georgia Water Coalition member, the Glynn Environmental Coalition, has informed local leaders about EPA's cleanup plans and has advocated for a complete removal of contaminated soils.

## **2017 Lake Sinclair: Georgia Power Announces Plans to Remove Coal Ash From Unlined Storage at Plant Branch**

In 2015, when Georgia Power Company first announced its plans to close and dispose of the company's toxic coal ash stored at multiple sites across the state, those plans included a suspect proposal to leave ash in a large unlined pond at Plant Branch adjacent to Lake Sinclair near Milledgeville. In August, the company announced it will excavate the unlined storage pond and move the ash to a new lined landfill. This change will help protect Lake Sinclair and reduce the likelihood of toxins leaching into groundwater. Georgia Water Coalition member, Altamaha Riverkeeper, has worked with local legislators and other leaders to encourage Georgia Power to take these positive steps.

## **2016 Northwest Georgia's Drinking Water: Bill to Regulate Fracking Signed Into Law**

When oil and natural gas wildcatters began soliciting northwest Georgia property owners about purchasing the mineral rights to their land, those residents—concerned about the prospects of natural gas drilling and fracking—contacted their legislators. Their legislators responded by introducing and passing legislation that would safeguard well water and surface water against the risks associated with fracking. Gov. Nathan Deal signed the bill into law earlier this year, and Georgia's Environmental Protection Division is currently refining the rules that are supposed to protect property owners and drinking water. Georgia Water Coalition members, Coosa River Basin Initiative and the Southern Environmental Law Center, played a role in drafting this legislation.

## **2012 Tired Creek: Ill-conceived Fishing Lake in Grady County Now Choking on Water Weeds**

Tired Creek was included on the 2012 Dirty Dozen because it was the target of a Grady County dam project that would destroy 300 acres of wetlands and nine miles of streams to create an un-needed 960-acre fishing lake. In 2012, Georgia River Network, American Rivers and Southern Environmental Law Center challenged the project in court and after multiple rounds of litigation, in 2015 the Georgia Supreme Court ruled against these Georgia Water Coalition partners (see Georgia's Stream Buffer entry in this report). The \$20 million fishing lake opened to the public in 2018. For years the county officials denied they would promote residential developments around the lake to pay off the project's construction debt, but now it appears that's what they are up to. In June, commissioners voted to spend \$90,000 to clear aquatic plants from the reservoir to make it more "desirable" for potential developers.