

# Action Alert

## ELECTION YEAR SLOWDOWN AT THE STATE CAPITOL

The General Assembly put water issues "on hold" for its 2002 Session, while the Legislature's Joint Water Study Committee, established at Governor Barnes' initiative in 2001, finishes its work—scheduled to be wrapped up this September. But, water is not the only subject matter available to legislators, and their friends, who wish to affect environmental regulation in Georgia. The following are bills of interest to Riverkeeper and its members. At the newsletter deadline, the Legislature is still in session, so the ultimate disposition of the following bills is not known.

### The Anti-Whistleblower Bill

**House Bill 1004**, introduced by Rep. Garland Pinholster (Ball Ground) and Rep. Ralph Twiggs (Blairsville), would have required the state Environmental Protection Division (EPD) to notify a potential polluter if an environmental complaint has been lodged against

them, *before any state investigation could take place!* The bill was diluted as it proceeded through the House of Representatives, but still provides that EPD must try to learn the identity of environmental "whistleblowers", a sure method to chill the voluntary reporting of potential abuses. After passing the House and the Senate Natural Resources Committee in February, the bill was throttled in the Senate Rules Committee. The fact that it was an anonymous report to the federal EPA that uncovered the Tristate Crematory scandal nailed this bill's coffin shut.

### The Cost of a Child's Health?

Members of the House Natural Resources Committee also moved a bill (**House Bill 587**) that they had held the previous year, requiring a cost-benefit analysis and risk assessment to be conducted prior to the adoption of any new environmental rules. Promoted by the chemical industry, this bill is being presented as a "common sense"

idea. Its advocates say, "You shouldn't buy something unless you know how much it is going to cost." The problem is that while industries, developers, agribusiness and others in the regulated community may know exactly how much it will cost them to comply with the regulations, the public—beneficiaries of clean air and water, have no way to evaluate how much their health is worth. How much is it worth for your child to avoid sickness? This is the question that HB 587 would require environmental regulators to answer, for every rule. HB 587 was not moving until its sponsors decided to make the cost-benefit analysis "optional" and not mandatory, yet, they continue to boldly assert that this legislation is merely a "first step." The intention is to return to this subject and make it mandatory, when a more pliable Administration is in office. This incremental approach to wrecking protection for the environment is no more acceptable because it is slow.

## WHO'S RUNNING FOR OFFICE IN YOUR NEIGHBORHOOD?

[www.sos.state.ga.us/misc/districts.html](http://www.sos.state.ga.us/misc/districts.html)

New legislative district boundaries, established during last year's controversial Special Session and based on the 2000 Census, will result in the election of many new members of the General Assembly, two new Congressional representatives, and turnover at the local city/county level. Georgia's population has increased dramatically since the last re-districting, a decade ago, and growth pressures on our rivers, mountains and coast seem unstoppable. The old admonitions of "wait and see," and its companions, "one more can't hurt" and "economic growth is worth the sacrifice", are tolerated in few circles today. **Get involved in the 2002 elections and ask questions of those who want to represent you in Congress and at the State Capitol.**

- Do they believe that the waters of the state are a public resource?
- Do they believe that we need to conserve water before we dam Georgia's rivers for massive reservoirs?
- Do they believe that those industries, businesses and municipalities that benefit from the use of our rivers should help pay the cost to keep them clean?

*More than ever, Georgia's environment is at stake and candidate views must be explored. If we settle for less in our elected officials, that is just what we will get.*



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## River Matters

**Soil Watch Workshop** April 18  
White County  
Call 770.531.1468 or  
[kcstley@ucriverkeeper.org](mailto:kcstley@ucriverkeeper.org)

**Earth Day at Sautee-Nacoochee** April 20  
White County  
Call 770.531.1468 or  
[kcstley@ucriverkeeper.org](mailto:kcstley@ucriverkeeper.org)

**Earth Day Jamboree and Girl Scout Water Drop Patch Rally** April 20  
Big Trees Forest Preserve in Sandy Springs  
Call 404.352.9828 ext. 17 or  
[kröse@ucriverkeeper.org](mailto:kröse@ucriverkeeper.org)

**Earth Day Event at Elachee Nature Center** April 27  
Call 770.535.1976 ext. 226 or  
[lavon@elachee.org](mailto:lavon@elachee.org)

**Citizen Soil Watch Workshops** May TBD  
West Point Lake  
Sponsored by the West Point Lake Coalition  
Call 404.352.9828 ext. 16 or  
[achampagne@ucriverkeeper.org](mailto:achampagne@ucriverkeeper.org)

**River Revival Park Tavern** May 2  
Call 404.352.9828 ext. 12 or  
[sloyton@ucriverkeeper.org](mailto:sloyton@ucriverkeeper.org)

**Gwinnett County Erosion Control Technology Field Day** May 10  
Call 404.352.9828 ext. 16 or  
[achampagne@ucriverkeeper.org](mailto:achampagne@ucriverkeeper.org)

**Community Watershed Workshop** May 14  
Call 404.352.9828 ext. 16 or  
[achampagne@ucriverkeeper.org](mailto:achampagne@ucriverkeeper.org)

**River Network's National River Rally in NC** May 17 - 21  
Go to: [www.rivernetnetwork.org](http://www.rivernetnetwork.org)

**National River Cleanup on the Chattahoochee River** May 18  
Call 404.352.9828 ext. 17 or  
[kröse@ucriverkeeper.org](mailto:kröse@ucriverkeeper.org)

**Upper Chattahoochee River Cleanup** June 1  
Helen  
Call 404.352.9828 ext. 17 or  
[kröse@ucriverkeeper.org](mailto:kröse@ucriverkeeper.org)

**Metro Chattahoochee Canoe Trip** June 8  
Call 404.352.9828 ext. 14 or  
[bcrawford@ucriverkeeper.org](mailto:bcrawford@ucriverkeeper.org)

**3rd Annual Golf Tournament** June 11  
Call 404.352.9828 ext. 12 or  
[sloyton@ucriverkeeper.org](mailto:sloyton@ucriverkeeper.org)

**Coalition to Restore Urban Waters" (CRUW) Conference** July 19-20  
Clark University  
Call 404.352.9828 ext. 16 or  
[achampagne@ucriverkeeper.org](mailto:achampagne@ucriverkeeper.org)



Reclaiming Our River

# RiverCHAT

A Quarterly Publication of Upper Chattahoochee Riverkeeper Winter/Spring 2002

## WHAT WILL IT TAKE FOR FULTON COUNTY TO FIX ITS SEWERS? (IT TOOK A FEDERAL JUDGE IN ATLANTA...)



Cobb County Water Authority staff members Lamar Hunt, Gary Barnes and Gary Steink install the solar panel and cellular phone antenna for Riverkeeper's new monitoring station at Morgan Falls Lake.

Bass boats, rowing skulls, and kayakers ply the waters of **Morgan Falls Lake** near Roswell every weekend, enjoying the backwaters of an impoundment built in 1904 to produce electricity to power trolley cars in Atlanta. A lesser-known fact is that these waters also receive treated sewage from **Fulton's Big Creek Water Pollution Control Plant (WPCP)**, which discharges 24 million gallons per day (MGD) into the bottom of the lake.

Growth in north Fulton, which more than tripled from 1980 to 2000, has seriously stressed the Big Creek WPCP, whose outfall pipe is located just 3 miles upstream from Cobb County's water intake at the Johnson Ferry Bridge. Numerous enforcement actions have been taken by the state Environmental Protection Division (EPD) for spills and operation and maintenance problems, primarily due to the volume of wastewater flowing into the over capacity plant, especially when it rains and stormwater infiltrates the sewer lines. Throughout the '90s, Fulton officials failed to approve all the necessary upgrades to the County's sewer system.

### Chattahoochee River Park Feels Brunt of North Fulton's Growth

In January, the County paid \$327,500 in fines for spills and other violations at the Big Creek plant. It must submit an audit on operation and maintenance in April, increase water quality sampling, and pay a stipulated penalty of \$50,000 for each major spill after January 2002. During a 15-month period from late 1999 to the end of 2000, the state took *eight* enforcement actions against the County for problems in its sewer system. In 2001, a moratorium was imposed on sewer taps in the area that sends wastewater to the plant. Due to impacts on water quality in the River, Cobb County has had to spend additional funds to monitor and treat the water that it withdraws a few miles downstream. Yet, there is talk of *doubling* the wastewater discharge at this facility to 48 MGD to accommodate growth, and as part of a long-term wastewater

plan for the region.

Similar violations have occurred for years at Fulton's **Johns Creek WPCP**, permitted to discharge 7 MGD, 8 miles upstream of the Big Creek plant in prime trout fishing waters. It, too, is severely over capacity with a moratorium for development in its watershed as well. Fulton's plan is to more than *double* the discharge from this facility by 2005. Fulton also operates the **Camp Creek WPCP** in the southern part of the County, another over capacity facility. Community activists and river



Riverkeeper's Kristi Rose (l), and Sandra Sneckenberger, Biological Technician with the Chattahoochee National Recreation Area, assemble the solar panel which will operate the monitoring equipment.

See **Fulton's Sewers**, page 7

## IN CELEBRATION AND AS THANKS

In celebration of our eighth anniversary in March, the Riverkeeper staff worked with graphic artist and river adventurer, **Monica Cook**, to re-design and enlarge *River Chat*. This is our anniversary gift to you—our members and supporters.



The Riverkeeper staff on a cold winter day!

You keep us motivated and focused by the countless hours you give to river cleanups, restoration projects and special events, by your letters and notes of encouragement, by your willingness to talk with elected officials and contact the media on behalf of our River. You help us monitor the health of the Chattahoochee and its tributaries through Adopt-A-Stream, and work with us at the State Capitol and at city and county meetings. You help us tell the River's story through photographs, words and songs. And, you keep us in business with your much-needed financial contributions.

In this expanded newsletter, you will find more coverage of our school and community outreach programs, new ways to get personally involved with "riverkeeping", and more in-depth analysis of issues.

Eight years ago, Riverkeeper was created by a group of people committed to focusing the public's attention on the challenges faced by

Georgia's most highly used, and abused, major river—the Chattahoochee—and to resolving its problems. With the vision and energy of our co-founders **Laura and Rutherford Seydel** and a dozen other excellent board members, we have grown from a staff of one to a crew of thirteen professionals with expertise in education, hydrology, law, engineering, fisheries, environmental policy and planning, fundraising, and boating. We maintain two offices (Atlanta and Gainesville), three motorized boats, four canoes and a large-size vehicle for carrying school supplies, monitoring equipment and legal files.

We are proud of the successes that you have helped us achieve over the past eight years, and we have really just begun. The publication **On the River 2000-2001** tells the story of our most recent activities and is available at [www.chattahoochee.org](http://www.chattahoochee.org) or by calling the Riverkeeper office.

## Riverkeeper Staff

**Sally Betha**  
Executive Director and Riverkeeper

**Darcie Boden**  
Director Headwaters Conservation

**Birgit Bolton**  
Programs Coordinator/  
Legal Support

**Alice Champagne**  
Watershed Protection Specialist

**Kristin Costley**  
Source Water Specialist

**Bill Crawford**  
Business Manager

**Pam Davee**  
Development Director

**Michelle Fried**  
General Counsel

**Skelly Holmbeck-Pelham**  
River Basin Program Manager

**Sandy Layton**  
Special Events Coordinator

**Mary Manson**  
Receptionist

**Kristi Rose**  
Director Watershed Education

**Harlan Trammell**  
Boat Captain

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**J. Rutherford Seydel II, Chair**

*Our mission is to advocate and secure the protection and stewardship of the Chattahoochee River, its tributaries and watershed.*

# REFLECTIONS



Some developers and their lawyers have devised a cunning new tactic for evading Georgia's stream buffer protection laws. To allow for easier site construction, more buildable land, or other need (usually financial), they are urging local officials to declare that the streams on their property are not "state waters", therefore, not regulated.

For over a dozen years, the state Soil Erosion and Sedimentation Control Act has required that land along Georgia's waterways be kept in its natural condition as the most cost-efficient way of protecting water quality from stormwater runoff—documented by the state Environmental Protection Division to be the primary cause of Georgia water pollution. A 25-foot vegetated buffer is required on each side of all Georgia waterways, and state-designated trout streams are protected with 50-foot buffers. A buffer variance process, administered by EPD, provides relief for hardships.

The statutory definition of "state waters" is clear: "State waters includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial... which is not entirely confined and retained completely upon the property of a single individual, partnership or corporation." (O.C.G.A. 12-5-22(13) )

Yet, at a recent Southeast Water Law Seminar, an attorney with a major Atlanta law firm advised the attendees to find a "good friend" in county government and have them classify their streams as not being state waters. He called the state's buffer variance process, developed by a diverse group of technical experts, "terribly onerous".

As if in response to that suggestion, DeKalb County officials recently implied that a tributary to Peachtree Creek flowing through a proposed development, was not "state waters", in order to exempt the developer from seeking a variance to re-locate a portion of the stream. (See pg. 3) In another situation, a city official pointed to the rainwater flowing down the street (on its way to the river) and said, derisively, "There are people who claim that is waters of the state." Yet, if the rainwater that flows across pastures and lawns, down streets and through ditches is not considered to be "waters of the state", a public resource deserving protection for the reasonable use of all under state law, then who does it belong to? Who is responsible for the problems that arise when this water is contaminated or floods homes?

The only way to make our rivers clean and healthy is to assure that the rainwater that flows from tributaries is protected as an essential resource to be used and enjoyed by all as "waters of the state", exclusively owned by no one. Scientists have proven time and again, most recently in an ongoing study by UGA ecologists, that greenspace along our rivers, streams and lakes can help keep our waterways clean.

The Georgia Legislature has clearly defined "state waters". It did not give developers, or anyone else, the option to revise state law for private gain, and potentially harm a public resource.

*Sally Betha*

## XMAS PARTY RAISES "GREEN" FOR THE ENVIRONMENT

Blending "out-of-this-world" entertainment, delicious food and good causes, the Seventh Annual X-MAS Party, sponsored by the **Captain Planet Foundation**, raised over \$190,000 for five charities. This popular holiday event, chaired by **Laura Turner Seydel**, **Rutherford Seydel** and **Stephanie Blank**, raised funds for the Captain Planet Foundation, Atlanta Children's Shelter, Our House in Decatur, Riverkeeper, and the New York Police and Fire Widows' and Children's Benefit Fund. One of the most sought-after parties of the year, X-MAS Party raised more than \$750,000 in its first six years. This year's X-MAS Party, with its "2001: A SPACE ODYSSEY" theme, transformed The Tabernacle in Atlanta into a "Journey of the Millennium." The B-52s and Mother's Finest rocked the house, while Canoe and Bold American Food Co. fed the intergalactic crowd.



Jane Fonda, Ted Turner, Laura Turner Seydel and the B52's.

## Z-93 TO BROADCAST LIVE AT RIVER REVIVAL!

Don't miss this year's River Revival on **May 2nd at the Park Tavern** at Piedmont Park. Live Music by "The Bradley Cole Smith Acoustic Band", beer, party food and 92.9FM Z-93 Broadcasting Live! Tickets \$35 in advance. Contact Sandy Layton at slayton@ucriverkeeper.org.

Also, we'll be kicking off **Riverkeeper's first Annual Fund Campaign** at River Revival, with a goal of raising \$1.2 million for annual operating funds. Thanks to generous foundation and corporate support, every dollar of the first \$75,000 we raise will be matched 2:1. Your early donation can go a long way with this kind of leverage! Our ambitious and successful committee members include: **Rubye Lucas** and **Rutherford Seydel** as co-chairs, and **Bill Bruner**, **Michael Coles**, **Darryl Cook**, **Geoff Fishman**, **Gary Gaines**, **Kay Lee**, **Hilary Nickerson**, **Steve O'Day**, **Art Rollins** and **Rebekah Stewart** comprise the rest of the team. **Contact Pam Davee for more information at pdavee@ucriverkeeper.org.**

## HYDROLOGIST SKELLY HOLMBECK-PELHAM JOINS RIVERKEEPER

In January, Riverkeeper lost **Matt Kales** to an exciting new job with the U.S. Fish & Wildlife Service in Denver. When Matt joined us in 1999, his first task was to create a Tristate Conservation Coalition to advocate water quality, biodiversity and recreation values in the water allocation negotiations between Georgia, Alabama and Florida (see page 7). Now 43 members strong, this Coalition has proven to be critically important as a way for our groups to grapple with complex allocation proposals and jointly develop a united position. Matt also made significant contributions to Riverkeeper's water policy work, notably our instream flow policy. We wish him well and much happiness in pursuit of fish in western rivers!

**Skelly Holmbeck-Pelham**, who joined Riverkeeper in March as our Program Manager for River Basin Protection, comes to us from UGA's River Basin Science and Policy Center, where she worked with Dr. Judy Meyer (Riverkeeper board member) and Dr. Jim Kundell. With a Masters degree in Water Resources from UGA and a B.S. in Physics with extensive work in chemistry and biology, she brings important new skills to our staff. Skelly is also the mother of two young sons and lives with her husband, T.G. Pelham, in Social Circle. She says that she is thrilled to be part of the Riverkeeper team and adds, "Healthy rivers are our birthright, and if we live wisely, they can be our legacy."



Skelly Holmbeck-Pelham

## FULTON'S SEWERS

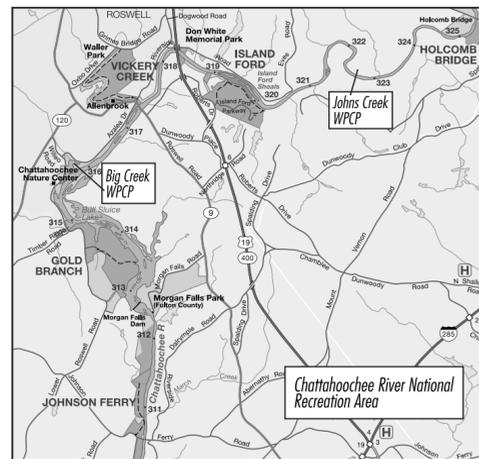
Continued from page 1

users have documented many overflow problems at this plant, which was fined \$83,000 recently, under two state enforcement actions.

Both the Johns Creek and Big Creek WPCPs discharge directly into the Chattahoochee River National Recreation Area (see map), creating a potential conflict between the recreating public and the River's use for waste assimilation for the County's growth. The lack of adequate local or state water quality monitoring makes this situation all the more threatening to public health.

### Metro District Focuses on Short-term Needs

While the city of Atlanta has received extensive attention, in the media and the courts, for its sewage problems, Fulton County has largely been spared similar scrutiny, despite its long-standing problems. The County has recently entered into some contracts for work to upgrade its facilities, but, unlike Atlanta, it is not under any sort of enforceable schedule.



Dealing with the sewage crisis in Fulton County, and removing sewer moratoria as soon as possible, are top priorities for the Metro Water Planning District, which was created in 2001 to develop wastewater, stormwater and water supply plans for the 16-county Atlanta region. One of its first tasks, currently underway, is to develop a short-term plan to handle the immediate needs of the County. Options include diversions of sewage to plants in Gwinnett, Cobb or Atlanta for treatment during the next three years.

(See [www.northgeorgiawater.org](http://www.northgeorgiawater.org) for more information on the work of the Metro Water Planning District.)

### Riverkeeper Installs Station to Fill Gap in River Monitoring

With assistance from **Hydrolab®**, the **Cobb County Water Authority** and the **National Park Service**, Riverkeeper recently expanded our monitoring network by installing a real-time station in Morgan Falls Lake, just downstream of Fulton's Big Creek WPCP. Thanks to funding from a local family foundation and construction assistance from the Cobb Authority, Riverkeeper is using the latest technology from Hydrolab and Campbell Scientific. A second Riverkeeper monitoring station, installed in 2000, is located downstream of Fulton's Johns Creek WPCP.

The monitoring device called a Quanta® System is submerged several feet into the River and connected by cable to a Campbell Scientific Datalogger, located in a waterproofed stainless steel case on the riverbank. This real-time monitoring station will collect water quality data every five minutes on levels of pH, conductivity, oxygen reduction potential (ORP) and temperature. Readings from the Quanta enter the Datalogger every 5 minutes, making the data available for downloading via analog cell phone to an in-house computer. If readings are outside the acceptable ranges, water samples will be taken at the site and delivered to the Cobb County Water Authority Lab for further examination, and possible reporting to appropriate authorities.

## GAINESVILLE TACKLES STORM WATER

### Utility Would Impose Service Fee Based on Impervious Surface

For centuries, cities have constructed drainage systems, some quite extensive, to carry rainwater away from buildings and streets. Gutters, storm drains, culverts and pipes ultimately dump this runoff into *natural* drainages. These include streams and the rivers and lakes that supply our drinking water.

Attention to funding the maintenance and repair of the man-made systems has never been a high priority, except for downstream property owners victimized by floods. As absorbent woods, fields and yards were replaced by paved surfaces throughout this country, local officials struggled to fund expansion and improvement to overburdened storm drainage systems. These systems have also increasingly expedited the delivery of pollutants, such as oil, antifreeze, construction debris, fertilizers, pesticides, and pet wastes into natural waterways.

Storm water utilities, created in the 1970s to generate funding for storm water management, are an increasingly popular solution. Gainesville is one of the *first cities* in Georgia to propose a well-planned utility to address storm water and pollution problems.

Riverkeeper strongly supports a storm water utility for Gainesville, and every other built-up area in the Chattahoochee basin. These agencies offer permanent correctives to flooding and diminishing water quality, in a way that is fair to all property owners. Each home or business pays for their share of the community's storm water problem, based on the amount of water that runs off his/her property. This gives property owners an incentive to *reduce* runoff, by minimizing hard surfaces, while assuring the community a sound financial basis for improvements.

## Tristate Water Negotiations Extended to June 2002

In a dramatic turn of events, Florida agreed to continue negotiations for another 90 days after walking away from the table on March 18. The 43-member **Tristate Conservation Coalition**, led by Riverkeeper and the Alabama Rivers Alliance, evaluated the proposals currently under consideration, concluding that they contain several fatal flaws.

Adaptive management, which would support periodic evaluations and mid-course corrections, remains absent from these proposals. During the next 50 years, our scientific understanding will undoubtedly grow, as will our ability to manage our water resources. A 50-year management plan *must* incorporate mechanisms to adapt, or change, flows in response to new information. Adaptive management goes hand in hand with public involvement, also absent from plans. The Coalition supports the U.S. EPA's suggestions in a March 13 meeting with state negotiators, recommending 5 year review periods, rather than the proposed 10 and 25 year

reviews, and the addition of public representatives as non-voting members on the ACF Committee. EPA also proposed that all data collected be made easily accessible to the public.

Adequate measures are not included to protect stream flows, especially in the middle Chattahoochee, putting the trout fishery and the National Recreation Area at risk. Other concerns include the absence of any protective or planning measures for the Flint River. This is significant, as the temptation to view the Flint as a "safety valve" for the Chattahoochee may undermine the ecological integrity of both rivers.

The Tristate Coalition is working to bring these issues to the attention of state negotiators so that plans will not just prevent "water wars", but will protect our waterways for the next 50 years.

**Contact Skelly Holmbeck-Pelham at [skelly@ucriverkeeper.org](mailto:skelly@ucriverkeeper.org) for more information.**

## BECOME A MEMBER OF UPPER CHATTAHOOCHEE RIVERKEEPER

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Please make checks payable to: **Upper Chattahoochee Riverkeeper** or charge to your credit card.

Contributions are tax deductible. Riverkeeper is a 501(c)(3) organization. Your gift will be acknowledged by letter.

Members receive quarterly newsletters, discounts on merchandise and River Adventure opportunities.

Please visit our website at [www.chattahoochee.org](http://www.chattahoochee.org).



*"I have found the River Adventure trips to be VERY enjoyable and the stress of Atlanta is just lifted off my shoulders after about five minutes on the River. The guides have been very knowledgeable about the River and the area."*

**Bill Kahler**  
Riverkeeper member  
and frequent Adventurer

## Pontoon Boat Outing - Saturday - April 27 (10am -12)

Join Riverkeeper on a pontoon float near Roswell for a "Lunch and Learn" Citizen Soil Watch Workshop, our popular seminar that teaches participants to monitor construction sites and help keep Georgia's red clay out of the Chattahoochee and its tributaries. Please join us for an educational and relaxing outing. Bring your own lunch, sunscreen and comfortable clothes. We will provide materials and beverages. *Fee: \$10*

**Other available date - Wednesday  
May 15, 2002 from 11 - 1pm.**

## Metro Atlanta White Water Trips - Saturday, June 8, July 13, August 13

This 3-mile canoe/kayak excursion, led by Bill Crawford, has Class I & II whitewater rapids. The 4-hour trip (including shuttle) runs from I-285 in Atlanta to Paces Mill/41 and is perfect for the trained novice or the experienced paddler who wants to brush up on techniques. Come enjoy the scenery of the Palisades and practice eddy turns and ferrying. Lunch will be along the way at a convenient resting spot. *Fee: \$10.*

## Hike the River's Gorge - Saturday, June 22 (8am - 6pm)

Get ready for the hiking adventure of your life through Chattahoochee gorge as it winds through the National Forest en route to the Helen and Nacoochee Valleys! The River will be our trail, so be ready for walking in water, scrambling over slick rocks and crawling through laurel and rhododendron thickets. This is an all day trip, complete with great swimming holes and dramatic waterfalls, but

is *not intended for the faint of heart!* Joe and Monica Cook will guide this adventure. *Fee: \$10.*



Riverkeeper members brave the icy waters of the upper reaches of the Chattahoochee River.

## Canoe the Chattahoochee Below Atlanta - Saturday, September 14

This ear, nose and eye-opening canoe trip starts at Peachtree Creek in the "industrial park" section of the Chattahoochee and goes to Campbellton Road in south Fulton County. Joe and Monica Cook will guide this excursion. *Fee: \$10*

## Canoe trip from McIntosh Reserve to Franklin - September 28-29 (Saturday & Sunday)

The section of the Chattahoochee from McIntosh Reserve to Franklin is very remote - you will pass under no bridges and there will be few signs of development. It is a beautiful stretch of river with plenty to

see and explore, including several waterfalls on tributaries as well as the islands at Bushhead Shoals. There is some light whitewater paddling at numerous shoals (Class I rapids). The trip is suitable for beginning paddlers. Bring your own canoe, food and camping supplies. Joe and Monica Cook will guide this trip. *Fee: \$20*

## Big Trees Forest Preserve Hike (BTFFP) - Saturday, October 26

Join Riverkeeper and Charlie Cochrane, Director of the BTFFP, for an educational and scenic hike through an urban forest in north Fulton County. The hilly terrain features a middle growth forest, 1 1/2 miles of walking trails, two creeks, bridges, overlooks and flowering native plants. Come experience the serene oasis and learn how wooded areas and protected streams help preserve the Chattahoochee River. Trails are handicapped accessible and admission is \$2.

## Baker's Branch Hike - September (Date TBA)

Take a hike in the beautiful headwaters of the Soque River in the Tray Mountain Wilderness Area. We'll also visit the Baker's Branch area, a splendid 1200-acre tract that is a proposed wilderness area. James Sullivan, naturalist and botanist, will lead us through the forest (approximately 5 miles round trip). We're sure you'll be convinced that this area deserves to be protected! This hike is not difficult, but there are some steep grades, so wear comfortable shoes and bring plenty of water. *Fee: \$10.*

**For reservations, contact Birgit Bolton at [bbolton@ucriverkeeper.org](mailto:bbolton@ucriverkeeper.org) or call 404-352-9828.**

While he is an expert canoeist, Bill has had very little experience with jetting upstream! He claims that he will never be a "true" boat captain, but plans on being able to transport staff, members and others up and down the Chattahoochee safely when Harlan is not available.

## Harlan's Boating Tips

- Don't suck sand and rocks into the engine - avoid by ensuring 1 1/2 ft. draft at slow speed and 6" at high speed.
- Don't turn too quickly at high speed or the jet boat will slide and then catch, throwing occupants overboard.
- Always wear Polaroid glasses so you can see the rocks!
- Remember when starting the engine that it is always in gear - it is best not to start at full throttle.



Riverkeeper staff Alice Champagne and Kristi Rose conduct the monthly monitoring on the River south of Atlanta.

## CAPTAIN'S CORNER

Every month the Riverkeeper boat patrols the Chattahoochee south of Peachtree Creek in Atlanta, monitoring tributaries as well as the main stem of the River. Riverkeeper staff take turns joining Captain Harlan Trammell to inspect this 13-mile stretch of river down to Buzzard's Roost Island, scouting unusual circumstances, smells or sediment plumes. Our Hydrolab® monitors for pH, turbidity, dissolved oxygen and conductivity.

## The "Sweet Virginia" Joins the Riverkeeper Flotilla

Thanks to a donation from **The Richards Foundation**, we now have a brand-new, custom-designed jet boat, named the "Sweet Virginia", which is equipped with a GPS (Global Positioning System) that includes a map of the River. It works off of twelve satellites, triangulating from three. Waypoints such as boat ramps can be entered into the system and the distance and time between the boat and a ramp can be calculated based on the boat's speed—which is also tracked by the GPS. A plotter shows a trail of where the boat has been that day. Bill Crawford, Riverkeeper's "rookie" boat captain, says that he really likes the GPS because if he is floating downriver and the motor fails, he will be able to call the office and tell them his location. "And maybe if the staff are not too busy, they'll come to my rescue!"

Harlan Trammell, Riverkeeper's Boat Captain since 1995, is training Bill on the basics of driving our two jet boats.

## Judge Finds Water Withdrawal Permit Must Reflect Need

In the first-ever citizen appeal of a surface water withdrawal permit, Administrative Law Judge (ALJ) Michael Malihi invalidated part of a **Georgia Power Company (GPC)** water withdrawal permit on February 11, 2002. EPD issued the permit to GPC in October 2000, allowing it to withdraw up to 116 million gallons per day (mgd) from the Chattahoochee, during low flow conditions, for use at **Plant Wansley in Heard County**. The Permit nearly doubled GPC's existing water withdrawal permit of 60 mgd. GPC claimed it needed the additional water for natural gas-fired power generators under construction at the Plant. Riverkeeper challenged the permit, in part, because it authorized GPC to withdraw more water than it actually needed. The ALJ found that GPC needed only an additional 24 mgd for its new units (82 mgd total for the entire Plant) and that excess water given to GPC was merely to accommodate the pumping capacity of its water withdrawal pumps. According to the ALJ, equipment limitations did not constitute a valid need under the state's Surface Water Withdrawal Act. This finding is particularly important in light of the current strain on Georgia's water supply from three years of drought and rapid growth in the Metro Atlanta region.

## Fulton County Agrees to Fix Leachate Problems at Landfill

In 2000, Riverkeeper sent Fulton County a 60-day notice of intent to sue under the federal Clean Water Act for discharging pollutants from its **Morgan Falls Landfill** without a permit. (See *RiverChat*, Summer 2001). In 2000, we discovered two stormwater pipes from the Landfill that discharged into a Chattahoochee tributary. Monitoring below the pipes revealed that the discharge contained ammonia and other pollutants. Riverkeeper reviewed the County's files and found evidence that a leachate collection system at the Landfill had failed, resulting in stormwater and groundwater mixing with substances in the Landfill to create leachate. After months of site visits with the County and its consultants and meetings with County attorneys, the County agreed to investigate the source of the contamination and take steps to fix the problem, spending about \$300,000 to date. The County has checked for cracks by running a TV camera through the pipes. It also agreed to monitor the discharge twice a month for three months to identify any remaining contamination. Once the assessment is complete, Riverkeeper and the County will meet to determine the appropriate long-term solution.

## Lumpkin County Stream Buffer Dispute Settled

In 2000, Riverkeeper appealed EPD's issuance of a stream buffer variance to Lumpkin County, authorizing the County to pipe nearly 400 feet of a **tributary to Yahoola Creek** to accommodate a parking lot for its new mental health facility. Immediately upon receiving the variance, the County piped the stream. Riverkeeper, nevertheless, appealed the variance in administrative court. Because we realized that it would be difficult to restore the piped stream, even if we succeeded in overturning the variance in court, Riverkeeper approached the County's new commissioner with a plan for the County to mitigate the long-term damage of the piped stream and parking lot runoff. The County agreed to redesign several aspects of the site to help filter stormwater runoff and to ensure that the natural segments of the stream are as stable and shaded as possible. The County also agreed to plant vegetation along the banks of the stream as it enters and leaves the site. As a safeguard, the settlement agreement required the County to place \$5,000 in an escrow account payable to Riverkeeper if the County fails to properly plant and maintain the vegetation.

## Federal Judge Provided Status of Atlanta's Compliance with Decree

With Shirley Franklin's inauguration as mayor of Atlanta, there is solid evidence that the new Administration will treat the city's federal Consent Decree with the EPA, state EPD and Riverkeeper more seriously than did the previous Administration. Last August, a status report presented to Judge Thomas Thrash revealed continuing problems with the city's operation, maintenance, sampling and reporting requirements under the Decree. While the city has resolved a number of matters, a second status report presented to Judge Thrash in March detailed approximately \$1 million for past violations and noted some continuing problems. The most critical problem facing the city is the lack of adequate leadership and technical staff in the Public Works Department to oversee and manage the work required by the Consent Decree. BY 2007, the city must meet water quality standards at all CSO (combined sewer overflow) discharges. Riverkeeper has urged the city to hire an individual with adequate experience and leadership skills to oversee the city's compliance with the Consent Decree.

## GA DOT AND DeKALB LEARN LESSONS ON STREAM BUFFERS

One of the most important, but often confusing and frequently misinterpreted, aspects of the Georgia Erosion and Sedimentation Act concerns the restrictions on encroachments within streamside buffers along state waters. The law provides for a 25-foot buffer for non-trout waters, *unless* the EPD Director decides to allow a variance that is "at least as protective of natural resources and the environment." The following two cases illustrate the problems that can arise from the confusion that surrounds these regulations.

Last fall, an estimated 3,750 square feet of the 25-foot vegetated buffer was destroyed along **Rottenwood Creek in Cobb County** by a contractor for the **Georgia Department of Transportation (GA DOT)**, in order to build the Mill Creek Parkway under I-285. Riverkeeper received numerous HOTLINE calls about this construction and upon further investigation

discovered that DOT had not even applied for a variance. In addition, DOT staff admitted that it was not their practice to secure buffer variances for any of their projects that impacted the state-protected buffer. DOT subsequently agreed to revegetate the Rottenwood streambank and floodplain with native plants, grasses and shrubs. Most importantly, DOT also agreed to develop a process to ensure that the agency applies for variances, when necessary, for all future road projects.

## DeKalb County Interpretation of Buffer Regulations Causes Problems

**Atlantic Realty Partners** encroached within the stream buffer adjacent to a **tributary to Peachtree Creek** near an I-85 access road in December 2001 without a buffer variance, upon the advice of **DeKalb County's** Department of Public Works. The developer previously applied for a

variance, in order to move and restore a 465-foot section of the stream, but EPD denied the variance. Subsequently, DeKalb County gave Atlantic permission to proceed, based on an erroneous belief that past buffer disturbances (created by GA DOT) *exempted* the developer from having to secure a variance. In fact, state law is quite clear. Developers must maintain a natural undisturbed buffer along "all state waters". A local government does not have the authority to waive buffer requirements along "state waters".



Riverkeeper Director, Sally Bethea, walks through the mud (and gets stuck!) to look at the buffer encroachment along a tributary.



## BIGGEST CLEANUP EVER ON WEST POINT LAKE!

On Saturday, February 16, more than 200 volunteers pitched in to clean up 150 miles of shoreline removing 1,200 bags of trash and debris along West Point Lake in LaGrange. This event, organized by the **West Point Lake Coalition**, was a huge success, making it the largest cleanup ever held on the lake. The Coalition, which is dedicated to the protection of the lake, worked with numerous volunteers from local church youth groups, LaGrange College, the City of LaGrange, Troop County, and Riverkeeper staff and volunteers.

**Dick Timmerberg**, Executive Director for the West Point Lake Coalition, offered his appreciation, "A special thanks to the numerous volunteers. Everyone worked hard and yet everyone had a great time. All involved should take pride in their tremendous accomplishment and contribution to the community! It was a total team effort!" Riverkeeper looks forward to working with West Point Lake Coalition on future cleanups and projects. **For more information on the West Point Lake Coalition, contact Dick Timmerberg at 706-884-5916 or <http://www.westpointlakecoalition.org/>**



Volunteer Jim Van Paeppegem highlights a few of the extraordinary items—from a City of Atlanta sign to a bowling ball—found during the cleanup.

## Friends of the Upper Chattahoochee

### NEW WATERSHED GROUP ADOPTS RIVER IN WHITE COUNTY



Alan Sykes on the Upper Chattahoochee

Although **Alan Sykes** has lived most of his life in middle Georgia, his free time, since childhood, has been spent in the north Georgia mountains paddling and trout fishing. Ultimately, Alan fell in love with the pristine beauty of the Chattahoochee River headwaters. He eventually grew tired of traveling from Griffin, and, five years ago, made his home near Cleveland. Things have changed since

he learned about the Georgia Adopt-A-Stream program. Alan began calling anyone who might be interested in forming a river advocacy group in White County. Last summer, he and about a dozen others attended a chemical monitoring training led by Riverkeeper's Kristi Rose. With that certification under their belts, **Friends of the Upper Chattahoochee** was underway.

In October, they registered with Adopt-A-Stream and have been monitoring the Upper Chattahoochee every month since. In December, members participated in the first quarterly visual stream survey (from the Robertstown bridge to the Hwy. 75 bridge below Helen). Water quality looks pretty good, but as Helen enters the tourist season (including a new water park), things may change, and it is nice to know a local group is looking out for the river.

When asked what he thinks the greatest success of the group has been, Alan relates the satisfaction of getting to know the local public officials in the city of Helen and forming a good working relationship with them. Alan's energy and enthusiasm for watershed protection will surely lead to many other successes.

Alan was a boy, and once-pristine areas are under seige from development.

Disturbed by explosive growth in the headwaters and the demise of the watershed, Alan "grabbed the bull by the

## CHEVRON HELPS HEAL THE RIVERBANK WITH NATIVE VEGETATION

A cold, rainy Saturday morning brought out the heartiest of souls to work on a stretch of the Chattahoochee riverbank needing attention. In early March, the **Chevron Products Company** hosted a river restoration project at the Abbott's Bridge Unit of the Chattahoochee River Recreation Area in Gwinnett County. Twenty-five participants pulled privet and planted willow, green ash, red maple, tulip poplar, American persimmon and red and winged elm trees along the bank and in the floodplain. The hard-working volunteers planted over 150 trees, dozens of willow stakes and pulled bushels of privet.

Chevron sponsored **Riverkeeper, The Georgia Conservancy, the National Park Service and Trout Unlimited** in this restoration project. The banks of the river are degraded by erosion and invasion of non-native plants. The purpose of the tree planting was to provide bank stabilization with water-loving trees such as willows to keep soil out of the river. The goal of the privet pull was to get rid of a prolific plant that chokes out the native shrubs, plants and trees. Beautiful native Georgian plants such as trillium, rhododendron, and oak belong where the privet has taken over, to provide a healthy ecosystem and a more aesthetically pleasing environment for outdoor enthusiasts such as hikers and birders. Weed pulling has never been more productive or fun!



Willow-staking; a dirty but vital part of the Abbotts Bridge restoration project.

## Cobb County School Receives First River Stewardship Kit

Last fall, REI awarded Riverkeeper a \$20,000 grant to purchase River Stewardship Kits for distribution throughout the upper Chattahoochee watershed. Each Kit contains maps of the river basin, books and videos on water pollution, Adopt-A-Stream materials, Lamotte chemical testing kits, wading boots, goggles, gloves, cameras and stormdrain stencils.

In December, Riverkeeper trained **Dodgen Middle School** in East Cobb County as the first school to participate in the program. Led by teacher **Judy Cox**, students have become active stewards of their waterways, conducting water quality tests on Dodgen Pond located on the school property and an intermittent creek flowing into the pond. "The stewardship program has allowed me to learn through real-life experiences, not just out of a textbook," said one student. Ms. Cox has thoroughly enjoyed working with this program which has "enriched and extended the curriculum" of the school.

**Currently, Riverkeeper is looking for more schools to participate in the River Stewardship Kit program. Please contact Kristi Rose for more information at [krrose@ucriverkeeper.org](mailto:krrose@ucriverkeeper.org).**



Students chemically test their local waterway to examine the water quality.

## School Happenings around the Watershed...

**Sutton Middle School** has participated in Riverkeeper Youth Program for three years with the enthusiastic cooperation of science teacher, **Brenda Brochstein**, who is very committed to educating students about water issues. Last winter, Ms. Brochstein created an after school club, the **ECH2O Club**, for 7th and 8th grade girls. The club meets on Saturdays to participate in extended day field trips to places such as Zoo Atlanta, Georgia Environmental Organization to go camping and rafting on the Chattahoochee River, and to local creeks to perform various service projects.



ECH2O club members prepare to raft down the Chattahoochee River.



**River Song**  
A Journey Down The  
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And Apalachicola Rivers  
By Joe and Monica Cook  
\$35



**The Riverkeeper's Guide To The Chattahoochee**  
By Fred Brown and  
Sherri M. L. Smith  
Illustrations by Gary Pound  
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**The Flint River**  
A Recreational Guidebook To  
The Flint River and Environs  
By Fred Brown and  
Sherri M. L. Smith  
Illustrations by Roel Wielinga  
\$25



**Wildflower Mug**  
From the Chattahoochee  
Watershed  
\$10

The sales of these items help fund Riverkeeper Programs. Tax and Shipping are included in the price. To order, contact **Bill Crawford** at 404-352-9828 ext. 14 or email him at [bcrawford@ucriverkeeper.org](mailto:bcrawford@ucriverkeeper.org). Orders may be faxed at 404-352-8676 or mailed to Upper Chattahoochee Riverkeeper, 1900 Emery Street, Suite 450, Atlanta, GA 30318.

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