

RIVER CHAT

A QUARTERLY PUBLICATION OF UPPER CHATTAHOOCHEE RIVERKEEPER
WWW.CHATTAHOOCHEE.ORG

WHOSE WATER IS IT? LEGISLATIVE STUDY COMMITTEE TACKLES WATER POLICY ISSUES

At least two distinct groups of Georgians are watching the work of a new legislative water study committee with intense interest—industrial and agricultural water users on one hand, and conservationists on the other.

Initiated by Governor Barnes and passed in the 2001 session of the General Assembly, Senate Resolution 142 created a Joint Study Committee to examine a broad range of issues connected to Georgia's water policy. The Committee, which is chaired by the legislative chairmen of the House and Senate Natural Resources Committees, **Rep. Bob Hanner** and **Sen. Hugh Gillis**, has met twice—organizing in June, in Athens, and beginning deliberations in Savannah in late July. The Nature Conservancy is the only conservation organization represented on the 23-member committee.

Advisory Group's Offer Receives Lukewarm Reception

The Joint Committee's advisory group, chaired by UGA's **Dr. Jim Kundell**, was specifically directed by S.R. 142 to include representatives of local watershed organizations, however, none were appointed. The handful of members on the group who do come from the "green" side, primarily representing statewide organizations and academic institutions, attempted



to use the final day of the Savannah meeting to provoke discussion of several issues. Their goal was to ensure that different perspectives on water policy matters of controversy are made available for review by the Joint Committee prior to any final decisions. When that discussion threatened to occur, Chairman Hanner announced that the members had been in Savannah all week (for a meeting of the Southern Legislative Caucus) and they were "ready to go home." He then adjourned the meeting, leaving the work of the advisory group to be sorted out by a subcommittee of that body. Apparently not seeing fit to encourage advisory group members in their offer to prepare a series of water policy white papers for the Joint Committee, Chairman

THE RIVER MATTERS
For Additional Information Check Our OnLine Calendar
WWW.CHATTAHOOCHEE.ORG

Soil Watch Workshop – South Fulton County **August 28**
Call 404-352-9828 ext.16 or achampagne@ucriverkeeper.org

Metro Atlanta Canoe Trips **September 8 and October 20**
Call 404-352-9828 ext. 24 or bbolton@ucriverkeeper.org

Community Watershed Workshop **September 11**
Call 404-352-9828 ext.16 or achampagne@ucriverkeeper.org

Canoe the Chattahoochee Below Atlanta **September 15**
Call 404-352-9828 ext. 24 or bbolton@ucriverkeeper.org

Patron Appreciation Dinner at Canoe **September 20**
Call 404-352-9828 ext.12 or slayton@ucriverkeeper.org

Sandy Bottoms BBQ on the Chattahoochee **October 6**
Call 404-352-9828 ext.12 or slayton@ucriverkeeper.org

Canoe Trip from McIntosh Reserve to Franklin **October 27-28**
Call 404-352-9828 ext. 24 or bbolton@ucriverkeeper.org



ALL IS BORN OF WATER;
ALL IS SUSTAINED BY WATER.
Goothe

See *Whose Water Is It?*, page 6

**Join Our
2001 River Adventures!
(See Insert)**

Reflections

Leaving my cell phone and computer behind for two weeks last June, my teenage boys and I joined a small group organized by International Expeditions to travel to Peru—the headwaters of the 4,200-mile Amazon River, a river basin that contains 20% of all the fresh-water on earth.

For six consecutive days, we motored upstream in a 16-person wooden boat, embarking from Iquitos—a jungle city of 400,000 that is only accessible by plane or boat. During our second week, we toured the Andes—Cusco, Machu Picchu and the Urubamba Valley, less than 100 miles from Mt. Quehuisha, whose snowmelt gives birth to the tributary that starts the Amazon on its journey to the Atlantic Ocean.

Only a few hours upstream of Iquitos, any visible sign of "civilization" fades away, replaced by occasional villages of the river people (the *riberinos*) who must rely solely on their river for transportation, drinking water (usually settled out and occasionally boiled), and to cleanse their bodies, their clothes and often their spirits. The obvious poverty in these communities lies in stark contrast to the astounding beauty of their surroundings.

This is a river that dominates the landscape. More than 2,000 miles upstream from its mouth, the Amazon is still several miles wide. The rhythms and the temperament of the Amazon dictate the lives of the people who depend on it for sustenance.

Georgia's Altamaha River, which also empties into the Atlantic, is reminiscent of a smaller Amazon, except in its headwater streams which arise in Atlanta, a place whose landscape is dominated, not by water, but by the buildings and highways of this sprawling city. Our Chattahoochee, also dominated by this city, is largely taken for granted by most of the city's population, yet it is no less critical for the sustenance of this region and its rhythms and needs no less important than its South American cousin.

The future of Georgia's surface and groundwaters will be considered over the next year by a legislative committee created by Governor Barnes (see cover story). One of the central questions which should be answered will be how far we will be allowed to go in expanding the state's man-made environments to accommodate future economic growth. This could be one of the most important water policy groups ever convened in Georgia.

Sally Bethel
Riverkeeper

New Directions for Headwaters Office

We are pleased to announce the hiring of **Darcie Boden** as

Riverkeeper's new Director of Headwaters Conservation in our Gainesville office, replacing Katherine Baer who resigned in June to attend law school.

Darcie comes to Riverkeeper with 10 years of experience at the Tennessee Valley Authority where she served as Watershed Protection Specialist and Environmental Scientist. Darcie will work on new programs in the headwaters region, such as lake sampling, nutrient trading, and fish consumption education.



Boden

Since 1996, **Z-93 Radio Station** has been a loyal supporter of our work, contributing more than \$100,000 in cash and in-kind services. Through the formative years of the Riverkeeper organization, we could always count on the station's Music Director, **Jeff Dunham**, to continue to think of every opportunity to lend a hand and be the first to say "everyone should be a member of Riverkeeper." The Jerry Jam concert, most recently held in July at Masquerade, has become an annual event, anticipated by Riverkeeper members and Deadheads alike. Make sure to attend next year!

the Z93 Dunhams

2nd Annual Golf Classic

At our 2nd Annual Golf Classic held in June, Riverkeeper supporters enjoyed a spectacular day at the Golf Club of Georgia, playing 18 holes at the Lakeside Course. Many thanks to everyone who participated in the Tournament and to the many volunteers who gave of their personal time. We look forward to another round in 2002.



Team Picture, left to right: Alec McLarty, Ben Voyles, Jim Valentine, Bill Voyles. Special thanks to Hole in One Sponsors Bill & Ben Voyles

ON PATROL



'STANDING' VICTORY HAS STATEWIDE IMPLICATIONS FOR WATER WITHDRAWALS

On July 9, 2001, an administrative law judge (ALJ) upheld Riverkeeper's "standing", or legal right, to challenge EPD's issuance of a water withdrawal permit to **Georgia Power Company**, which allowed the utility to double its water withdrawal from the Chattahoochee River at **Plant Wansley**. Riverkeeper appealed the permit last Fall because Georgia Power had failed to justify its need for the additional water and because the withdrawals allowed by the permit could have an adverse impact on the River and the people who use and enjoy the River. EPD and Georgia Power asked the ALJ to dismiss the case, claiming that only other permit holders and riparian landowners have standing to bring water withdrawal permit challenges. The ALJ decided against these arguments in favor of Riverkeeper. The ALJ's ruling opens the door for individuals and groups in Georgia to challenge water withdrawal permits issued by the State that will negatively affect the public's use of State waters.

FULTON COUNTY DELAYS FIX FOR LEAKY LANDFILL

Riverkeeper has been investigating north Fulton County's **Morgan Falls Landfill** for over a year. Our water samples have repeatedly shown that leachate from the landfill is contaminating a small tributary to the Chattahoochee that flows out of the site. Last October, we sent Fulton County a 60-day notice letter of our intent to sue the County under the federal Clean Water Act for discharging pollutants into the River without a permit. Since sending the letter, Riverkeeper has given the County ample time to abate the continuing pollution, but the County refuses to fully investigate and fix the source of the problem. In one last attempt to avoid litigation, Riverkeeper sent the County a second letter last month requesting that it take specific actions to address the leachate

problem, including conducting a comprehensive investigation of the site to pinpoint all pollution sources and designing a system to prevent landfill leachate from mixing with groundwater and discharging into the tributary. The County agreed to some of Riverkeeper's demands and the parties will meet soon to discuss the issues further.

NEW MAYOR NEEDS TO EVALUATE ATLANTA'S PUBLIC WORKS DEPT.

As required by the 1998 federal consent decree which settled Riverkeeper's lawsuit against the **city of Atlanta**, the U.S. EPA and the state EPD recently authorized the city to proceed with a plan to fix its combined sewer overflows, which have polluted neighborhood streams and the Chattahoochee River for decades. This plan, which proposes a combination of sewer separation, storage and treatment measures, was submitted to the agencies last spring for approval. Input from community activists (including groups such as **Southern Organizing Committee** and **West Atlanta Watershed Alliance**) and Riverkeeper's engineering consultants, Carpenter Environmental, helped ensure the inclusion of specific conditions to minimize potential environmental impacts from tunnels that will carry sanitary sewage and stormwater to treatment plants and from chlorination, and to encourage the city to consider additional sewer separation. Unfortunately, the city's public works department has lost many of its most qualified engineers, leaving a serious void in its ability to oversee and manage contractors who will be conducting over \$1 billion in cleanup work over the next dozen years. A critically important task for the city's new mayor, come January 2002, will be to evaluate the public works staff and to move quickly to install qualified, responsible individuals who can make sure that the city meets the deadlines in the consent decree and is responsive to community concerns.

HOGANSVILLE WATER SUPPLY RESERVOIR PROTECTED

It appears, for now, that the **Hogansville-Flying "J" Truck Plaza** that was proposed on a 20-acre tract near Hogansville's water supply reservoir is a dead issue. A year ago, Troup County resident Mildred Burdette and lawyer Mack Reynolds alerted Riverkeeper to the proposed piping of 500 feet of a tributary to Blue Creek, just upstream from the water supply reservoir. We reviewed the proposed plans and provided written comments to the state EPD in opposition to a buffer variance application, since siting alternatives and other issues relating to the impact of the encroachments were not adequately addressed by the developer. Unable to secure zoning and challenged by stream buffer regulations, the developer decided to abandon his plans.

PROBLEMS WITH LAND APPLICATION OF WASTEWATER NEAR RIVER

Last April, EPD noticed a draft land application system permit ("LAS") for a new wastewater treatment facility named **Cauley Creek in north Fulton County**. The facility owners intend to provide as much treated wastewater as possible to nearby businesses for irrigation purposes. The facility, however, will apply any remaining wastewater, originally up to 2.5 million gallons per day, to a 90-acre parcel of land along Cauley Creek and the Chattahoochee. Riverkeeper's technical consultant evaluated the proposed LAS system, and raised several serious concerns with the proposed permit, which we incorporated into our comment letter. For example, the rate at which the facility would apply waste to the 90-acre parcel is extremely high, and the owners did not provide sufficient information on the type of soils at the site to support this aggressive design. EPD issued the permit in early August incorporating many of the proposed changes, such as monitoring and a reduction in the volume of water that can be land applied.

Tristate Water Wars: Is A Resolution Imminent?

After more than a decade of dispute, Georgia, Alabama, and Florida, belligerents in the "Tristate Water Wars," may be close to reaching an agreement on the allocation of surface waters of the **Apalachicola-Chattahoochee-Flint (ACF) River Basin**. At the time of this writing, eleventh hour negotiations between Georgia and Florida over key components of an "allocation formula," or water sharing plan, appeared likely to produce a settlement to one of the region's longest running and most acrimonious resource management disputes.

The core issue fueling the dispute between the states is how to "equitably apportion," or divide interstate waters in the ACF—a 20,000 square mile river basin that provides water supply and wastewater assimilation for metropolitan Atlanta, supports productive seafood industries in Florida, and is home to some of the most diverse native aquatic communities in the world. An interstate compact, established in 1997, requires the states to develop an allocation formula that will divide these waters while

maintaining environmental quality. Any agreement the states reach is subject to an intensive federal review to ensure compliance with federal environmental laws. If the federal review finds that the allocation formula violates the Clean Water Act, the Endangered Species Act, or any other applicable law, the federal government will non-concur with the formula, forcing the states to re-negotiate the agreement.

Riverkeeper has been actively involved with the interstate water allocation process since its inception: successfully advocating amendments to the ACF Compact, serving on Georgia's Governor's Advisory Council on Tristate Water Issues, and, for the past two years, leading the **Tristate Conservation Coalition** (Coalition), a network of 43 local, state, and national conservation organizations with interests in the ACF and the Alabama-Coosa-Tallapoosa River Basins (Georgia and Alabama are undertaking a similar process in the ACT) committed to the protection of water quality, biodiversity and recreation.

Recognizing the ecological and economic significance of the ACF, and the implications the interstate water allocation process holds for the future welfare of the Basin, Riverkeeper and the Coalition, as well as federal agencies such as the U.S. Fish and Wildlife Service and the U.S. EPA, have urged the states to include adequate instream flows, flexible management approaches, biological monitoring, and other conservation measures in an allocation formula. Unfortunately, the states, to date, have largely ignored these recommendations, opting instead to focus on guaranteeing minimum water flow delivery for fifty years, a scheme that flies in the face of all scientific conventions and one that in no way affords meaningful, long-term protection to the ACF.

If and when the states do reach agreement on allocation, Riverkeeper and the Coalition will analyze the formula for consistency with state and federal environmental laws, as well as the conservation measures mentioned above, and will take the necessary advocacy steps to safeguard environmental quality in the ACF.

WATERKEEPER ALLIANCE VISITS THE SOUTH

In mid-June, the Waterkeeper Alliance, the environmental advocacy "family" consisting of 70 Keeper programs throughout the Americas, held their 2001 annual conference in Pensacola, Florida. The conference, which was graciously hosted by the **Pensacola Gulf Coastkeeper**, led by Executive Director **Carol Moore**, showcased the impressive efforts of all the Keepers to restore and protect their local waterways, as well as the diversity of tools and approaches Keepers are employing to advocate for "Clean Water and Strong Communities." Keepers and their staff attended workshops on a variety of topics, including water quality monitoring, wetlands regulation, litigation strategy, and fundraising, participated in the Annual Meeting of Members, and heard from several outstanding keynote speakers, including **Robert Kennedy Jr.**, President of the Waterkeeper Alliance and Carl Pope, Executive Director of the Sierra Club, on current environmental and political issues. **Michelle Fried**, General Counsel, and **Matt Kales**, Program Manager, represented Upper Chattahoochee Riverkeeper at the conference and facilitated and presented during the Gulf Basin regional meeting. We are proud to be a part of this growing and vibrant movement.



In June, Riverkeeper's **Education and Scientific Advisory Committee (ESAC)**, a group that assists the staff by providing the most current scientific, technical and educational materials and information concerning river ecosystems, held its annual meeting at Paul D. West Middle School. After the meeting, committee members toured the school construction site to view erosion and sediment control techniques and state-of-the-art buffer protection measures used to protect a nearby tributary to Utoy Creek in south Atlanta.

RIVERKEEPER'S BEST-KEPT SECRET - OUR BOARD OF DIRECTORS

There are a dozen people who rarely show up in the pages of this newsletter, yet they are a critical component of the Upper Chattahoochee Riverkeeper organization—our board of directors. For the past seven years, our work has been guided by a talented and loyal group of individuals who aren't always visible at the forefront of our successes, but without whom this organization would not have made its mark so effectively.

Co-founders **Laura Turner Seydel** and **Rutherford Seydel**, our Board Chair since 1994, remain a steadfast and critical element in our Riverkeeper family. Serving alongside Rutherford for two consecutive three-year terms from 1994-2000 were **Bob Biebel (PricewaterhouseCoopers)**, **David Pope (Carr, Tabb & Pope)**, and **Dr. Gail Marshall (Douglas County Schools)**. Bob serves as the head of our supporting organization, America's Watershed Landkeeper. David is co-counsel on several of our legal actions, most recently our appeal of Georgia Power's water withdrawal permit for Plant Wansley, see pg. 3.

As we expanded our Board in the mid-1990s, we were joined by **Walton Smith** (partner, Lord, Bissell & Brook), **Michael Coles** (founder, Great American Cookie Co.), and **Steve O'Day** (partner, Smith, Gambrell & Russell), who still serve on our board. Michael's experience on many other nonprofit boards and in the political arena has been helpful to our organization. Both Walton and Steve provide expert legal advice on a range of issues and are both committed environmentalists. Steve's firm is currently assisting us with our legal action against Fulton County for pollution from its Morgan Falls Landfill (see pg. 3). Walton and his wife Susan (our former Office Manager) are serving as the 2001 Co-hosts for our Patron Appreciation Dinner in September.

Later, the board was strengthened with the addition of **Denise Donahue** (owner, Donahue Studios), our long-time graphic artist/marketing consultant and one of Riverkeeper's strongest supporters over the years. **Bert Ellis**, founder and Chairman of the Board, iXL Enterprises, Inc., and **Bill Malloy**, former CEO, Scientific Games International, came on board bringing business skills and perspective to our growing organization.

In 1999 Riverkeeper invited **Dr. Judy Meyer** (Distinguished Research Professor, Institute of Ecology, UGA), **Chrissy Sapp** (Vice President, Corporate Relations, Turner Broadcasting System, Inc.), and **Billy Hall** (CEO, Newfields, an engineering and planning firm) to join the Board. The scientific, engineering, corporate fundraising, and strategic thinking abilities of these individuals have been critically important.

New Faces on Board Bring Diversity

This summer we've added some fine new faces to Riverkeeper's Board who bring long-sought diversity in geographical, skill and cultural representation.

One of the most important qualifications that new Board member **Ray Anderson** brings to our organization is that his heart is in LaGrange, Georgia, downstream of Atlanta on West Point Lake. In addition to this down-

stream perspective, Ray founded a company, Interface, in 1973 that revolutionized the commercial floor-covering industry. More recently, Ray has embarked on a mission to make Interface a sustainable corporation by leading a worldwide effort to pioneer the processes of sustainable development. He was named co-chairman of the President's Council on Sustainable Development in 1997 and received the inaugural Millennium Award from Global Green, presented by Mikhail Gorbachev.



For a headwaters and recreation perspective from the watershed that drains into Lake Lanier, we asked **Gary Gaines**, long-time Riverkeeper member and founder of the Lake Lanier Canoe and Kayak Club to join our Board. Gary owns Georgia Design and Graphics, Inc. in Gainesville and Sandy Bottoms Vacation Cabins on the Chattahoochee in White County. He also serves on the Board of Friends of the Park in Gainesville and is a past member of the Gainesville-Hall 96 Olympic Committee Board.

Ruby Lucas is Vice President of Community Relations for Turner Broadcasting System, Inc., overseeing the development and implementation of all community relations and employee volunteer initiatives. She has served on many corporate and community boards, including TBS, the Atlanta School Board, Georgia World Congress Center Authority, The Alliance Theatre, Butler Street YMCA, and the Atlanta Regional Leadership Foundation. She is the president of the board of the Bill Lucas Scholarship Foundation, honoring her late husband who was the general manager of the Atlanta Braves in the late 1970s.



In an effort to broaden corporate involvement on Riverkeeper's Board, we invited **Kay Lee**, Vice President of Real Estate Law for The Home Depot to join us. Kay is responsible for the strategic legal oversight of Home Depot's real estate development and portfolio management, globally. Although a native of Michigan, she has put down roots in Georgia (specifically Decatur), graduating from law school at the University of Georgia and working here for Home Depot since 1992. Kay says that she is looking forward to involving her two young sons in community work and learning more about the river that sustains her family and millions of Georgians.

WHOSE WATER IS IT?

Continued from page 1

Hanner responded to the advisory body, "This Committee will make the final decisions here."

A Long-awaited Look at State Water Policy Needs

The Joint Committee has been charged with formulating a water policy for the state, a project that has been repeatedly postponed to the detriment of Georgia's rivers, streams, lakes and aquifers. The "Water Wars," with Alabama and Florida, the drought crisis on the Flint River, and the need to study the salt water intrusion in the Floridan Aquifer in the Savannah area have been just a few of the excuses given over the past decade to delay the formulation of a statewide policy.

The behavior of this Joint Study Committee, to date, is beginning to resemble yet another delay in moving toward a statewide policy that might be interpreted as restricting the use of one group of businesses or another. The fact that S.R. 142 gives the Joint Committee until the fall of 2002, immediately prior to state elections, to make its final recommendations may be another example of timing that is more than coincidental.

Although not a member of the advisory group, Upper Chattahoochee Riverkeeper will participate in the

work of the Joint Committee over the next year, in coordination with other environmental and recreation groups. Based on our experience in the Chattahoochee basin and our legal and technical research, we will offer information and recommendations on topics anticipated to range from the state's water planning and permitting structure to priority of water use during droughts.

Georgians who want clean and adequate water need to contact their legislators and tell them they expect their water to be managed for *all* the people of the state, not just a few economic interests. Georgia is blessed with abundant supplies of clean water, and so far, this Joint Study Committee is not visibly behaving in a way that is respectful of this state's blessing.

Schedule of Joint Committee meetings:

September 20th & 21st in Macon

November 15th & 16th in Albany

Additional Information: 404-656-5912

Co-Chairs:

Rep. Bob Hanner
9610 Plains Highway
Parrott, GA 31777-9505
bhanner@legis.state.ga.us
220 State Capitol
Atlanta, GA 30334

Sen. Hugh Gillis
302 Louisiana Avenue W.
Soperton, GA 30457
hgillis@legis.state.ga.us
420-A State Capitol
Atlanta, GA 30334

EXPERTS DONATE TIME AND KNOWLEDGE TO RIVERKEEPER LITIGATION

For the past nine months, three scientists, **Drs. Mary Freeman, James Gore, and Judy Meyer**, have donated hours of their time and knowledge to Riverkeeper's challenge to Georgia Power Company's (GPC) water withdrawal permit at Plant Wansley (see pg. 3). These experts have added tremendous value to our case, providing behind-the-scenes expertise and critical testimony in the courtroom. Though the resume of each of these individuals is thicker than four issues of *River Chat*, we offer the following brief profiles:

Dr. Mary Freeman is a Research Ecologist with the U.S. Geological Survey and is based at the Warnell School of Forest Resources at the University of Georgia. Dr. Freeman has studied the impacts of stream flow on aquatic species for more than twenty years, and is a leading authority on native fishes of the Southeast. For this case, Dr. Freeman provided key insights into the linkages between GPC's permit limits and the potential harm to the River's aquatic life, and further identified the types of studies necessary to address those linkages. Dr. Freeman is a member of Riverkeeper's Educational and Scientific Advisory Committee.

Dr. James Gore is a Professor in the Department of Environmental Science and Public Health at Columbus State University, and the Director of the Environmental Science Graduate Program at the University. Dr. Gore is highly experienced in modeling and analyzing stream flow in the context of river management issues. In this

case, Dr. Gore modeled various flow scenarios in the River at Plant Wansley, both historical and under the challenged permit, to support Riverkeeper's allegations that withdrawals allowed by GPC's permit could adversely affect the health of the Chattahoochee River.



Dr. Judy Meyer

Dr. Judy Meyer is Professor of Ecology at The University of Georgia, Institute of Ecology/Biosciences. Dr. Meyer brought more than 25 years of experience in aquatic ecology to our case by testifying about the effects of stream flow on aquatic health and pollution levels in the River. In addition, with assistance from her graduate student Kathy Gibson, Dr. Meyer conducted important fieldwork relating to the case. See photo. Judy is also a member of Riverkeeper's Board of Directors.

Riverkeeper is truly grateful for our experts, their efforts, and their generosity, which enabled us to build compelling, science-based arguments in defense of the Chattahoochee River.

"Mud Happens" Attitude No Longer Defensible

The conclusions of a study on the feasibility of controlling soil erosion are out and the news is good for developers trying to keep eroded soil from leaving construction sites and for everyone who benefits from clean, mud-free streams. Practical and cost-effective recommendations, developed in consultation with engineers and other technical experts, are highlighted in an executive summary that is written in a motivational and "can-do" style. The bottom line: proven state-of-the-art technology will keep dirt, a well-documented pollutant, out of our waterways.

Using \$400,000 in grant funds from the state Environmental Protection Division (EPD), a group was empaneled in 1996 and dubbed the "Dirt 2 Panel", although its official name was the Erosion and Sedimentation Control Technical Study Committee. Riverkeeper was instrumental in helping secure project funding and has participated as a member of this group.

For the past four years, **Tom Sills**, Project Manager, of the Chat-Flint Regional Development Center and **Dr. Ben Dysart**, Chairman of the Dirt 2 Panel, have provided oversight to this group charged with developing *practical, cost-effective and performance-based* best management practices (BMP's) to control soil erosion from urban development. Dr. Dysart is to be commended for his dedication to this project and his vision and wisdom in being able to bring together an extremely diverse group to produce excellent products and case studies of success—all of which he did as a volunteer!



For a copy of the DIRT 2 Final Reports and Video, call Tom Sills at 706-675-6721.

One Year Anniversary for Rules Governing Runoff from Construction

A year ago this month, a federal permit controlling stormwater runoff from large construction sites became effective in Georgia—after eight years of litigation between environmental groups and developers. This means that developers must comply with



Sediment-laden water enters a storm drain en route to a nearby stream.

requirements of the federal Clean Water Act, in addition to the State Georgia Erosion and Sedimentation Act, to prevent the flow of polluted stormwater into state waters.

Property owners and operators of developments over 5 acres in size must file a Notice of

Intent (NOI) to comply with the General Permit for Construction Activities, which is administered by the state EPD, and then must install and regularly maintain and inspect BMPs selected for that specific site. An Erosion Control and Pollution Prevention Plan and a monitoring plan must also be developed and tailored to the site.

As the regulating agency for this program, the state EPD is investigating complaints of violations filed by citizens and others. Enforcement actions and fines are in the process of being executed by a new state "Strike Force".

For information visit: www.dnr.state.ga.us/dnr/environ. To file a complaint of erosion and sediment violations for projects greater than 5 acres: Call Jim Sommerville at 404-362-2641.

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ACTION ALERT!

Discharge Pipe Labeling Regulations Proposed

Ever Wonder Whose Pipes Dump into Your River?

In 1990, then State Senator and candidate for Governor, Roy Barnes, talked about a bill he had heard about in Alabama. "The Fisherman's Right to Know" law would require municipal and industrial dischargers of wastewater to place signs at their outfall pipes. These signs would give basic information about the identity of the discharger and emergency telephone numbers to be used when there is a potential problem with the effluent. Tennessee, New York, and New Jersey are among the states requiring such posting today.

In 2000, Sen. Charles Walker (D-Augusta) introduced a bill advocated by river activists that included the "Fisherman's Right to Know" concept, as well as other public disclosure provisions. Despite an outcry by industrial wastewater dischargers, this legislation passed the Senate, but was allowed to die, unheard and unmentioned, in Rep. Bob Hanner's House Natural Resources Committee.

The Water Right to Know Bill was re-introduced by Sen. Walker in 2001, and again was the subject of intense discussion and negotiations between environmental and industry lobbyists that resulted in a compromise which dropped the pipe labeling requirement from the bill because of complaints by the Georgia

Chamber and other business and industry groups.

Then the unexpected occurred. A series of high volume sewage spills in Macon caused an outcry in middle Georgia. DNR Board Member and **Environmental Protection Committee Chair Ben Porter**, of Macon, asked the Board to promulgate a new Rule strengthening the reporting of sewage spills, with signs notifying the public of streams contaminated by raw sewage. Fellow DNR Board Member and **Riverkeeper Director Sally Bethea**, appointed to the Board by Gov. Barnes, asked about the permanent labeling of all discharge pipes as an extension of this policy direction, and the Board asked EPD to develop a Rule on pipe labeling.

A 90-day "stakeholder's process" has ended and the Board will consider sending a proposed rule out for public comment this fall, with a final vote of the Board likely in October.

Contact EP Committee Chair Ben Porter and urge him to support the proposed regulation that requires signage with permit and emergency phone contact numbers.
Contact Info: Ben Porter, 152 North Crest Blvd., Macon, GA 31210 or fax: 912-477-4139.



Reclaiming Our River

1900 Emery St. Suite 450 Atlanta, Georgia 30318
404 352-9828

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

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