

TONS OF DEBRIS, GREASE REMOVED FROM ATLANTA'S CLOGGED SEWERS



Photo credit: Tom Wilson

For the first time in twenty-five years, the city of Atlanta is cleaning and repairing its 1,500 miles of sanitary sewer lines that carry waste from residences and businesses to treatment plants and ultimate disposal in area waterways.

This effort, which is being undertaken pursuant to a federal court action, represents the first time that such a comprehensive preventive maintenance and rehabilitation program has been implemented since the late 1970s. City representatives have called the current activity unprecedented.

During the 1980s and 1990s, city officials failed to invest in regular maintenance of the sewer system, which led to thousands of overflows of untreated sewage each year during wet and dry weather. This pollution resulted in elevated bacteria counts in neighborhood streams and ultimately the Chattahoochee and South Rivers, threatening public health and lowering downstream property values.

Problems with Sanitary Sewer Overflows Documented

In 1995, Upper Chattahoochee Riverkeeper (UCR) filed suit in federal court against the city of Atlanta for failing to control the discharge of raw sewage into streams from combined sewer overflows (CSOs) which drain 15% of the city. Focusing on this chronic pollution problem with clear evidence documenting CSO violations, UCR won the case in 1997 and settled it in 1998, agreeing to a consent decree with a timetable for major system upgrades.



City workers use suction equipment to clean out Atlanta's sewers.

Anecdotal information had long indicated that overflows from sanitary sewer pipes (SSOs) in the remaining 85% of the city were also causing significant water quality problems. There was insufficient documentation, however, to bring an enforcement action on these SSOs in 1995.

Due to failed maintenance, broken and leaking pipes, built primarily to handle only sanitary sewage, now admit storm water, increasing the volume of flow in the pipes. Atlanta's growth has added sewage volumes greater than anticipated when the lines were originally constructed. Additionally, tons of grease and debris illegally dumped in the sewers blocked these increasing flows of wastewater, causing further pipe breakage and pollution. Atlanta's sewer system has been strained beyond its capacity,

See **Sewers**, page 7

GEORGIA SUPREME COURT ISSUES LANDMARK DECISION

Last November, the Georgia Supreme Court issued a landmark interpretation of Georgia's Clean Water Act (CWA) anti-degradation provisions, saying the law forbids sewer plants from discharging water pollutants if the facilities have the technology to remove them.

This decision settled key questions in a lawsuit filed in 2001 by Upper Chattahoochee Riverkeeper, Lake Lanier Association, Sierra Club and Terry Hughey against the state EPD and Gwinnett County over a permit allowing the County to discharge 40 million gallons per day of treated sewage into

Lake Lanier. In a 6-1 ruling, the state high court said that EPD cannot issue a permit to a wastewater treatment facility for expanded discharges into Lake Lanier because the facility possesses the technology to limit the discharges.

The Supreme Court reversed a lower court

decision granting the permit on the grounds that, "Because the treatment plant at issue, the Hill Plant, is capable of removing more pollutants from the discharged water than the permit requires, the permit violates the anti-degradation rules."

Significant Win for Lake Lanier and Other Waterways

Georgia water laws implementing the federal CWA require a two-pronged anti-degradation review prior to allowing the discharge of pollutants into high-quality waters, like Lake Lanier. That review must prove that discharges that degrade waters are necessary to provide social or economic development and that treatment plants are using the best practicable technology to remove pollutants prior to issuing a permit.

This significant win for lake users and property owners could make it difficult for wastewater treatment facilities to argue in similar lawsuits in other states that sewage discharges should be allowed to sustain economic or population growth in surrounding communities, even if wastewater plants possess the technology to prevent those releases.

Lake Lanier Association's attorney **Steve O'Day** with Smith, Gambrell & Russell argued the case before the Supreme Court, assisted by **Andy Thompson**. UCR and Sierra Club were represented by **Justine Thompson** with the Georgia Center for Law in the Public Interest.



Photo credit: Atlanta Journal-Constitution

Attorney Steve O'Day speaks at a news conference on the banks of Lake Lanier.

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

REFLECTIONS

For the past decade, Upper Chattahoochee Riverkeeper (UCR) has tried its best to work collaboratively with government, developers, anybody, to stop pollution and restore the Chattahoochee because of its irreplaceable value to people and wildlife.

We have successes to report from these partnerships. We have built trusting relationships with many individuals in the regulated community—those who are permitted to alter our shared natural resources for their special uses. We have nurtured lasting relationships with many local governments. Despite some successful collaboration, efforts to work with organized developers on erosion control and stream buffer protection have not yielded such trust



More Than \$1 Million Spent on Erosion Control

Scientific studies have repeatedly documented environmental and economic consequences of mud entering waterways—the reduction of the quality of our drinking water supplies and higher costs for contaminant removal. Mud destroys recreation areas and aquatic habitat and reduces property values for downstream landowners.

For a decade now, UCR has raised funds and secured in-kind contributions totaling *more than \$1,000,000* for:

- creative educational materials on soil erosion and buffer protection
- workshops for citizens, developers and local officials
- dozens of stakeholder groups to evaluate regulations

- stream bank restoration projects, and
- assistance to property owners trying to stop the flow of dirty water into their neighborhoods.

Bad Faith by Some Developers

In negotiation with the development community at the legislature, UCR has been willing to compromise over the years. In 2000, we agreed to reduce the buffers on trout streams from 100' to 50' to get clear definitions, better enforcement requirements, and a scientific buffer study. In 2003, we agreed to release developers from certain water quality monitoring requirements to get user fees to hire more inspectors. In 2004, we agreed to expand the criteria whereby developers can obtain a variance to encroach within a stream buffer.

In these negotiations, UCR and the entire environmental community have stood by their word, communicating openly and honestly. Not so, one developer mouthpiece—the **Council for Quality Growth**.

Last summer, the Council actively participated in a stakeholder group to develop additional buffer variance criteria, and then moved aggressively to completely undermine the group's recommendations in order to influence a vote by Georgia's Board of Natural Resources (see page 3).

With limited resources UCR must make a strategic decision between stakeholder sessions and legal action to get mud out of streams. The Council for Quality Growth has forced us to choose the latter.

Sally Bethea

GROOVY EVENING BENEFITS CHILDREN AND ENVIRONMENT

Themed a very groovy *Peace - Love - One World*, the X-MAS Party was held on December 3 at

The Tabernacle in Atlanta. This year's annual bash marked the 10th anniversary of the brainchild of **Laura Turner Seydel** which benefits children and the environment. UCR was fortunate to again be one of the beneficiaries along with Captain Planet Foundation, Our House, and Atlanta Children's Shelter.

Captain Planet's Events Coordinator K.P. Hendry created a journey back to the 1960s for partygoers.

The psychedelic theme was a big hit with the over 2,000 guests and volunteers alike. Highlights of the event included flashback entertainment with an Ed Sullivan impersonator and tribute bands of The Beatles, The Rolling Stones, and Jimi Hendrix. The live and silent auctions featured

trips to a Versace Fashion Show in Italy, a Peter Max original portrait, and a Hollywood movie premier of

"Monster-In-Law" starring Jane Fonda. Delicious food and refreshments were provided by Canoe, Ted's Montana Grill, DIAGEO, and Eatzi's Market.

Laura and Rutherford Seydel served as Party Co-Chairs, along with **Meg and Jeff Arnold**. Honorary Chair was **Ted Turner**. Special Guest Jane Fonda joined a host of local notables such as recording artist India Arie, Wes Moss from "The Apprentice", Lt. Governor

Mark Taylor, and boxer Evander Holyfield. Sponsors included **JST Foundation**, **Turner Foundation**, and **Versace Spa**. Proceeds from this event will support UCR's award-winning "Waters to the Sea" CD-ROM educational program.



Laura Seydel applauds as Ted Turner is presented with four original Peter Max portraits at the 10th Anniversary X-MAS Party.

NEW UCR WATER POLICY DIRECTOR ON BOARD

Last summer, we lost our Policy Director, **Skelly Holmbeck-Pelham**, when she decided to re-locate to Florida and pursue a career at Florida Power and Light, working with the utility's growing wind fleet. During her time at UCR, Skelly led the efforts of the Tristate Conservation Coalition, focusing on the complicated and ever-changing water negotiations between Georgia, Alabama and Florida. She was also a critical member of the UCR team that worked with the Georgia Water Coalition on statewide water planning efforts, in particular instream flow policies. We miss her sunny disposition, excellent people skills and scientific knowledge.

Our new Policy Director, **Alex Adams**, is a Florida native who received a degree in journalism from the University of Florida and worked for several years in public relations. Realizing that her passion was the environment, Alex completed an environmental program at Emory

University before entering a masters program in environmental studies at Brown University, where she graduated in 2004. In Rhode Island, Alex was the program associate at a regional planning council and managed projects in water resources, land use and affordable housing. Alex began her work with UCR in October and has already applied her analytical, writing and GIS skills to projects involving the re-licensing of Morgan Falls Dam, urban forestry and land cover in metro Atlanta, and policy issues related to water allocation and instream flow. Please welcome Alex aboard!



Alexandra Adams

NACOOCHEE VILLAGE PROPOSAL INADEQUATE

Since 1997, a 300-acre tract southeast of Helen known as “Nacoochee Village” has evolved into a development containing Habersham Winery, historic Nora Mill, and several shops and restaurants. Recently, an expansion of this development to 850 acres was proposed by developer **Tom Slick**, including additional shops, a conference center, hotels and 300-500 homes. After being contacted by concerned residents and members, UCR reviewed the proposal and submitted comments voicing concerns over the lack of information and inclusion of multiple “possible” scenarios for water supply, wastewater treatment, access roads and land use configuration. The impact of this project cannot be assessed without additional details. In addition to protecting the numerous historic and cultural resources that help define the rural landscape of the area, the Chattahoochee River bisects this property and must be protected from erosion and sedimentation, improper wastewater management, increased stormwater runoff and other negative impacts. Our goal is to ensure the continued viability of this natural trout fishery and water supply source for many north Georgia residents.

CARROLL COUNTY WATERSHEDS THREATENED

A new large-scale development in southeast Carroll County has been proposed by **Temple-Inland Company** in the currently undeveloped watersheds of Snake and Wolf Creek. The proposed project would cover *almost 11,000 acres* and include more than 18,000 housing units in addition to commercial and industrial uses. UCR attended an informational meeting with the developer in December to view the proposed plans. The developer has already submitted a rezoning request from agricultural to planned unit development in an area that is primarily forest and pasture land. A large portion of this area is the Snake Creek watershed, which is the drinking water source for Carroll County. UCR is working with local residents and organizations, including Chattahoochee Hill County Alliance and Sierra Club, to ensure this development does not negatively impact the watershed. We submitted a joint letter to the Carroll County Commission, urging that the rezoning be delayed until proper planning and adequate environmental protections could be adopted. We have also outlined steps that the County can take now to protect its watershed before development begins and damage is irreversible.



STATE BOARD REPEALS STREAM PROTECTIONS

“We will take care of our land like never before....”
Governor Sonny Perdue, October 2004

Last October, Governor Perdue’s annual environmental address focused on preservation of greenspace and protection of water quality. At the same time, however, some of the Governor’s appointees to the Georgia Board of Natural Resources (BNR) were actively working, to repeal important regulations that have protected the forested green areas, or buffers, along state waters for the past 15 years. Unfortunately, they succeeded—with the help of the **Council for Quality Growth**.

For years, development interests have been trying to make it easier to develop around, and over, small streams, despite the fact that thousands of miles of waterways in Georgia do not meet water quality standards and need more protection, not less. In 1995, then EPD Director Harold Reheis issued a “blanket variance” to encroach in these protected buffers, which was later rescinded when legal action was threatened. Now the Governor-appointed BNR that is supposed to protect our state’s natural resources has severely weakened the rules.

In an ambush attack at a BNR meeting in late October, developer and recently re-appointed board member Tom Wheeler, a founder of the Quality Growth group, pushed amendments to weaken proposed stream buffer rules. The Wheeler amendments had not been evaluated by the

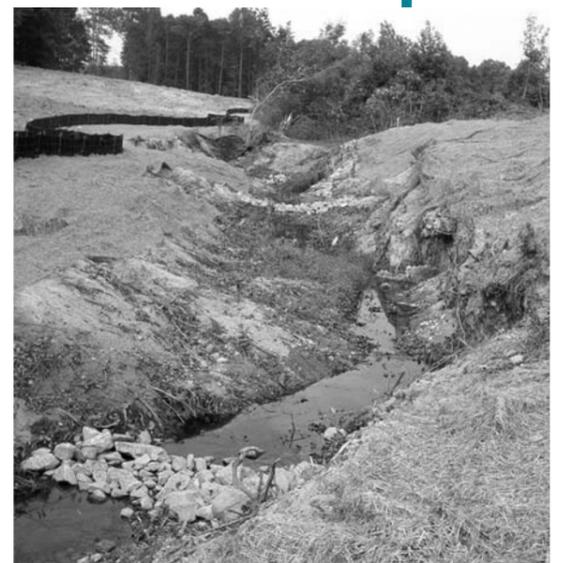
On Patrol

GWINNETT COUNTY MAKES WATER GRAB

With the courts now dealing with water allocation claims by Georgia, Florida and Alabama, **Gwinnett County** decided to push its way to the head of the line last fall with a draft water withdrawal permit sent out by the state EPD for public review and comment. If approved, Gwinnett would be the first local government to receive additional water from Lake Lanier since tri-state water talks failed in August 2003. Alabama, Florida and the Tri-state Conservation Coalition (TSCC) are opposed to the permit, which would allow the County to take *35% more water* than it currently withdraws in the peak-use summer months. UCR, a leader of the TSCC, and other environmental and recreation groups in all three states are concerned that the impacts of this proposed withdrawal have not been determined. Water quality, fish, recreation, and water supply for downstream users could all be significantly affected. Despite the controversial nature of this proposal, the state EPD provided very limited public notice, an issue which we have raised with EPD Director Carol Couch.

SOIL EROSION LAWSUITS ACCELERATING

When developers fail to design, install and properly maintain best management practices on their construction sites, rainfall on these sites will carry eroded soil into nearby waterways. Downstream property owners and the public are negatively impacted by the polluted water flowing adjacent to, through, or over, their land. While state and federal laws require developers to control erosion, these regulations are rarely enforced. Pursuant to the federal Clean Water Act, citizen groups, such as UCR, can file a legal action against violators, after sending a 60-day notice of intent to sue to the developer and the regulating agencies. In October, UCR sent a notice to **New Vision Development** for erosion control violations on a 57-acre tract in Powder Springs in Cobb County. In December, we sent a notice to the **Georgia Department of Corrections** citing violations at its 25-acre expansion of the South Fulton Larmore Probation Center which are damaging wetlands and lakes in a downstream neighborhood.



The Georgia Board of Natural Resources weakened stream buffer protection regulations to exclude small, ephemeral streams, such as this one.

diverse stakeholder group (including Quality Growth), appointed to develop recommendations for buffer rules, making a mockery of that process. The substance of the Wheeler amendments was rejected by the 2004 legislature.

Yet, in December, the BNR adopted a modified version of the Wheeler rules on a vote of 11-5. These rules now allow developers and road builders to *fill-in, pave over, and pipe* streams that do not have groundwater or base flow at some point during the year. Depending on field interpretation, any number of these small streams that dry up during some part of the year may be destroyed. Scientists have documented the critical importance to water quality and biological diversity of these waterways which make up more than half of the stream miles in a watershed.

Developers and engineers are already claiming that intermittent and perennial streams are ephemeral and, therefore, do not require any protections. The real story here is about dollars and politics—not dollars and sense. It is about the destruction of downstream property and waterways to benefit upstream development.

River Stewardship

HOOKED DRAWS HUNDREDS TO RUN FOR THE RIVER

It was a chilly, early morning, but things heated up quickly for more than 300 runners in the Run for the River 5K held on November 6 to benefit Upper Chattahoochee Riverkeeper (UCR). The event took place near the Chattahoochee in Duluth and was the brainchild of long-time UCR supporter **Jeff Espy**, CEO of **ADventure, LLC** and **Hooked On the Outdoors** magazine.

Jeff and his staff planned a great event and attracted very enthusiastic supporters to raise \$6,000 for UCR. **Subaru of America** helped sponsor the race and had a very visible presence at the post-race Expo. This accredited race allowed runners to earn 'Run & See Georgia' points.



ADventure and Hooked CEO Jeff Espy celebrates the successful race with fellow runners.



Runners head for the finish line at the first Annual Run for the River.

For the not-so-serious runners, walkers and families, it provided a chance to support the environment, while having fun on a beautiful late fall morning in Gwinnett County.

The huge success of this first race paves the way for this event becoming an annual fall fundraiser for UCR. Along with *Hooked On the Outdoors* and Subaru of America, other sponsors included High Country Outfitters, Princeton Tec Sports Lights, Sof Sole, and Shredalert.

URBAN TRIBUTARY GETS A SECOND CHANCE

Urban Tributary Gets TLC—read the headline in the *Atlanta Journal-Constitution*.

On October 9, volunteers removed a ton of trash, literally, from an unnamed stream that flows through a forested ravine behind A.D. Williams School in southwest Atlanta and into Proctor Creek. Cleanup participants included local residents, students from nearby **Benjamin Mayes High School**, **Dunwoody High School** and a **Georgia Tech** fraternity; employees of the **city of Atlanta**, the **Georgia DNR**, **Bank of America** and **Browning Ferris Industries (BFI)**; UCR staff and volunteers; and **West**



Photo credit: Kent Ruby

Beta Theta Pi Fraternity members

Atlanta Watershed Alliance members.

BFI is working to repair a breach in its landfill near the stream and the city of Atlanta is also taking steps to repair sewer lines impacting the creek and creating a neighborhood watch system to stop future dumping. The next step is to officially name the waterway. Approximately 100 people have already



Photo credit: Kent Ruby

UCR's Sally Bethea and BFI's Paul Barnett pull tires out of the stream.

signed a petition in support of naming the stream A.D. Williams Creek, and we have asked Mayor Franklin to lend her support as well. A.D. Williams was the maternal grandfather of Martin Luther King, Jr.

UCR will submit an application to name this creek to the National Board of Names at the U.S. Geological Survey (<http://geonames.usgs.gov/bgn.html>). Once the application is accepted, the waterway will be identified as A.D. Williams Creek on all future maps of the area. *Special thanks to AFC Enterprises who provided lunch for volunteers from Popeye's Chicken.*

SHORE SWEEP MOST SUCCESSFUL TO DATE

Despite high water levels resulting from Hurricane Ivan, almost 900 volunteers turned out for the September 25th Shore Sweep hosted by the **Lake Lanier Association**. It was the largest single day of trash collection in Shore Sweep's 16-year history, netting nearly 30 tons of trash and Styrofoam.

Community support and cooperation are considered to be the two key factors making this cleanup effort such a huge success. All the marinas on the lake served as trash collection sites and a number of sponsors provided services that helped to reduce the overall costs of the event. Keep Forsyth County Beautiful and Georgia's Rivers Alive were first-time participants, while others have been working to keep Lake Lanier clean for many years.

For the second year in a row UCR staff and several

volunteers spent the morning amassing a large pile of Styrofoam which was then hauled to shore aboard our pontoon boat, the *Chota Princess*. Following the cleanup, volunteers gathered at the Corps of Engineer's newly renovated Lanier Park for an appreciation party featuring entertainment, food and prizes, as well as a special appearance by Lanier Harbor's "Toby the Tow Boat".



UCR's Darcie Holcomb climbs aboard floating Styrofoam to move it to the Chota Princess.



River Through Atlanta Chattahoochee Fly Fishing Guide Service is offering a 30% discount spring special price for UCR members only! This exclusive offer is good for the second week in April 2005! Please join our professional guide staff in a wonderful day of fly fishing one of Georgia's best trout streams in the safety and comfort of a McKenzie river drift boat. Beginner and expert anglers welcome. We want to express our gratitude to the UCR and the many dedicated conservationists who support their noble effort to preserve our beloved Hooch! Please visit our web site at www.river-throughatlanta.com or call 770-650-8630.

MEMBERSHIP MEETING HIGHLIGHTS WATERS TO THE SEA PROGRAM

Last November, Dr. Becky Champion with Oxbow Meadows Learning Center in Columbus, presented our *Waters to the Sea* program during UCR's annual membership meeting at the Island Ford Lodge, headquarters of the National Park Service. An enthusiastic audience of members from Helen to Columbus listened to Dr. Champion explain this powerful educational tool for our watershed. For information on seminars, call Birgit Bolton at 404-352-9828 ext 24 or bbolton@ucriverkeeper.org.

How do I get this CD-ROM for my classroom?

To obtain a free CD-ROM and teacher's guidebook, we invite you to attend one of three regional workshops:

Gainesville: North Georgia Community Foundation, Tues., Feb. 15, 2005, 4-5:30 PM

Atlanta: Chattahoochee NRA, Island Ford, TBA

Columbus: Oxbow Meadows Environmental Learning Center, TBA

OR... If you register ten teachers from your school, you may host a workshop of your own. Workshops may be scheduled beginning in March. Host schools will receive a "lab pack" of 15 CD-ROMs plus guidebooks.



UCR member Dr. Robert Fuller and Dr. Becky Champion, Director of Oxbow Meadows Learning Center.

To attend a regional workshop or host a workshop, contact Birgit Bolton: 404-352-9828 or bbolton@ucriverkeeper.org Amy Waite: 706-687-4090 or waite_amy@colstate.edu

The final classroom version will contain an index of Georgia curriculum standards accompanied by a teacher's guide. We look forward to working with you and your students, as we continue to bring water education to your corner of the Chattahoochee watershed.



WORKING IN THE WATERSHED

By Harold Harbert
Georgia Adopt-a-Stream Program

There is no better way to help improve and protect one's community than to work in its watershed.

Students across Hall County in north Georgia are doing just that by engaging in monitoring and cleanup activities in the tributaries to the Chattahoochee.

Since 1998, Brian Wiley with Gainesville's Department of Environmental Services has been helping students at **Riverside Military Academy** monitor Limestone Creek and a tributary to Beaver Ruin Creek; he's also been working with **Brenau Academy** whose students have gathered information on Limestone Creek for several years. Both of these schools boast a diverse student body, with representatives from across the US, Costa Rica and SE Asia.

Similar activities are underway at **Johnson High School** (JHS) and **South Hall Middle School**, with training



Peter Gordon helps students at Johnson High School identify macroinvertebrates at an Adopt-A-Stream biological workshop.

and assistance provided by Peter Gordon and Cynthia Crotwell of the **Elachee Nature Center**. Aided by Elachee instructors and with assistance from Hall County, 20 students constructed a new stormwater detention pond at JHS. The pond captures runoff from the roof and parking lot, filters out pollutants and debris, and slowly releases the water into Redwine Creek, which flows through Elachee's nature preserve. Students are monitoring the downstream water quality.

Peter and Cynthia have also met with South Hall's Environmental Science Club to discuss the Walnut Creek watershed—its history and current issues affecting it. The club wants to begin monitoring streams that flow near the school.

To get prepared for spring monitoring activities, the three teacher sponsors have already registered for the January 28-29 AAS training at Elachee.

So, the next time you are in Hall County, look around to see if you can find these students in action, working to improve their watershed.



CAPTAIN PLANET EMPOWERS YOUNG EARTH STEWARDS

Established in 1991, the Captain Planet Foundation is the only foundation of its kind that exclusively supports hands-on environmental projects in which children from all walks of life learn how to interact with, appreciate, and improve the Earth's natural resources, while developing their own self-esteem in a team environment.

The Foundation's objective is to encourage innovative environmental activities that empower children around the world to work individually and collectively as environmental stewards. Through ongoing education and support from the adult community, children can play a vital role in preserving our precious natural resources for future gener-

ations. Through environmental education, the Foundation believes that children can achieve a better understanding and appreciation for the world in which they live.

As noted in the X-MAS Party article on Page 2, the Captain Planet Foundation has consistently supported UCR's education programs by generously donating proceeds from this annual event. For more information, please visit www.captainplanetfdn.org



A Walk Through Big Trees Forest Preserve



On October 30, Charlie Cochran with the Big Trees Forest Preserve (BTFF) and UCR staffer, Birgit Bolton, led a group of nine members on a walk and talk hike. This is the third consecutive year that Charlie and Birgit have worked collaboratively—educating citizens on the importance of greenspace for cities and the positive affects it has on downstream water quality. This beautiful 30-acre urban forest located off Roswell Road features middle growth trees, 1½ miles of wood-chipped soft walking trails, two creeks, bridges, overlooks, flowering native azaleas and wildflowers and a handicapped accessible trail. Dogs on leashes are welcomed. For more information and for driving direction, visit www.bigtreesforest.com

DOWNSTREAM PROPERTY RIGHTS A PRIORITY AT THE LEGISLATURE

For the first time since federal soldiers occupied Atlanta in 1877, the Georgia General Assembly convened on January 10, 2005 with both the House and Senate controlled by Republican majorities.

While this change is significant for political scientists, news junkies and party officials, the difference for Georgia's water resources will, in all likelihood, be relatively small. Water has been a bi-partisan issue for a long time in Georgia. News that an "upstream majority" had taken over the legislature *would* be disturbing, however, such a majority is impossible in a place where practically everyone lives downstream.

Property Values Threatened by Fiscal Climate and Reduced Court Access

Lingering environmental problems, like old trash dumps and abandoned factories filled with toxic chemicals, are supposed to be cleaned up using money collected from current users of landfills and chemicals. Erosion-prone construction sites are supposed to be monitored using funds collected from developers. For the past several years, these funds have been "raided" by the legislature to pay for other expenses of state government, because tax revenues can't cover all their spending goals. This diversion of funds is an abuse of trust. UCR and other conservation groups have joined with business interests and local governments to oppose these fund diversions.

Under our current legal system, if a permit is issued by the state to allow construction of a project like a landfill or a power plant, the neighbors can go to court if there are problems with the permit and/or environmental impacts. All work on the project is stopped until the court rules, which is a common sense procedure that helps curtail needless harm. During the 2004 legislative session, a bill to *repeal* this right to protect private property was introduced, but did not pass. Some interests still want to



Neighbors protest nearby Live Oak Landfill in Atlanta.

Photo credit: Marlene Karas/Atlanta Journal-Constitution

change Georgia law, however, to eliminate our current property protection appeal rights; we anticipate seeing such legislation again in 2005, which we will vigorously oppose.

Downstream Issues Keep Coming

Last year, a bill (HB 237) was passed which mandated the creation of Georgia's first statewide water management plan, however, insufficient funds were appropriated to start the planning process. Those who were originally enthusiastic about the state water plan when it contained provisions to allow water marketing (i.e. the sale of water to the highest bidder through permit trading) seem to have decided now that no plan is better than one they can't control.

Using the excuse of a "budget crisis," those forces are now working to prevent a state water plan being made

by the people of the state. The legislature and Governor Perdue must be reminded that Georgians want a comprehensive water plan that is based on the needs identified by the people in each river basin, and not by bureaucrats in Atlanta or academics in Athens.

Last fall, the state Board of Natural Resources approved new rules allowing "inconvenient" streams to be buried by property developers (*see page 3*). State legislators may consider adding protections for property downstream from these streams in the 2005 session—to make sure that developers are unable to send the cost of storm water management downstream, into other peoples' neighborhoods.

Taking Action

If you would like to actively participate in environmental advocacy at the Gold Dome this year, sign up to be a member of the Georgia Environmental Action Network (GEAN) at <http://gean.e-actionmax.com/default.asp>



UCR's Boat Captain Harlan Trammell.

CAPTAIN'S CORNER GETTING RID OF THAT OLD BOAT

We have all seen old boats that have not run in years, lying neglected behind houses and in garages. It would not be cost-effective to restore most of these vessels. Fortunately, there are several ways to get rid of derelict boats in an environmentally-friendly manner.

If the boat is wood, disposal is not as big of an issue, since wood is biodegradable. Some options allow for creativity, such as cutting the boat up and making bookshelves, planters, or other household items. If the boat is metal, numerous places gladly accept these for recycling and may even pick the item up. These businesses are listed in your local phone book and on the web under Metal Recycling and Metal Scrap.

The disposal of fiberglass boats presents a greater obstacle. After doing research with the Boat U.S. Foundation, a non-profit that awards small grants for environmentally friendly-boating practice projects, and the U.S. Environmental Protection Agency, I found that there is little information and many questions concerning the subject. Boat U.S. directed me to a few websites that do some grinding and compounding recycling, but the loca-

tions are not readily available to the public and the processes seemed to still be in the experimental stages. Burning fiberglass produces black toxic smoke and is not recommended. Sinking is illegal in most places.

As far as engines go, most scrap yards will accept the engines for metal recycling. If the engines are not going to a scrap yard, it is important to remove the oil, gas, and transmission fluid to prevent spills.

If the vessel is in restorable condition, consider donating it to a scout troop, UCR or other non-profit. Scout troops often take on restoration projects. Other charities will often accept boats and allow for a tax deduction. You can also search the web under Fiberglass Recycling and Boat Donations.



FOR SALE: 1998 Four Winns Fling jet boat in excellent condition. 14' long, 6" wide, 115 hp motor, boarding ladder, cruise speed 30 mph. If you are interested, contact Harlan at htrammell@ucriverkeeper.org.

SEWERS

Continued from page 1

resulting in SSOs, when a mixture of untreated sewage, groundwater and stormwater flows from broken pipes or from manholes along blocked pipelines, usually into nearby yards and streams.

After UCR reported major sewage spills in 1997, the U.S. EPA and Georgia Environmental Protection Division (EPD) conducted a 5-month investigation of the city's entire sewer system and documented the extensive SSOs. The agencies then pursued an enforcement action which was made a part of UCR's original lawsuit. The result: a federal consent decree that currently mandates a massive \$2 billion overhaul of Atlanta's entire sewer system to stop all overflows.

MOM, Grease Management, and Operation Clean Sewer

Pursuant to the federal consent decree, the city of Atlanta initiated MOM (Management, Operation and Maintenance) Plans in 2001. From that year through 2003, the total number of sewer spills decreased each year by 27%; the total number of 2004 sewer spills is expected to be approximately the same as 2003, as a result of three tropical storms in September 2004. When the construction and lining of the Nancy Creek Tunnel is completed in December 2005, the city projects that approximately 40% of the total annual volume of sewage spills will be eliminated.

The principal reason for the reduction in the number of sewer spills is the removal of grease and debris-related blockages—a result of the city's new, aggressive grease management and sewer cleaning programs. In 2002, more than 2,000 food service establishments were issued permits to handle grease. From early 2002

Clean Sewer Accomplishments to date:

- 935 miles of sewer cleaned
- 1800 tons of debris removed in 2004 alone!
- 447 miles of sewers internally inspected
- 170 miles of sewers lined
- 3 inspections per year of every regulated food service establishment grease trap

through September 2004, more than 16,000 grease trap inspections were performed, ahead of the city's performance goal of 11,200. In 2004, close to 4 million gallons of grease were collected from these traps for appropriate disposal, instead of being released into city sewers!

At the same time, the city's ability to manage sewage spills has improved substantially.

The median response time has decreased—66% of the total responses are now handled within the city's goal of 60 minutes, and median containment time for the spills ranges from 1.5 to 2.5 hours. The city's preventive maintenance program has aided significantly in this remarkable improvement.

City Finally Invests in Clean Streams

With an investment of \$1 billion in its comprehensive sewer maintenance and rehabilitation program, the city anticipates that it will complete its work by 2012—two years ahead of the consent decree deadline. Atlanta Mayor Shirley Franklin and her team in the city's Watershed Management Department are committed to improving the quality of the water in the Chattahoochee and its tributaries. At least part of Franklin's legacy will be her reversal of the legacy of her predecessors, who repeatedly failed to invest in the city's sewer infrastructure.

For more information, see www.cleanwateratlanta.org.



DEPARTMENT OF INTERIOR OBJECTS TO DAM RELICENSING PROCESS

In late December, the U.S. Department of Interior (DOI) filed a formal objection to Georgia Power Company's proposed studies on the impacts of the operation of **Morgan Falls Dam**, located within the Chattahoochee River National Recreation Area (CRNRA) approximately 36 miles downstream of Buford Dam.

Georgia Power applied to the Federal Energy Regulatory Commission (FERC) to renew its license to operate the 100-year old dam which was built in 1904 to provide electricity to trolley cars in downtown Atlanta. FERC issues hydropower licenses for periods of up to 50 years; the current Morgan Falls Dam license will expire in 2009.

Because dams can have such substantial impacts on natural resources, recreation, water quality, aesthetics, and fish populations, FERC requires power companies to study the impacts of the dam on all of these resources before the license will be issued. These studies are critical to determining the best means to operate the dam, and ultimately, the terms that will be required in the license.

Georgia Power's Study Plan Inadequate

Georgia Power presented its proposed study plan last June and held subsequent meetings to discuss the plan. UCR worked with hydro-power experts at the national organization American Rivers to review the proposal and participate in meetings. We were very disappointed with the lack of detail in the study plans and remain concerned that they will not yield sufficient information to make accurate determinations about the ongoing impacts of

Morgan Falls Dam on the Chattahoochee River.

UCR's concerns were echoed by many other interested parties, including the NPS, U.S. Fish and Wildlife Service (FWS), and Georgia Wildlife Resources Division (GWRD), along with recreation groups, municipalities and property owners in the affected area of the dam. Although UCR and many other parties submitted extensive comments on the proposed plan, and provided specific recommendations to improve the detail and scope of the plan, Georgia Power issued a revised plan in October which rejected virtually all of these requests and recommendations.

UCR requested meetings with Georgia Power on several occasions in an effort to collaborate to improve the plan, however, the company denied our requests. Additionally, Georgia Power rebuffed the requests of UCR, as well as those made by NPS, FWS, and GWRD, to develop a process plan and/or a communication protocol to better guide how interested and affected parties may remain involved and informed throughout the licensing proceeding.

Conditioning Authority

The NPS and FWS possess a unique authority, called "conditioning authority", to require conditions in the license, as needed, to protect the



UCR member, Graham Anthony, kayaks near his home on Bull Sluice Lake at the Morgan Falls Dam last summer.

resources under their governance. Agencies with conditioning authority also have the ability to file a formal study dispute, if they are not happy with a proposed study plan. This filing initiates an adjudicatory proceeding to resolve the dispute.

Following Georgia Power's disappointing response to the stakeholders' requests, the Secretary of the Interior filed a formal dispute on behalf of the NPS and FWS. In response to the DOI filing, FERC convened a dispute resolution panel which held a technical meeting to discuss the issues involved in the dispute. The dispute panel will now make recommendations to the FERC commissioner who is responsible for the final judgment in the proceeding.

Photo Credit: BITA HONARIAR/Atlanta Journal-Constitution

3RD ANNUAL BACK TO THE CHATTAHOOCHEE RACE & FESTIVAL

SIGN UP NOW AND COME BACK TO THE RIVER ON JUNE 4!

Saturday, June 4, 2005

Race 9 am, Festival 10 am -2 pm

The City of Roswell, the National Park Service and the Upper Chattahoochee Riverkeeper (UCR) are doing it again! We invite you to participate in the 3rd Annual River Race & Festival on June 4. It is a scenic, fairly easy 8-mile paddle from Holcomb Bridge (Garrard Landing Park) to Riverside Park in Roswell. There are "Open" and "Recreational" events for all age and skill levels. Participants in the "Open" competitive events may earn points toward awards in the **Georgia Flatwater Canoe/Kayak Race Series**. Our Race is the fifth and final in the series including:

- **Canoochee River Race**, April 2, 2005, www.canoocheeriverkeeper.org
- **Lula Bridge Trophy Race**, April 23, 2005, www.lkc.org/index.shtml
- **Oostanaula Race**, May 7, 2005, www.coosa.org



Photo credit: Kent Ruby
First Prize, Best Dressed Paddlers, 2004

Spectators may view the Race from National Park Service trails at Island Ford, Don White Park (Riverside Drive under GA 400 bridge), and

the pedestrian bridge at Riverside Park (the Finish Line). The Environmental Festival begins as the Race ends.



Boats at the finish line, let the Festival begin!

Come enjoy the Festival food and music. The Swallows Restaurant in Roswell is bringing its great BBQ and veggie sandwiches along with Nashville Bluegrass. Enjoy exhibits presented by those environmental organizations working to protect and preserve Georgia's natural places. *New this year-canoes, kayak and gear sale and swap!*

This 3rd Annual Race & Festival is sponsored by **Chevron, The Coca-Cola Company, Chattahoochee Nature Center & WAGA Fox 5** with support from many exhibitors and paddlers like yourself.

Beginning April 1, you may register on-line at www.chattahoochee.org or mail/fax the registration form below to 404-352-8676 or UCR, 3 Puritan Mill, 916 Joseph Lowery Blvd, Atlanta, GA, 30318:

Back To The Chattahoochee River Race & Festival - Registration Form

Name: _____

Address: _____

Telephone (H): _____ (W): _____

E-Mail: _____

T-Shirt Size: YL S M L XL XXL

Method of Payment: (circle one) Check VISA MC AMEX

Card Number: _____ Exp. Date: _____

Doubles Partner Name: _____

T-Shirt Size: YL S M L XL XXL

Register online at www.chattahoochee.org Fees: Solo \$35, Tandem \$50
Or FAX registration form to: 404-352-8676, Attention: Bill Crawford
Or mail registration form to: Upper Chattahoochee Riverkeeper, 3 Puritan Mill, 916 Joseph Lowery Blvd., Atlanta, GA 30318
Fees include BBQ or veggie lunch, starting at 11AM and a one year membership to Upper Chattahoochee Riverkeeper.

Circle one in each category:

- Skill:**
open recreational
- Number:**
solo tandem
- Boat:**
canoe kayak
- Gender:**
women men co-ed
- Special:**
fledgling master parent-child



Keeping Watch Over Our Waters

3 Puritan Mill
916 Joseph Lowery Blvd. Atlanta, Georgia 30318
404 352-9828

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Atlanta, Georgia

River Matters

River of Words
Deadline February 15
www.riverofwords.org

Georgia River
Network Conference
"The Land-Water
Connection" February 18-20
Kilpatrick Hall, Georgia College
Milledgeville, GA
www.garivers.org

NPS Clean-up March 5
Whitewater
Contact: susan_joffre@nps.gov

Children's Water
Festival March 8
Dalton State College
www.winningwater.org

2005 EEA Annual
Conference March 11-13
Unicoi State Park, Helen
www.eealliance.org/conference.htm

2005 Georgia
Envirothon March - April 2005
For more information visit,
www.georgiaenvirothon.org

NPS Clean-up April 30
Powers Island
Contact: susan_joffre@nps.gov

Georgia Water
Resources
Conference April 25-26
Continuing Ed Center, UGA
For information visit,
<http://ga.water.usgs.gov/gwrc/>

9th Annual
River Revival! May 4
Park Tavern
For information, contact Magnus Christon
at mchriston@ucriverkeeper.org

3rd Annual Back
to the Chattahoochee
Race/Festival June 4
For more information, contact Bill
Crawford at bcrawford@ucriverkeeper.org

