

SEWAGE DISCHARGE TO IMPACT PRISTINE SECTION OF RIVER PARK

When the Georgia Environmental Protection Division (EPD) issued a permit to Forsyth County in August to discharge treated sewage into the Chattahoochee River National Recreation Area (CRNRA), we were ready. For over two years, Upper Chattahoochee Riverkeeper had monitored the state's evaluation of the county's permit application.

In 2008, EPD released a draft permit to discharge six million gallons per day of the treated wastewater into the pristine, trout waters of the national river park, one mile upstream of the McGinnis Ferry Bridge. A regional water plan projects the volume of this discharge to increase four-fold in the next 25 years.

More than three million visitors a year recreate in or near the river park, a 48-mile stretch of high quality state waters from Buford Dam to Peachtree Creek in Atlanta. Hundreds of UCR members and others enjoy the river park, paddling their canoes and kayaks, wading and fishing, and hiking along the riverbank.

State Allows Unnecessary Pollution

EPD's draft permit proposed a high limit on fecal coliform—an indicator for bacteria and viruses that can cause illness in people and other animals—allowing a monthly average of 200 colony forming units (cfu) for every 100 milliliters (mL) of wastewater. This pollutant limit is between 10 and 100 times higher than the level allowed for other facilities in the Chattahoochee River basin and exceeds the limit allowed in treated reuse water applied on golf courses.

The permit also authorized a monthly average discharge limit for phosphorous of 0.3 milligrams per liter (mg/L). This pollutant limit is also higher than the level permitted in other wastewater permits and exceeds the instream standard for phosphorous recommended by the U.S. EPA. Phosphorous is a nutrient that when discharged in wastewater into a waterway can cause algal blooms and the reduction of oxygen needed to support fish and aquatic organisms.

UCR objected to the draft permit in written comments and at a public hearing, arguing that the high levels of pollutants would unnecessarily degrade the high quality water in this section of the Chattahoochee. We also met with EPD Director Allen Barnes in early 2010 to share our concerns.



Paddlers on a UCR River Discovery Series paddle trip take a break at Picnic Rock near the proposed Forsyth County discharge.

UCR, Members Take a Stand

When EPD issued the final permit last summer with the same limits, UCR's Board of Directors voted to take legal action. The outcome of this appeal will set a precedent for interpreting the state's regulatory standard for permitting pollutant limits that degrade high quality waters, known as the "antidegradation rule".

Led by Steve O'Day and Andy Thompson of the law firm **Smith, Gambrell, and Russell**, UCR filed a petition to appeal the permit, and four UCR members volunteered to establish standing.

On a recent paddling trip, one of those members, Alan Kendall, said, "No major metropolitan city has such a wonderful recreational river so close to its population.

We are extremely fortunate to have a river of this quality for recreational purposes, and we should make every effort to protect it for everyone to enjoy." A north Georgia retiree who has lived and worked in major cities around the country, Alan can often be found enjoying the CRNRA in his kayak.

Other organizations, including the **Upper Chattahoochee Chapter of Trout Unlimited (UCCTU)** and **Georgia Canoeing Association**, support our action. UCCTU president Kevin McGrath noted that the Chattahoochee River Tailwater below Buford Dam has been designated one of America's 100 Best Trout Streams.

Judge Finds that Forsyth Permit Will Degrade River Water Quality

In December, Judge Kristin Miller of the Office of State Administrative Hearings, ruling on cross-motions for summary determination, found that the permitted discharge would degrade the water quality of the Chattahoochee River and that EPD misinterpreted the language of the state antidegradation rule. The judge also found that EPD did not meet the requirements of the rule by failing to perform the legally required analysis of the technical and economic feasibility of more stringent pollutant limits that will not degrade the high quality of the Chattahoochee River.

Another hearing is planned where UCR will present evidence and witnesses to show that because it is feasible for the new Forsyth facility to produce a higher quality of effluent that will not degrade the river, the County will not be able to establish that it is necessary to degrade the water in the CRNRA. We expect a final decision to be made in 2011.

WATER COALITION FIGHTS WATER GRABS

This legislative session, the **Georgia Water Coalition (GWC)** is working to secure meaningful regulation of interbasin transfers (IBTs) to protect Georgia's rivers. An IBT occurs when water is withdrawn from one river basin (a donor basin), used, consumed, or discharged into a second river basin (receiving basin), and not returned to the donor basin, thereby depriving downstream communities of the use of that water.

Chattahoochee River Loses Water

The Chattahoochee River loses tens of millions of gallons each day (MGD); in 2008, the Chattahoochee lost more than 47 MGD to other river basins. When Gwinnett County withdraws water from Lake Lanier, as much as a third of that water is not returned.

Georgians know that every drop of water in the Chattahoochee River Basin counts as it is ground zero in a two-decades long legal battle between Alabama, Florida, and Georgia. According to a federal judge, metro Atlanta's use of Lake Lanier for water supply will be severely limited beginning July 2012 if the three states do not come to an agreement.

In the wake of the judge's order, the Governor's Water Contingency Task Force examined water supply options and rejected proposals for IBTs as *too expensive* and *too politically charged* to pursue. Still, some

continue to pursue IBTs as a water supply solution and ignore their potentially devastating effect to our rivers and downstream communities.

Protections needed

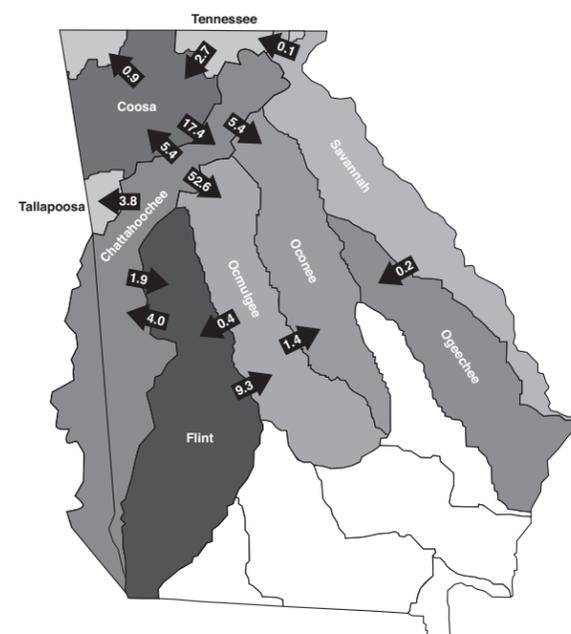
Unlike its neighboring states, Georgia allows IBTs without an examination of impacts, requiring only that a press release be issued seven days before a permit is granted. This lack of regulation has many downstream communities fearful of losing their right to water. These concerns were echoed at the General Assembly in 2010 when close to 100 legislators co-sponsored a bill to regulate IBTs. Metro Atlanta interests blocked this legislation from being heard in the Natural Resource Committees.

In advance of the 2011 legislative session, EPD has recommended that the Georgia Board of Natural Resources adopt IBT guidance from the State Water Plan. While the GWC agrees with the criteria that are designed to protect donor and receiving basin interests, EPD's proposal falls short because it makes consideration of these criteria discretionary instead of mandatory.

You can help!

You can support the GWC's campaign by signing the www.nowatergrabs.com petition, and follow recent

GWC activity by visiting www.georgiawater.org. Look for action alerts on UCR's website and in our River-FLASH eblast.



Interbasin Transfers for the Year 2008 in Millions of Gallons Per Day. The largest donor basins are the Chattahoochee and Coosa Rivers which flow to Alabama and Florida. Water transfers may aggravate water sharing negotiations with these neighbors. (IBT Data Source: Georgia Environmental Protection Division)

Reflections

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

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www.chattahoochee.org
www.getthedirtout.org

The **Atlanta Board of Realtors** lobbyist was beaming. Yet again, he had defeated an important conservation measure called “retrofit on reconnect”—a practical water-saving solution requiring old-fashioned, water-guzzling plumbing fixtures to be replaced with modern, low-flow models when a property changes ownership.



The venue was the December board meeting of the **Metro North Georgia Water Planning District**, the regional water management agency that has been working since 2001 to corral 15 counties and more than 90 cities in metro Atlanta into dealing with the ongoing water crisis. Their dilemma is the result of small rivers strained by a growing population and limited existing water supplies being off-limits to handle demands during droughts, if a tristate agreement is not reached by July 2012.

Condemned to Repeat History?

The lobbyist and his allies—**Atlanta Commercial Board of Realtors, Atlanta Apartment Association, Council for Quality Growth, Building Owners and Managers of Atlanta, and National Association of Industrial and Office Properties**—crowded in their press release that they had won a “significant victory in defense of property rights”.

Not satisfied with keeping the Metro District board from even discussing and voting on this conservation measure, these groups have now set their sights on DeKalb County, the single local jurisdiction in metro Atlanta that has defied the real estate crowd and adopted a retrofit on reconnect ordinance. Appar-

ently, they will not rest until this measure has been vanquished, despite the program’s success at saving water.

I thought about George Santayana’s famous quote: *Those who do not remember the past are condemned to repeat it.*

Maybe the Atlanta Board of Realtors has never heard this quote—or perhaps they’re just more focused on headlines today than solving tomorrow’s problems.

Ten years ago, the Metro Atlanta Chamber of Commerce and a 38-member task force of influential business and community leaders produced the *Final Report of the Clean Water Initiative* (2000). They wrote, “Residential toilets alone account for over 45% of domestic indoor water use. What if, for example, we instituted a law requiring retrofitting of low-flow toilets and showerheads upon the sale of a house? Toilet retrofits alone save Los Angeles 9 billion gallons of water per year.”

Since this excellent report was produced, the metro region has endured two major, and economically devastating, droughts. But during this same time period, the real estate lobby has rejected an important water supply solution by repeatedly defeating retrofit on reconnect initiatives at the local, regional and state levels.

The next drought is only a few years away, and it is past time to embrace this progressive conservation measure that will help us weather the region’s ongoing water crisis. Those who do not remember the past, or do not want to remember, are condemned to repeat it—with ever more devastating consequences for millions of people and the rivers and lakes that sustain us.

Sally Bethea
Executive Director and Riverkeeper



On Patrol

For further details on UCR’s investigations and enforcement actions, go to www.chattahoochee.org/on-patrol.

ILLEGAL BOAT RAMP REMOVED IN HABERSHAM COUNTY

Last fall, we received a Citizen Hotline call regarding a new boat ramp that had been cut into the side of the Chattahoochee in Habersham County where the river is a state-designated trout stream. Our investigation revealed that no permits had been obtained by the landowner for the construction within the protected river buffer and stream channel. We alerted county officials about the ramp. They notified the landowner that the ramp had been constructed illegally; it was removed the following week and the area was stabilized. It is vital that the river’s buffer and channel be protected to prevent erosion and downstream property damage.

NUTRIENT PROBLEMS CONTINUE IN LAKE LANIER

During last year’s “growing season” (May-October), UCR collected monthly water samples at ten stations on Lake Lanier and tested them for chlorophyll *a* as part of our Lake Lanier Clean Water Campaign. Chlorophyll *a* levels are used to determine the amount of algal growth in the lake and are an important indicator of the lake’s health. The samples, which were analyzed by a UGA water lab, showed violations of the state water quality standard at two stations, indicating that excessive nutrients are entering the lake and confirming the need for an expedited cleanup plan. We are working with the **Upper Chattahoochee Basin Group**, an informal advisory group of local governments and others, to ensure that proper action is taken to restore the lake’s water quality.

DEKALB TO EMBARK ON MAJOR SEWER OVERHAUL

On December 13, the U.S. EPA and Georgia EPD filed a complaint in federal court alleging violations of clean water laws by DeKalb County from chronic overflows of untreated sewage in the **Chattahoochee and South River Basins**. At the same time, the agencies lodged a consent decree to resolve the complaint with a negotiated system upgrade plan, a civil penalty of \$453,000 and a stream cleanup project valued at \$600,000. DeKalb’s aging sewage treatment plants and thousands of miles of water and sewer pipes need significant repairs and upgrades. News coverage and citizen reports of spills helped focus attention on the need to invest in system improvements. To finance the \$1.35 billion cost of the capital program, the DeKalb Commission voted to raise water and sewer rates each year by 11% from 2012-14.

CORPS FAILS TO SECURE COMPENSATION FOR STREAM DAMAGE

Under some circumstances, developers are allowed to damage and even destroy streams, rivers and wetlands for projects that are water-dependent and for which less-damaging alternatives are not feasible.

In such cases, federal law requires compensation or “mitigation” for unavoidable impacts. Conditions outlining the mitigation requirements must be included in federal permits issued to the developer by the Corps of Engineers.

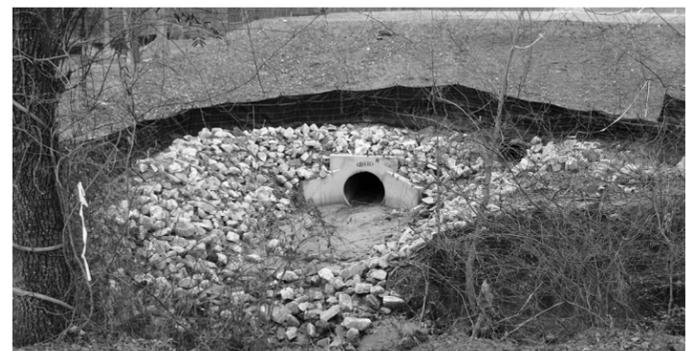
Nationwide, mitigation requirements too often are not fully implemented by the developers/permittees and there is little follow-up by the Corps. UCR is working on several such cases in the Chattahoochee River Basin where developers received permits to pipe streams but failed to implement the agreed upon mitigation in return.

Thomas Enterprises and Sembler Investigated

Ten years ago, **Thomas Enterprises** received a permit to pipe 800 feet of streams to build a shopping center in Paulding County. The company agreed to mitigate for the impacts with restoration work in the Chattahoochee River National Recreational Area; however, its commitment was never met and the Corps never followed up. After recently being notified of the violations, the Corps initiated an investigation and there is a pending enforcement action.

Sembler Company received a permit in 2007 to pipe over 600 linear feet of stream to build Brookhaven Place in DeKalb County and agreed to conduct on-site and off-site mitigation on streams. They never followed through.

UCR is working with the Corps to ensure that proper enforcement action is taken at these two sites and we are investigating other sites in the Chattahoochee watershed where developers have failed to uphold their environmental commitments.



A stream exits from a pipe underneath Sembler’s Brookhaven Place development in DeKalb County.

River Stewardship

TWELVE YEARS LATER... A STREAM HAS HEALED

When we first saw the **Left Fork of the Soque River** at the Savage-Roberts Farm in Habersham County, the trout stream that flows out of the Chattahoochee National Forest was in sad shape.

Decades of abuse from adjacent agricultural and livestock practices, as well as stream channelization, had resulted in severe erosion, loss of property and downstream pollution.

Annually, more than 60 tons of sediment sloughed into the stream from banks denuded of vegetation by cattle looking for a drink of water and a cool place to stand on hot summer days.

Federal Grant Supports New Restoration Technique

In 1996, UCR received a major grant from the **U.S. Environmental Protection Agency** to demonstrate the value of functioning riparian (streamside) zones in protecting stream health and helping interested communities protect and restore these systems.

We were fortunate to meet **Justin Savage** and his family, private landowners willing to let us and our partners conduct a stream restoration project on their property using a technique new to Georgia—a natural channel (geomorphological) design approach pioneered by Dr. David Rosgen (www.wildlandhydrology.com).

In close cooperation with **EPA, US Fish & Wildlife Service, Soque River Watershed Association (SRWA)** and **Southeast Waters AmeriCorps**, we designed and managed



With a little help and the passage of time, nature has restored a section of the Left Fork of the Soque River in Habersham County.

Photo courtesy of Justin Ellis

the project to restore a 1300-foot section of the Left Fork of the Soque River, which was completed successfully in 1998.

We achieved all of our project goals and more. Sediment yield was decreased significantly, so that bank erosion is non-existent even after heavy rains and downstream waters are cleaner. Fish habitat diversity has improved as the planted riparian zone has flourished over the years and stream

temperatures have decreased. UCR's case study materials, developed as part of the grant and including a project video, demonstrate that it is easier and more cost-effective to prevent problems than it is to fix them afterwards.

In the past twelve years, hundreds of scientists, government officials, students, and community leaders have visited the restoration site to learn how to implement similar river healing techniques in their own watersheds.

Landscape Transformed

On a recent fall evening, several UCR staff members attended the annual Soque Roast organized by SRWA under a tent beside a clear, meandering, trout-filled stream lined with maturing trees and other natural vegetation.

With a little help and the passage of time, a once-degraded section of the Left Fork of the Soque River has healed.

EXPLORING THE WATERSHED UPSTREAM AND DOWNSTREAM OF ATLANTA

When organizing our annual paddle trips, we always include excursions upstream and downstream of metro Atlanta, in addition to our trips within the Chattahoochee River National Recreation Area.



UCR paddlers gathered for a Fall 2010 outing on the Chestatee River.

One of our most popular upstream paddles is on the **Chestatee River**, which winds through the mountains of **Lumpkin County** near Dahlonega and is a favorite of paddlers and gold miners alike. Last October, 25 people joined UCR staff at Appalachian Outfitters on a beautiful Saturday, enhanced by fall color and crisp air, to experience this peaceful river that ultimately flows into Lake Lanier.

The Chestatee winds through a remote valley and is not a technical paddle, making it fun for experienced and novice canoeists and kayakers. Class I-II shoals keep the river interesting, along with frequent wildlife sightings, including turtles that hang off logs, rocks and sandy banks, seemingly unconcerned by the visitors in brightly-colored boats.

Joining us in October were **Janet Ward** and **Melinda Langston** with Atlanta's Department of Watershed Management. At the end of the trip, Melinda said, "It was an eye-opening experience for me to learn of this pristine,

undeveloped riverfront property within a short one-hour drive of Atlanta."

A Journey Downstream

UCR also offers an annual paddle and camping trip that begins at **McIntosh Reserve**, about 47 miles downstream of Atlanta in Carroll County, and ends at Brush Creek Park in **West Point Lake**. Last fall's trip began with participants listening to park ranger Steve Lane's stories of the lost city of Chattahoochee, the heart of the Southeastern Indian nation, and the river of red rocks that flowed through it.

On this two-day, 25-mile journey, paddlers enjoy long stretches of river with no bridges or manmade structures. **Dee Stone**, an Atlanta resident and four-year trip participant, describes her experience this way: "We camp by a waterfall, build a bonfire, enjoy great meals, paddle through shoals and island channels, and see lots of wildlife because it's mostly forests and farms along the riverbank. I've seen deer every year and bald eagles twice."

Despite the beauty of the river, the impact of upstream communities is also evident in the bags, bottles and other debris that follow the paddlers down the river to West Point Lake; in 2011, we'll be adding a cleanup component to this event. *Learn how you can join us on the water in 2011 at www.ucriverkeeper.org/paddle-trips.php.*



The Chattahoochee River at McIntosh Reserve in Carroll County.

Photo courtesy of Tom Wilson

River Matters

For more information about these and many other river-related events, visit www.chattahoochee.org/calendar

February 25-26

Georgia River Network Annual Conference
Chattahoochee Nature Center, Roswell

March 6

Wild & Scenic Environmental Film Festival
Tara Theater, Atlanta

March 12

UCR Paddle Trip & Cleanup
Hollingsworth Ferry to Franklin

March 14-15

Greeprints Conference & Trade Show
Sheraton Hotel, Atlanta

March 19

UCR Paddle Trip & Cleanup
Sautee Creek to 255 Bridge

April 2

UCR Paddle Trip
Capps Ferry to McIntosh Reserve

April 16

Sweep the Hooch Cleanup
Chattahoochee River National Recreation Area

Find Your Legislators!

The Chattahoochee River needs your voice! Georgia's legislative session begins during the second week of January each year and lasts 40 working days, usually ending in late March or early April. You can find out who your elected officials are by following the links to www.congress.org or www.votesmart.org and entering your Zip Code. Find more information about Georgia's General Assembly at www.legis.state.ga.us. Watch for legislative alerts in UCR's RiverFLASH e-newsletter.

REMEMBERING UCR FRIENDS

We were sad to learn last fall about the passing of two long-time UCR supporters—**Greg Moran** and **Scottie Chesin**.



Greg Moran

Greg was an active member of UCR from the time we started the organization, donating our first copy machine and other office supplies. An avid lover of the Chattahoochee, Greg gave much of his time and energy to the Upper Chattahoochee Chapter of Trout Unlimited and helped cement our relationship with TU.



Scottie Chesin

Scottie was our beloved event auctioneer for many years. Using his charm and wit, he could always get the crowd engaged and excited about the live auction items offered at our annual River Revival and Patron Dinner, raising thousands of dollars to support our river protection programs. We miss the dedication and spirit of these two generous men.

UPPER CHATTAHOOCHEE PADDLE TRAIL GAINS MOMENTUM!

Excitement is building around the possible designation of an official paddle trail, or "blueway", on the Chattahoochee River above Lake Lanier!

For decades, canoeists and kayakers of all experience levels have enjoyed a 39-mile stretch of the Chattahoochee from its confluence with Sautee Creek and the river, downstream of Hardman Farms, to Clarks Bridge on Lake Lanier. Used informally by individuals and commercial outfitters since the 1970s, this river section includes Class II and III rapids, depending on its level.

State and Federal Agencies Support Concept

In the late 1990s, the **Georgia Department of Natural Resources (DNR)** developed a regional park strategy with a vision to create a series of parks along the Chattahoochee River. Subsequently, the state spent more than \$14 million to purchase four large properties on the river as new state parks—Hardman Farm, Buck Shoals, Mossy Creek and Don Carter.

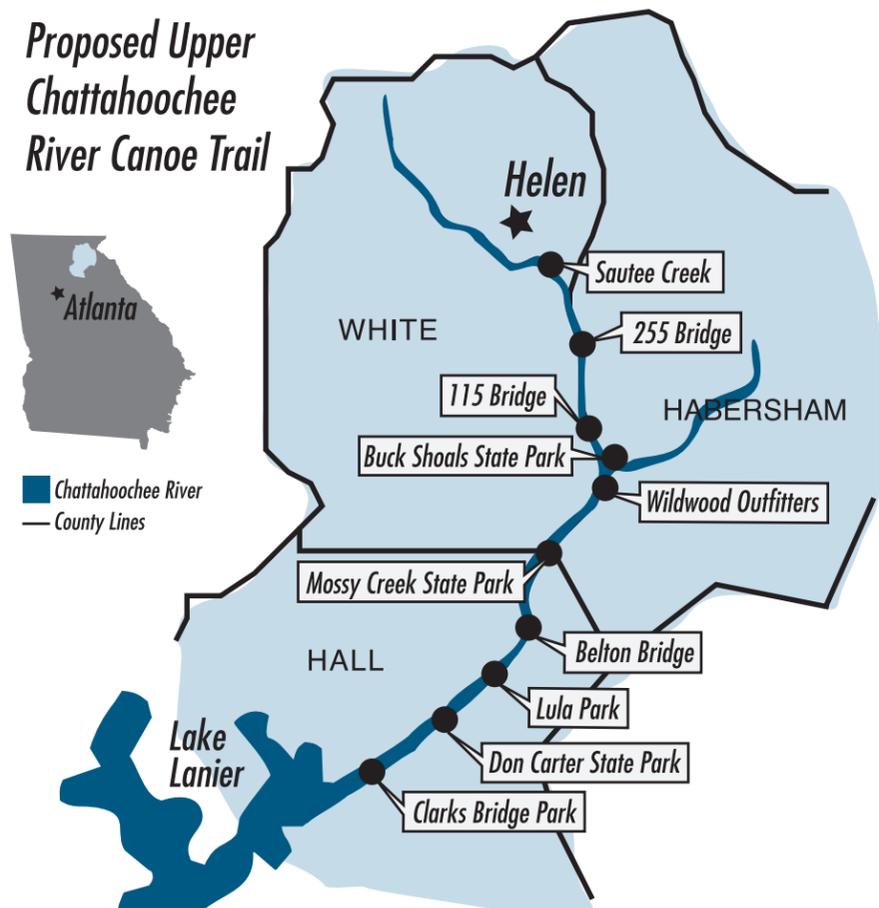
With technical assistance from the **National Park Service (Rivers Trails and Conservation Assistance Program)**, Upper Chattahoochee Riverkeeper conducted a paddle trail feasibility study that was completed in December 2009. The section of the river above Sautee Creek that includes Hardman Farm State Park was not included in the study area for the report.

The proposed paddle trail connects three state-owned park sites, two federally-owned recreation sites, one county-owned park, two sites owned by the state and run by a commercial outfitter, and two public access sites at bridge crossings. Each of the ten sites was evaluated for use as a potential put-in and take-out location for canoes and kayaks; tubing is not recommended for use in this river section.



UCR supporters paddle the proposed "blueway" on the Chattahoochee River above Lake Lanier in the Fall of 2010.

Proposed Upper Chattahoochee River Canoe Trail



On October 15, the **Trust for Public Land (TPL)** and partners celebrated the protection of three critical river access areas within the paddle trail boundaries that were acquired by TPL and then conveyed to DNR. The Gale family, who founded **Wildwood Outfitters** in 1972, sold two of the three parcels to TPL at a discount and will continue to operate their water recreation business. The third site at Mossy Creek State Park came originally from the John Stembler estate.

Jamie Higgins with **Georgia Canoeing Association** is working with UCR's Bonny Putney to produce a video following paddlers down the trail. UCR plans to develop a trail map and other outreach materials in 2011, and will continue to urge the state to officially designate the Upper Hooch Paddle Trail. For more information, contact UCR Headwaters Outreach Coordinator Bonny Putney at bpputney@bellsouth.net.

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If you prefer to receive RiverCHAT electronically, contact
Mary Harrison at mharrison@ucriverkeeper.org

Mark your calendar for these Upcoming Events...

4TH ANNUAL WILD AND SCENIC ENVIRONMENTAL FILM FESTIVAL RETURNS TO ATLANTA

Selected films to inspire, educate, and activate citizens for creating a better world

Sunday, March 6, 2011, 2:00-5:00pm
Tara Theater, Atlanta

The Wild and Scenic Environmental Film Festival on Tour is coming back to Atlanta with a variety of inspirational and motivational films of varying lengths brought to you by Upper Chattahoochee Riverkeeper, Georgia River Network and Georgia ForestWatch.

This film festival sits apart from the hundreds of festivals around the world by leaving participants feeling inspired and motivated to go out and make a difference for the environment in their communities. We will be presenting up to ten film selections plus a very special local selection—

Chattahoochee: From Water War to Water Vision, a film produced by Rhett Turner and Jonathan Wickham which was aired several times last fall on GPTV.

JOIN US! Tickets are \$15 general admission; \$12 for students/seniors; and \$11 for groups of 8 or more. Tickets available at www.chattahoochee.org starting January 28.

SWEEP THE HOOCH MULTI-SITE CLEANUP 1 Day, 18 Sites, and A LOT OF TRASH!

Saturday, April 16, 2011 – 9am to 1pm
Chattahoochee River National Recreation Area

UCR, Trout Unlimited and National Park Service have joined together to organize a multi-site cleanup within the 48 miles of the Chattahoochee River National Recreation Area. We will be tackling 11 Park Units and paddling 7 segments. Each site is unique and we will post a detailed description by the time registration opens on January 21.

Make sure you're part of this great volunteer day of service - register early as each site has a maximum capacity. For more information, visit www.chattahoochee.org/sweep-the-hooch.

Look for more events in the River Matters section on page 3 of this newsletter.

