

GEORGIA'S
2017 DIRTY
DOZEN



GEORGIA
WATER
COALITION

2017's Worst Offenses Against GEORGIA'S WATER

GEORGIA WATER COALITION'S DIRTY DOZEN

A Call to Action

From rollbacks to federal protections for Georgia's water and public health to lackluster state funding for clean water programs, the Georgia Water Coalition's (GWC) 7th annual Dirty Dozen report exposes the worst offenses and greatest threats to Georgia's water and its people.

This year's report takes aim at both state and federal governments where policy decisions and failure to adequately fund environmental programs are leading to polluted rivers and lakes and compromising the health of Georgians.

At the federal level, the U.S. Environmental Protection Agency's (EPA) decision to delay new rules limiting pollution dumped in rivers at coal-fired power plants means that toxins like mercury, lead, arsenic and selenium will continue to be released into Georgia waterways.

EPA has also taken aim at re-writing Clean Water Act rules, a move that could leave thousands of miles of Georgia's streams and thousands of acres of wetlands with no protections.

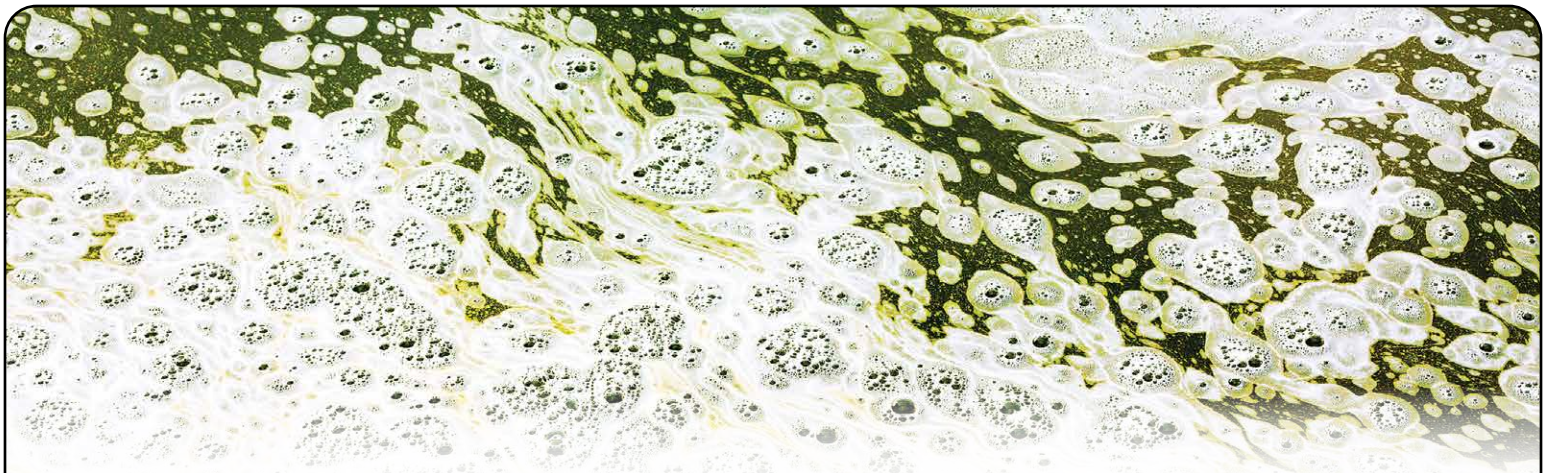
At the state level, the report hits on recurring themes: failure of state budget writers to fully fund clean water programs and failure of Georgia's Environmental Protection Division (EPD) to enforce clean water laws.

Since 2005, EPD has seen its appropriations fall while state revenues have grown. Adjusted for inflation, Georgia's 2017 revenue was \$3.3 billion more than in 2005, yet in 2017 EPD received almost 25 percent less support from the lawmakers than the agency did in 2005.

This stagnant funding has led to delays in cleaning up polluted rivers. On the Coosa River EPD failed to complete studies to determine safe pollution levels. Now, after seven years of inaction, EPD has agreed to let one of the river's major polluting industries pay for and conduct the studies.

Lack of funding has also delayed cleanups at hundreds of hazardous waste sites and illegal tire dumps across the state. Since the 1990s, lawmakers have collected nearly \$500 million in fees from Georgia taxpayers that were supposed to be used to address these pollution problems, but 40 percent of that (about \$200 million) has been diverted to other portions of the state budget.





Whether because of lack of funding or lack of political will, EPD has failed to properly enforce Georgia's clean water laws.

In Jesup, pollution from Rayonier Advanced Materials pulp mill continues to foul the Altamaha River. Even though federal regulators have told EPD that pollution at the mill needs to be cleaned up, EPD continues to side with the powerful corporation.

Likewise, EPD and state lawmakers defer to Georgia Power Company when it comes to disposing of toxic coal ash and cleaning out ash ponds at the company's power plants. As a result, toxic pollutants threaten Lake Sinclair near Milledgeville while coal ash dumped in a Chatham County landfill may pollute local groundwater.

Protecting the natural areas along the state's rivers and streams has also been a problem for EPD. A 2015 Georgia Supreme Court decision has caused confusion about how to identify "stream buffers." Now, EPD struggles to enforce the law consistently, resulting in dirt and mud flowing into our rivers.

Meanwhile, the state's Public Service Commission must decide next year whether to continue supporting the construction of two nuclear reactors at Plant Vogtle near Waynesboro. Some \$14 billion over budget, the project will stress the Savannah River and strap ratepayers and taxpayers with billions of dollars to support this private project.

On the Georgia coast, the Elba Island natural gas processing center and export facility poses a risk to Savannah area residents, and in the light of efforts to achieve U.S. energy independence, raises questions about the wisdom of exporting natural gas.

In Brunswick, local anglers are eating fish exposed to plumes of toxins from Hercules Inc., a company that produced a cancer-causing chemical known as toxaphene. Cleanup plans fail to address the many pollution problems at the site.

Finally, in southwest Georgia a private company is promising it can solve the decades-old water war with Florida and Alabama if it can just get state funding to build giant reservoirs in Taylor and Macon counties that will cost hundreds of millions.

This Dirty Dozen list is not a list of the state's most polluted water bodies, nor is it arranged in any specific order. Instead, the Dirty Dozen shines a spotlight on problems that ultimately harm—or could harm— Georgia property owners, downstream communities, fish and wildlife, hunters and anglers, and boaters and swimmers.

The GWC publishes this report as a call to action for our state's leaders and its citizens. GWC is a consortium of more than 240 conservation and environmental organizations, hunting and fishing groups, businesses, and faith-based organizations that have been working to protect Georgia's water since 2002. Collectively, these organizations represent more than 250,000 Georgians.





2017's Worst Offenses Against GEORGIA'S WATER

LAKE SINCLAIR

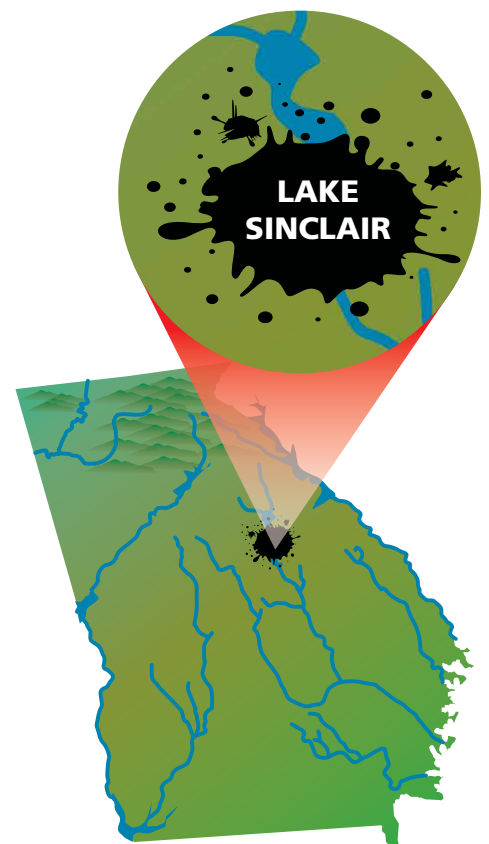
Weak Regulations Send Toxins from Shuttered Power Plant to Premiere Lake

INTRODUCTION:

Given the opportunity to enact regulations to protect Georgia's water and the health of communities downstream from coal-fired power plants, Georgia's Environmental Protection Division (EPD) and legislators earlier this year did what has become all too common—they deferred to influential business interests. Now, Georgia Power Company is proceeding with plans to close 29 ash ponds at 11 of its coal-fired generation plants across the state with inadequate oversight from EPD. These plans include efforts to drain water from those ponds and discharge it to the state's waterways. Ash pond water is known to contain toxic substances like arsenic, mercury, lead and selenium. At the now closed Plant Branch near Milledgeville, Lake Sinclair will be on the receiving end of this pollution. Rather than set clear limits on how much toxins could be released during the closure of these ponds, EPD has instead agreed to allow Georgia Power to simply monitor for these toxins. Under the plan, EPD will limit toxic discharges only if the monitoring shows evidence of toxins being released above what it deems acceptable. Of course, by then, damage will already have been done. To make matters worse, the release of these toxins can take place at any time, with no requirement for Georgia Power to notify downstream water utilities, communities or other water users.

THE WATER BODY:

A man-made reservoir on the Oconee River, Lake Sinclair has been a recreation hot spot in middle Georgia since the completion of Sinclair Dam in 1953. Covering 15,330 acres in Baldwin, Hancock and Putnam counties and offering up 417 miles of scenic shoreline, it is an economic driver for the region, supporting a \$77 million a year tourism economy in Baldwin County alone. The draw of Lake Sinclair and its sister reservoir upstream, Lake Oconee, (both built and operated by Georgia Power) are such that local boosters have taken to promoting the region as "Georgia's Lake Country" where the wealthy and famous visit and live at upscale resorts and communities like Reynolds Plantation, Harbor Club and The Sanctuary. The Oconee is part of Georgia's largest river basin, joining the Ocmulgee River downstream to form the Altamaha River which empties into the Atlantic Ocean near Darien.





THE DIRT:

Coal ash is nothing to toy with. Toxins associated with serious health problems and environmental dangers including arsenic, mercury, lead and selenium are known to exist in coal ash. A catastrophic failure of a coal ash pond in Tennessee in 2008 prompted the U.S. Environmental Protection Agency to enact new regulations on the disposal of the toxic remains of burning coal at the nation's power plants. These went into effect in 2015.



Those regulations led to Georgia Power announcing its plans to close all 29 of its ash ponds around the state. The plans include dewatering the ponds and removing the remaining coal ash from some, but not all of these storage sites. In fact, the vast majority of Georgia Power's coal ash will be left in place next to lakes, rivers, and streams, where it will continue to pose a risk to these waterways.

EPD has failed to oversee the closure of these ponds in a manner that will limit the amount of toxins released to the state's water. Although Georgia Power must treat water before pumping it to Lake Sinclair, EPD is not imposing limits on how much toxins can be discharged—a practice that is common in EPD's other pollution control permits.

Additionally, EPD does not require Georgia Power to notify downstream communities, recreational and commercial water users or public water suppliers before the company begins dewatering an ash pond.

Monitoring reports that Georgia Power has already filed with EPD at sites where the dewatering has or is taking place show that toxins have been released to our waterways.

When concerned legislators introduced bills to address these shortcomings, the bills were met with opposition from Georgia Power and EPD. Though attention to the issue prompted EPD to create a webpage providing information about approved dewatering plans, the bills died in committee.

Instead an ad-hoc committee of the House Natural Resources & Environment Committee was created to study coal ash disposal. At the committee's first meeting in March, representatives from Georgia Power and EPD addressed legislators, but no one else was permitted to provide testimony.

WHAT MUST BE DONE:

Georgia legislators should take up and vote on bills that address shortcomings in EPD's oversight of coal ash pond dewatering plans. EPD must set clear limits on how much toxic pollutants can be released to Georgia's rivers and lakes during dewatering and must provide downstream communities with sufficient notice before dewatering takes place.

Top: An aerial view shows coal ash ponds at Georgia Power Company's shuttered Plant Branch facility adjacent to Lake Sinclair. Above right: Lake Sinclair will be on the receiving end of toxic pollution when Georgia Power begins dewatering its coal ash ponds at the now shuttered Plant Branch. The lake is popular with boaters, anglers and swimmers.



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2017's Worst Offenses Against GEORGIA'S WATER

TERRY CREEK

Toxic Cleanup Plan Leaves Brunswick Residents at Risk

INTRODUCTION:

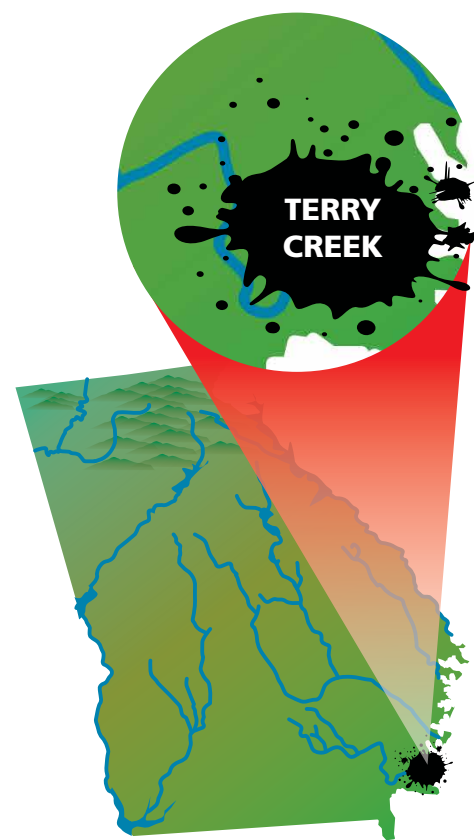
Glynn County is best known as the home of state-owned Jekyll Island and the world-class resorts at St. Simons Island, but tucked behind these barrier islands in the marshes surrounding Brunswick is a toxic legacy that has frustrated environmental regulators and hamstrung economic development since the 1990s. Unfortunately, a recently released U.S. Environmental Protection Agency cleanup plan for the Hercules Inc. Brunswick pesticide production facility may leave nearby residents at continued risk to exposure to the toxic chemicals. Anglers are advised not to regularly eat fish caught in Terry Creek while underground plumes of toxins have seeped into adjacent properties. Now, Hercules is arguing that it should not be required to cleanup the polluted groundwater because the company considers the brackish water "unusable" for drinking water. If state regulators agree to this, it could weaken groundwater protection across the state.

THE WATER BODY:

Terry Creek and Dupree Creek are part of the network of sinuous coastal creeks winding serenely through the famous marshes of Glynn. Through the years, Georgia's 360,000 acres of salt marshes have inspired poets and artists, but most importantly for coastal communities, have inspired visitors to flock to the area. The coast hosts an estimated 15 million visitors each year, and the marshes and barrier islands support some 24,000 tourism and fisheries jobs for Georgia citizens. Terry Creek is enjoyed by boaters and anglers, many of whom catch and eat fish from the creek, putting themselves at risk to consuming toxins accumulated in fish.

THE DIRT:

From 1948 to 1980, Hercules Inc. produced a pesticide used by cotton and soybean farmers marketed under the name toxaphene. They didn't realize how appropriate the name was. The poison was later found to be toxic to humans as well as insects. A known cancer-causing chemical, it persists in the environment for decades. The U.S. banned its production in the 1980s, but in Brunswick the damage was already done from the 2.5 million pounds of pesticide manufacturing wastes released into the marsh.





Today, Georgia's Department of Natural Resources recommends that residents not eat shellfish harvested in Terry Creek and encourages them to not eat or limit their consumption of seven other popular species of sportfish.

In addition to contaminating the coastal food chain, toxaphene has been found in shallow groundwater beneath 13 properties adjacent to the Hercules property. This has left a portion of East Brunswick blighted, stunting property values and preventing redevelopment opportunities. Now, Hercules is arguing that they should not have to cleanup groundwater at the site because they consider it "unusable" for drinking water due to the water's salt content.

If Georgia's Environmental Protection Division (EPD) agrees to this, it would dramatically change long-standing state policy that considers all water as potential drinking water sources, and therefore, deserving of protection.

Interestingly, the attorney representing Hercules is former EPD Director Jud Turner.

In July, the U.S. Environmental Protection Agency (EPA) released its Interim Record of Decision to stop the continued release of toxaphene from the Hercules Inc. property via a ditch flowing to Dupree and Terry creeks. That plan involves leaving contaminated sediments in place, filling the existing channel with dirt and then re-routing the discharge to a man-made channel.

While this is just a "first step" in a multi-step, multi-year cleanup process, it may fail on many fronts.

In testing soil, sediment and water, EPA relied on tests that fail to characterize the extent of the toxaphene contamination and overlooked a host of other toxins related to toxaphene, including cancer-causing dioxins known to exist in groundwater beneath the facility.

EPA's action also does not implement cleanup plans for groundwater contamination—a failing that leaves local residents dependent on well water at risk.

Finally, EPA failed to address environmental justice issues concerning low income and minority groups surrounding the site. The plan to leave contaminated soils in place along the ditch poses a continued threat to subsistence anglers.

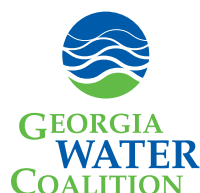


WHAT MUST BE DONE:

In this prolonged hazardous waste cleanup, EPA must be more responsive to local residents. Georgia's Environmental Protection Division must also play a role and ensure that the Hercules cleanup is comprehensive and fully protects Brunswick residents.

Furthermore, EPD should deny Hercules' request to avoid responsibility for cleaning up contaminated groundwater by labeling that water "unusable."

Top: An aerial view of Brunswick shows the Hercules Inc. facility in relation to the coastal marshes and Terry Creek. Toxins reach Dupree and Terry creeks via the drainage way passing underneath U.S. 17 in the center of the photograph. Above: Fish consumption health advisory signs mark popular fishing spots along Terry Creek in Brunswick.



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2017's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S PUBLIC HEALTH

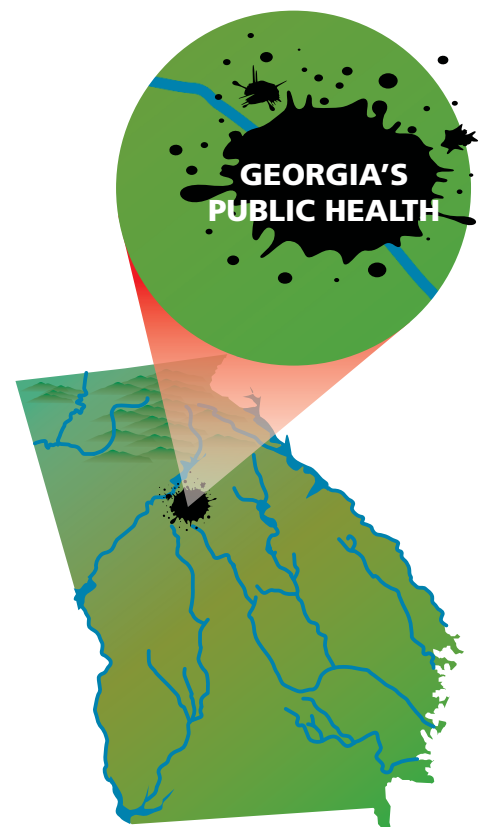
Legislators Continue to Loot Funds Intended for Clean Community Programs

INTRODUCTION:

Earlier this year, activists from across Georgia gathered in Atlanta to build a giant replica of the state capitol from scrap tires. The mammoth sculpture, complete with a gold-painted tire dome, brought attention to an age-old practice of state budget writers: charge citizens a fee for a specific purpose (like cleaning up illegal tire dumps) but then use that collection for some unrelated part of the state budget. It's a dishonest practice that's leaving a dirty legacy all over Georgia. When the General Assembly established the Solid Waste Trust Fund and the Hazardous Waste Trust Fund, the collections were supposed to be used to cleanup hazardous waste sites, rid neighborhoods of illegal tire dumps and even fund community-based litter prevention and recycling programs. Since their inception in the early 1990s, these special fees that we pay when we purchase tires or dump a load of trash at our local landfill have generated nearly \$500 million in revenue. Unfortunately, legislators have diverted nearly \$200 million of that to other portions of the state budget, leaving a working list of more than 500 toxic waste sites, dozens of illegal tire dumps and underfunded local litter and pollution prevention programs.

THE WATER BODY:

With more than 70,000 miles of rivers and streams and vast reserves of groundwater, Georgia is blessed with abundant sources of drinking water, but those sources are at risk not only from ongoing pollution problems but from decades-old toxic waste sites and tire dumps that continue to leach contaminants into our well-water reserves and our waterways. These rivers and streams are a major part of the state's storied landscape that attracts millions of visitors annually. The Georgia Department of Natural Resources estimates that visitors to state parks and historic sites have a \$610 million impact on the state's economy annually.





THE DIRT:

When enacted in 1992, the Hazardous Waste Trust Fund (HWTF) and Solid Waste Trust Fund (SWTF) were intended to raise needed funds to cleanup hundreds of illegal tire dumps and sites containing hazardous waste that posed a threat to human health and the environment.



Since collections began in 1993, tipping fees that we pay at landfills and a \$4 fee imposed when we purchase a set of new tires have generated \$489 million for the state. Unfortunately, allocating those funds for their intended purposes is left to legislators. Of the \$489 million collected, more than 40 percent (\$198 million) has been used to fund other portions of the state budget.

These annual diversions have manifested themselves in the glacial speed at which cleanups of hazardous waste sites and illegal tire dumps are completed.

Currently, there are more than 500 sites on the state's Hazardous Site Inventory list. These sites are located in some 130 of Georgia's 159 counties and range from old landfills leaching toxins into groundwater to abandoned industrial sites with lead-laced soil in the midst of residential areas.

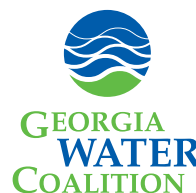
Meanwhile Georgia Environmental Protection Division (EPD) staff are currently monitoring activity at dozens of illegal tire dumps that still need cleanups and continually fielding complaints about new dump sites. A 2015 state audit of EPD's scrap tire program found that "it lacked methods to prevent new scrap tire dumps, to ensure dumps are cleaned up and to ensure that the state is collecting all scrap tire fees owed." These tire dumps are notorious breeding grounds for mosquitos—a concern heightened by the spread of the Zika virus. Clean community projects that once received allocations from these funds have also seen those monies disappear, causing local litter prevention and recycling programs to be scaled back or eliminated.

In recent years, some legislators have introduced bills to prevent the looting of these and other fee-for-service programs. A measure adopted in 2013 would have reduced fees collected for these funds if the money collected was diverted. Though the measure passed, Gov. Nathan Deal signed it only with a provision that made the fee reduction non-binding. Thus, the looting—and polluting—has continued.

WHAT MUST BE DONE:

To restore honesty in government and ensure that fee-for-service programs are used for their intended purposes, the Georgia General Assembly should put the issue before voters as a constitutional amendment that would enable legislators to dedicate fees for the HWTF, SWTF and other fee-for-services programs.

Top: A \$1 per tire fee is collected from citizens whenever they purchase a new tire, but these collections are often diverted by legislators to other portions of the state budget. As a result, the state is plagued with illegal tire dumps and tires litter our rivers. Above left: In March, citizens from across the state gathered in Atlanta to create a replica of the state capitol building using scrap tires to protest the continued diversion of funds from the Solid Waste and Hazardous Waste Trust Funds.



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2017's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S WETLANDS

EPA's Efforts To Gut Clean Water Act Could Leave a Majority of Streams, Wetlands Without Protection

INTRODUCTION:

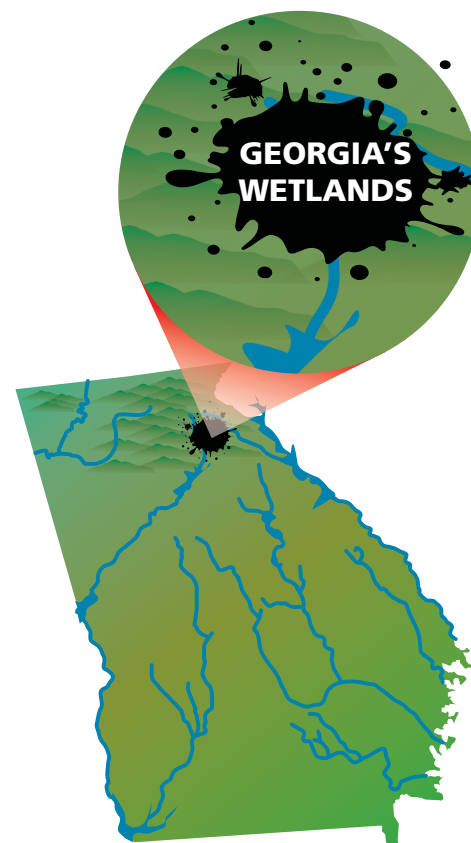
When Oklahoma Attorney General Scott Pruitt was nominated to head the U.S. Environmental Protection Agency, it became a forgone conclusion that a landmark clean water rule finalized during the Obama Administration would be gutted. Under the Obama-era rule, if a developer wanted to build a shopping center in a wetland area or on top of a small stream, they would be required to minimize their impacts on those water bodies and/or restore streams or wetlands elsewhere. Under EPA's proposed rules, the developer can potentially fill these streams and wetlands without regard to impacts to downstream neighbors or communities that use these water bodies for drinking water and recreation. If adopted, the proposed rules would lead to the loss of wetlands and streams that play critical roles in keeping Georgia rivers and other larger water bodies clean.

THE WATER BODY:

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

THE DIRT:

The federal Clean Water Act requires that all waters of the U.S. be protected—from the smallest streams to the mightiest rivers, but a Supreme Court ruling in 2006 muddied the waters, so to speak, as to which streams and wetlands are legally protected.





In the 2006 *Rapanos v. United States* case, Justice Antonin Scalia, using a definition of water found in a dictionary, concluded that only “permanent, standing or continuously flowing bodies of water” are protected by the Clean Water Act. In the same case, Justice Anthony Kennedy wrote that water bodies that have a “significant nexus” with traditionally navigable waters deserve protection.

Since *Rapanos v. United States* was decided no Court of Appeals has applied the Scalia test by itself to determine the extent of Clean Water Act protections. In fact, some of these courts have held that only the Kennedy test should be applied. Nevertheless, the two competing definitions resulted in nearly a decade of regulatory uncertainty.

To address this uncertainty, EPA and the U.S. Army Corps of Engineers embarked on a multi-year process to clarify what were really “waters of the U.S.” Involving more than a million public comments and the review of more than 1,200 scientific studies, that process concluded that Kennedy’s “significant nexus” test was the only test that would protect all the waters that Congress intended when it passed the Clean Water Act. Thus, in 2015, EPA issued the Clean Water Rule.



The Trump Administration’s proposed replacement rule, expected to be issued in early 2018, would set the Clean Water Rule on its head, dictating that only the Scalia test could be used.

Thousands of streams that flow only after heavy rains or during rainy seasons would no longer be protected. Likewise, wetlands that are not located next to constantly flowing waters would be stripped of protection.

Developers, industries and energy companies building projects that impact these types of water bodies would not be required to avoid or minimize their impacts or repair and improve wetlands and streams elsewhere as they are currently required to do.

The proposed Trump rules would encourage the reckless destruction of the very waterways that ultimately determine the health of the large rivers and reservoirs from which most Georgians get their drinking water and use to hunt and fish.

WHAT MUST BE DONE:

EPA is expected to issue a proposed replacement rule early next year. That rule will then be subject to a 60-day public comment period. Georgians who care about their drinking water, their favorite fishing spots, boating trails and swimming holes must send a clear message to EPA, Congress and state leaders: protect our water; don’t change the Waters of the U.S. rule.

Top: The Clean Water Act is intended to protect all of the country’s waterways and wetlands. Wetlands provide numerous services, including keeping clean the rivers and lakes where Georgia communities get their drinking water. Above left: Small streams that flow only after rain events or that flow only seasonally would lose protection under the proposed changes to the Clean Water Act.



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2017's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S STREAM BUFFERS

Legislators Stall Action to Protect Vulnerable Streams

INTRODUCTION:

If a state law says that all of the state's water bodies must be protected by a undisturbed natural area, how is it possible that some water bodies enjoy this protection but others don't? Furthermore, how can one side of a river enjoy this protection, but the opposite side of the same river not receive the same? Yet, the reality is that during the past two years, these very situations exist, and the efforts of concerned state legislators to fix the unfair and perplexing enforcement of Georgia's stream buffer laws have been thwarted at every turn by legislative leaders and Georgia's Environmental Protection Division (EPD), the very agency charged with protecting these streams.

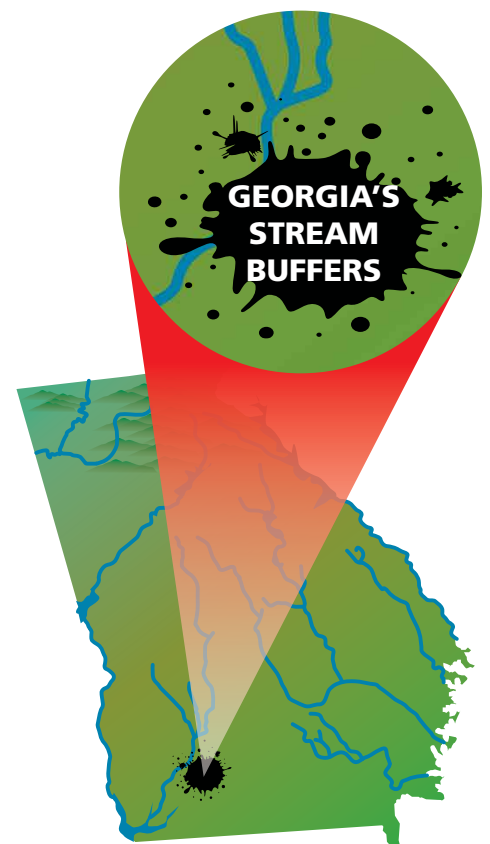
THE WATER BODY:

Georgia's water is among the state's most critical natural resources. Our state is home to 70,150 miles of streams and rivers, 425,000 acres of lakes and reservoirs, 429,924 acres of coastal marshlands and 4.5 million acres of freshwater wetlands. These places harbor 265 species of fish and 165 species of freshwater mussels and snails. The state's rivers, streams and reservoirs fuel business, agriculture and industry, generate power and provide drinking water for Georgia's 10 million residents. Additionally, they provide those same citizens with places to boat, swim, fish, hunt and peacefully rest.

THE DIRT:

Georgians have long agreed that the state's rivers, streams and other water bodies should be protected by undisturbed natural vegetated areas known as "buffers." The science is clear: these buffers keep water clean and cool, and protect downstream landowners and the value of their property. That's why the state has long prohibited land disturbance within these streamside buffer zones without first receiving special permission. On warm water streams the buffer is 25 feet, and on north Georgia's coldwater trout streams the buffer is 50 feet.

But, in 2015 a decision by the Georgia Supreme Court put a monkey wrench in the enforcement of this law. The justices ruled that only





water bodies with “wrested vegetation” along their banks are protected by the state’s stream buffer laws.

In places where streams run fast like in the mountains of north Georgia, there’s almost always “wrested vegetation”—a place where the force of the flowing water prevents plants from growing. In those cases, the protected natural buffer is measured from the point of wrested vegetation.

But at other locations like in south Georgia where the water flows slowly, there are many places that lack a clear line of wrested vegetation, and at those locations, EPD has used the Supreme Court ruling to assert that no state buffer should be enforced.



Where there’s not wrested vegetation, a developer can bulldoze right up to the water.

Recognizing this potential consequence of the “wrested vegetation” test, Supreme Court Justice Harold Melton wrote a dissenting opinion essentially instructing legislators to fix the law: “EPD’s extreme interpretation...is unreasonable and manifestly contrary to the statute, which is intended to ‘protect water quality and aquatic habitat’ of all state waters. Providing no buffer at all to state waters without sufficient wrested vegetation...cannot be considered reasonable.”

Many legislators have concurred with Justice Melton. After witnessing the inconsistency of EPD’s current buffer enforcement, legislators introduced a bill in 2016 to correct the problem, but at every turn, they were met with opposition.

During the 2017 session, rather than taking up a bill that would protect all of Georgia’s rivers, streams and reservoirs with a buffer, legislators instead created a committee to “study” the issue—a maneuver often used to squelch meaningful action on contentious issues.

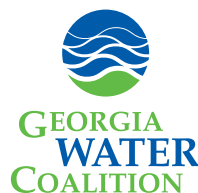
The committee, co-chaired by Rep. Lynn Smith (R-Newnan) and Sen. Frank Ginn (R-Danielsville), has the option to create a report recommending legislative action. It met for the first time in October and has until the end of the year to create such a report.

Meanwhile, EPD continues to offer inconsistent interpretations of the state’s stream buffer laws and how to identify buffers, resulting in a failure to protect streams that lack wrested vegetation.

WHAT MUST BE DONE:

The Joint Study Committee should provide the General Assembly with a recommendation to adopt legislation that fixes the ambiguous “wrested vegetation” stream buffer test. To protect all of Georgia’s rivers, streams and reservoirs, and those citizens that own property along them, legislators must act and provide clear stream buffer definitions.

Top: A rain storm washes mud and silt into a stream that flows to the Chattahoochee River. In this case, a protective stream buffer was not required because the stream lacked wrested vegetation. Above left: Natural undisturbed areas along Georgia’s streams known as “stream buffers” help protect the health of the water we use for swimming, boating, fishing, drinking and more.



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2017's Worst Offenses Against GEORGIA'S WATER

WHITEWATER CREEK

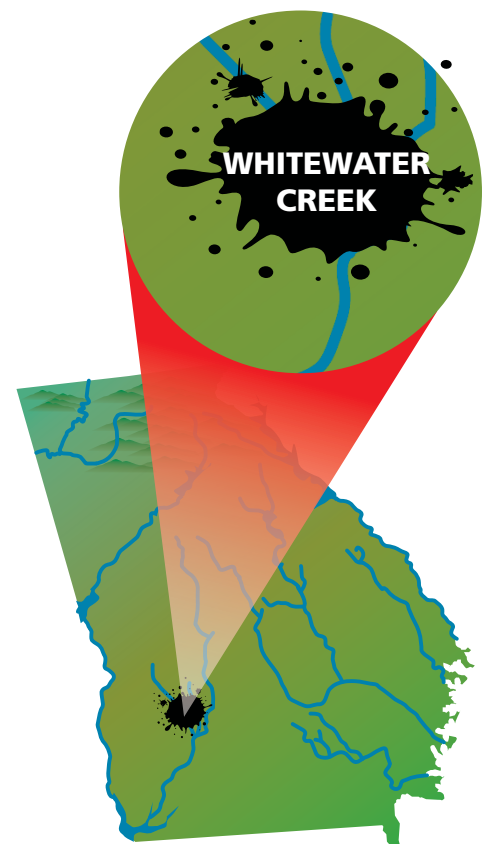
Reservoir Proposal A Bad Deal for Southwest Georgia

INTRODUCTION:

You might call them modern-day rainmakers, but instead of traveling to drought stricken towns claiming they can make it rain, they instead travel across Georgia stumping for state and local taxpayer funds to pay for their latest multi-million dollar reservoir proposal which they claim is sure to solve Georgia's water problems. In 2011, John McGrew and the Georgia Reservoir Company courted the city of Dawsonville to join in a private-public partnership to build a reservoir in north Georgia that would "waterproof" Atlanta's northern suburbs. That project, of questionable need, ultimately died. Now McGrew has his sights on building dams on Whitewater Creek along the Flint River in southwest Georgia to create two massive reservoirs covering 26,000 acres that he claims will solve Georgia's decades-long water battle with Florida...if he can just secure taxpayer backing. Yet another reservoir project of questionable need, the only Georgians certain to benefit are those like McGrew who will have a hand in building it, or maybe those that wind up owning land on its shoreline.

THE WATER BODY:

Whitewater Creek drains parts of Macon and Taylor counties and flows into the Flint River near Montezuma and Oglethorpe. The Flint, like the Chattahoochee, is embroiled in the decades-long water dispute between Georgia, Alabama and Florida. The river and the aquifers beneath it support more than one million residents and serve as the foundation for southwest Georgia's agriculture-based economy, providing irrigation water to some 10,000 farming operations. But, these demands, as well as water withdrawals upstream in southwest metro Atlanta, have resulted in chronically low flows on the river, a situation that has periodically produced grandiose plans to dam the river or creeks feeding it. In the 1970s, Gov. Jimmy Carter famously revealed the federal government's plans to dam the river as a boondoggle, and subsequent proposals since then have met a similar fate.





THE DIRT:

The 11-page dossier touting the benefits of the proposed Whitewater Creek reservoirs reads like advertisements from 19th century snake oil salesmen—full of outlandish claims supported by scant evidence.

The reservoirs, it claims, are the cure for all that ails the Flint. They will supplement flows during times of drought; keep the Floridan aquifer full for farmers; and keep Florida's Apalachicola Bay oyster beds healthy. In a patriotic nod, reservoir proponents claim electricity produced at the dams could be used by nearby military bases and that the soldiers there would have the opportunity to purchase "affordable recreational and/or retirement housing" situated around the man-made lake.



But wait, there's more! It will even "possibly" slow the rate of saltwater intrusion 170 miles across the state on the Georgia coast.

By pumping water to the reservoir from the Flint when the river is running high and storing that water for a not-so-rainy day, its proponents claim their project is, "the 100 percent solution to the water wars."

While the project might be able to provide some of the claimed benefits, it is not the silver bullet to solve Georgia's battle with its neighboring states. If ever built it will come with high costs. Property owners would be faced with the taking of their land and homes by eminent domain while tens of thousands of acres of productive farm and timberland would be lost along with miles of free-flowing streams. And, while releases from the reservoir might supplement flows downstream during drought, the vast surfaces of the lakes will result in millions of gallons of water being lost to evaporation.

Then there are the actual financial costs. Its backers estimate land acquisition alone will push close to \$200 million. They offer no estimates on the costs of constructing the dam, reservoir and system necessary to pump water from the Flint; nor do they offer any proposals of how to pay for the project.

When a meeting was convened in Reynolds this August for reservoir proponents to pitch their idea to local leaders, more than 200 attended, the vast majority there to oppose the project. Nevertheless, McGrew and his reservoir crew are now knocking on doors of state leaders, looking for legislative sponsors to create a funding vehicle for their project.

WHAT MUST BE DONE:

This reservoir proposal should be relegated to the trash heap of history like the many other schemes to dam the Flint and its tributaries, put its aquifers at risk, and confiscate lands from citizens. Rather than focusing on expensive engineered solutions to low flows on the Flint, state and local leaders should continue the cost-effective conservation measures that are already paying dividends, keeping more water flowing in the Flint River and the streams like Whitewater Creek that feed it.



Top: The Flint River and its feeder streams like Ichawaynochaway Creek are caught up in the decades long dispute between Georgia, Alabama and Florida over water rights. A proposal from a private entity to dam Whitewater Creek in Macon and Taylor counties to "fix" the ongoing water battle would depend on hundreds of millions in state taxpayer funding. Above left: An angler casts his fly on the Flint River. The fishery of the Flint and its tributaries, home to the highly-sought after shoal bass and other sport fish, attract international attention. Proposed reservoirs on Whitewater Creek would destroy important fish habitat.

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2017's Worst Offenses Against GEORGIA'S WATER

ALTAMAHA RIVER

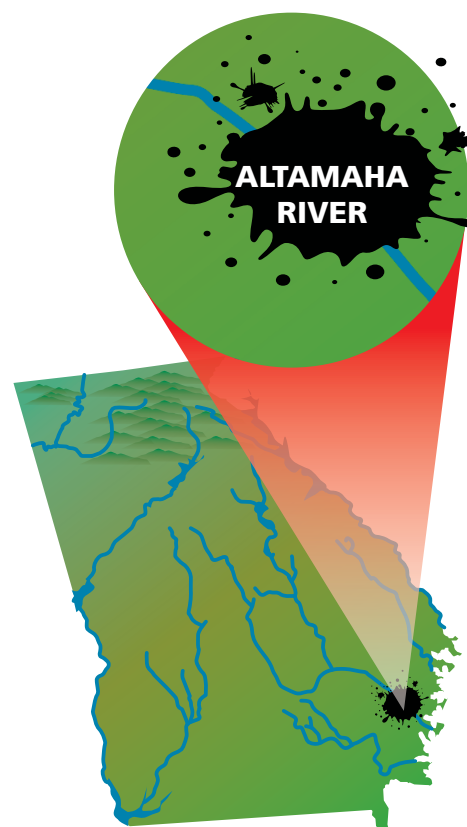
Saga of Rayonier's Stench in Jesup Continues, Feds Say Pulp Mill's Waste Fouls River

INTRODUCTION:

It doesn't take a scientist to know that the noxious, dark brown wastewater spewing from Rayonier Advanced Material's (Rayonier AM) chemical pulp mill near Jesup is fouling the Altamaha River. Anglers won't eat fish caught from the river because they smell of the pulp mill. Others won't swim in the river because when they do, they come out smelling like sulfur from the plant. Yet despite these clear signs that Rayonier AM's 60 million gallon a day discharge to the Altamaha is ruining the river for its other users, and despite the fact that a state court judge has already ruled that the pollution violates state clean water laws, the scientists and bureaucrats at Georgia's Environmental Protection Division (EPD) continue to defend the agency's 2015 pollution control permit that it issued for the facility. Now, however, the U.S. Environmental Protection Agency has weighed in on the decades-old pollution problem. In a memorandum dated March 16, an EPA scientist suggests that, in fact, pollution from Rayonier AM has and still is violating clean water standards for color and odor. It remains to be seen whether EPD will finally take action to cleanup this pollution that has landed Rayonier AM on the Georgia Water Coalition's Dirty Dozen list for a record fifth time.

THE WATER BODY:

The Altamaha is Georgia's largest river and the third largest contributor of freshwater to the Atlantic Ocean on North America's eastern shore. It drains a 14,000-square mile basin stretching from Atlanta to Darien and is a place of unsurpassed beauty. Often called "Georgia's Little Amazon," it was named to The Nature Conservancy's list of the 75 last great places on Earth. A treasure trove of biodiversity, the Altamaha River basin is home to 120 species of rare or endangered plants and animals. Along with its two forks, the Ocmulgee and Oconee rivers, the Altamaha provides drinking water to communities from metro Atlanta to Middle Georgia.





THE DIRT:

It seems everyone agrees that Rayonier AM's massive wastewater discharge into the Altamaha River is spoiling Georgia's "Little Amazon" ... everyone except Rayonier AM and EPD.

Anyone that passes by the dark brown plume of wastewater gurgling into the Altamaha can see it and smell it. Fish are unfit to eat because they stink of the plant; swimmers smell like sulfur. The pollution is so bad that when U.S. Geological Survey scientists based in Atlanta travel to the south Georgia river to collect data, their colleagues know where they've been once they return: their boat and equipment reeks of the river's sulfuric stench, even after the 200-mile drive.



That anecdote was revealed in a USEPA memorandum dated March 16. After reviewing numerous internal studies conducted by Rayonier AM, EPA Senior Technical Advisor Franklin Baker wrote: "the weight of multiple lines of evidence...supports a finding of impairment for the color and odor water quality criteria." The memorandum notes several known odor-causing chemicals found in the plant's discharge including ethyl mercaptan, the obnoxious-smelling chemical used as a warning odorant for odorless propane and natural gas.

In 2016, a state administrative law judge ruled in favor of Altamaha Riverkeeper (ARK) which argued that a 2015 pollution control permit issued to Rayonier AM by EPD violated the state's own clean water laws. Rayonier AM and EPD appealed, and in March, a Georgia Superior Court Judge in Jesup overturned that decision. ARK has since appealed, and the case remains before the Georgia Appeals Court.

After release of the EPA memorandum, the Southern Environmental Law Center in July wrote to EPD on behalf of ARK requesting that the state agency drop the controversial 2015 permit and issue a new permit that addresses the color and odor issues that have plagued the Altamaha River for decades. EPD has thus far refused to act on the request.

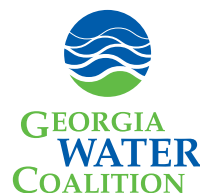
EPD's efforts to correct this ongoing pollution problem stretch back more than a decade. In 2008, rather than issue a new pollution control permit as required by federal law, EPD entered into an agreement with Rayonier AM providing the company with eight years to reduce the color of their discharge by 50 percent—a goal the company never achieved.

While the courtroom battles continue, the people of the Altamaha keep tossing back fish rather than eating them while Rayonier AM continues to roll in the profits. In 2016, the company reported net income of \$73 million.

Top: Treatment ponds at Rayonier AM in Jesup ultimately discharge a noxious dark brown wastewater to the river that fouls it for miles downstream. Above right: Paddlers explore the Altamaha River. Many anglers will not eat fish caught in the river because the fish smell of the mill while others say they will not swim in the river downstream from Rayonier because they too end up smelling like the mill.

WHAT MUST BE DONE:

EPD must issue a pollution control permit for Rayonier AM's Jesup facility that addresses chronic color and odor pollution and that will lead to the restoration of the river.



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2017's Worst Offenses Against GEORGIA'S WATER

COOSA RIVER

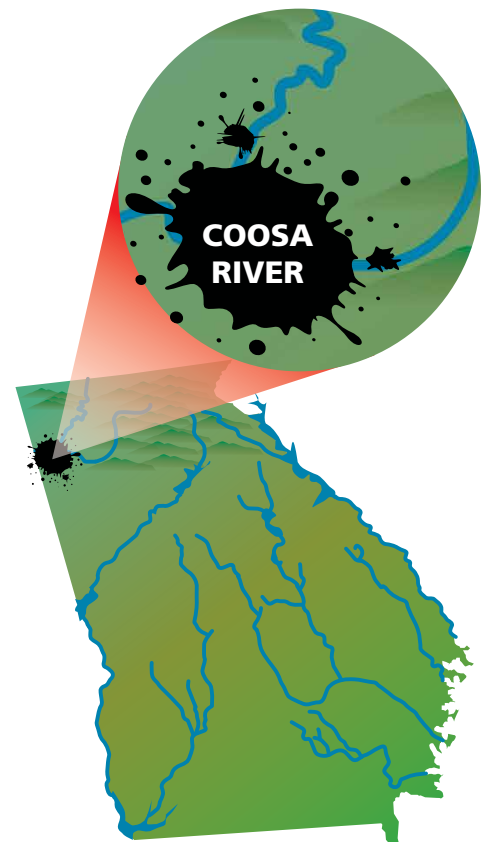
U.S. EPA Halts Clean Water Rules For Power Plants, Keeps Toxic Discharges Flowing to the Coosa

INTRODUCTION:

Earlier this year, Georgia Power Company and Georgia's Environmental Protection Division were moving forward with plans to reduce the amount of toxic heavy metals discharged to the Coosa River at Plant Hammond, a coal-fired power plant west of Rome. But then in April, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced that the agency had decided to review and reconsider its "effluent limitation guidelines," a rule adopted in 2015 requiring upgrades to pollution controls at power plants. Now, that cleanup plan to provide relief to the Coosa and Weiss Lake is indefinitely delayed. While the Trump Administration claims pollution upgrades were not "economically or technologically feasible," the reality is some power plants are already meeting the requirements, and Georgia Power was on track to meet some of the requirements of the rule well in advance of federal regulatory deadlines.

THE WATER BODY:

The upper Coosa River basin is considered North America's most biologically unique river basin with 30 endemic aquatic species, and the Coosa River in particular is unique because it is one of only a handful of locations in the country where land-locked striped bass still spawn. The Coosa River in Georgia also feeds Weiss Lake in Alabama, located just downstream from Plant Hammond's discharge. The 30,200-acre Alabama Power reservoir is the economic calling card for Centre, Alabama and Cherokee County. Tourism associated with the lake is the county's primary industry, with an economic impact of \$250 million annually. The Coosa River basin is also burdened with energizing much of Georgia's electric grid—home to not only Plant Hammond, but also Plant Bowen, one of the largest coal-fired power plants in the country.





THE DIRT:

The toxins discharged into our nation's other waterways each year from coal-fired power plants reads like a witch's brew: 65,000 pounds of lead, 3,000 pounds of mercury, 79,200 pounds of arsenic, 225,000 pounds of selenium. In fact, the nation's coal-fired power plants are responsible for 72 percent of all toxic water pollution in the country. At Plant Hammond, much of these toxins are discharged to large ash ponds at the facility and then released to the Coosa.

These serious risks to human health and the environment prompted EPA to investigate and implement in 2015 new rules governing how much of these toxins coal-fired power plants should discharge to our nation's rivers.

Since the rules were adopted, many utilities, including Georgia Power, have begun the process of meeting the new standards, a fact that calls into question the legitimacy of EPA claims that the requirements are not economically or technologically feasible.

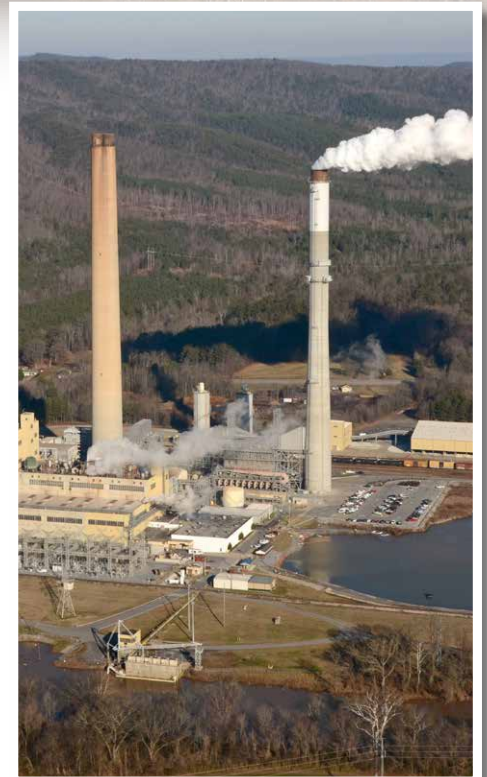
At Plant Hammond, Georgia Power planned to meet pollution limits by 2023. And, when it comes to provisions of the rule requiring that utilities stop using water to move and process coal ash, Georgia Power planned to make the conversion to "dry handling" of ash at most facilities by 2019, well in advance of federal deadlines.

When Georgia's Environmental Protection Division (EPD) moved to update Plant Hammond's pollution control permit earlier this year, the public weighed in heavily to urge reductions in heavy metal pollution. Despite agreement among Georgia Power, state regulators, and environmental advocates that limiting this pollution was necessary and achievable, EPA's delay now leaves in question how the plant's discharges will be regulated.

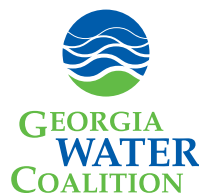
EPA's delays place the profits of utilities over the health and well being of ordinary citizens. EPA estimates the 2015 rules will result in at least \$461 million in benefits to the American public. Meanwhile, delay of these rules will save utilities up to \$36.8 million annually.

WHAT MUST BE DONE:

EPA should enforce all provisions of the 2015 effluent limitation guidelines under its original timeline beginning in 2018. Regardless of what federal regulators ultimately do with these rules, EPD should issue a pollution control permit for Plant Hammond that includes these effluent limitation guidelines. Adoption of these standards will protect public health and the Coosa River.



Top: Ash ponds at Georgia Power Company's Plant Hammond hold spent coal ash and a host of toxins. Water from the ponds is ultimately released to the Coosa River. Above right: The U.S. Environmental Protection Agency decision to delay implementing new rules limiting the release of toxins from coal-fired power plant to the country's rivers will mean that mercury, arsenic, lead, selenium and other pollutants will continue to be dumped in the Coosa River at Georgia Power Company's Plant Hammond in Floyd County.



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2017's Worst Offenses Against GEORGIA'S WATER

COOSA RIVER

Coosa River Cleanup Delayed by Underfunded, Understaffed State Agency

INTRODUCTION:

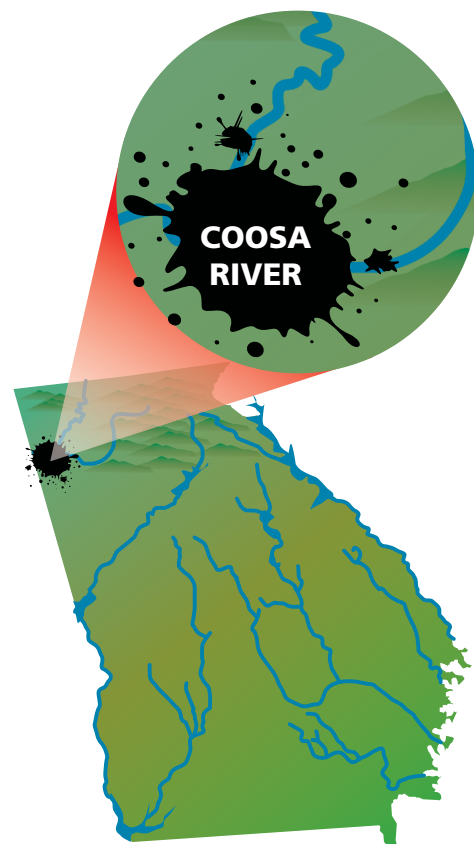
The federal Clean Water Act requires that industries that discharge pollution to our country's rivers must have their pollution control permits reviewed by state environmental regulators every five years, but on the Coosa River, International Paper has operated under the same permit since 1997. As a result, efforts to improve the health of the Coosa and Weiss Lake in Alabama have been hampered for decades. The primary cause of this 20-year delay has been an underfunded, understaffed Georgia Environmental Protection Division (EPD), the state agency charged with updating pollution permits. A Coosa River cleanup plan originally created in 2004 has yet to be implemented because of the agency's failure to complete necessary studies and issue new permits. Despite a growing population and economy, since 2005, state funding for EPD has remained stagnant, leaving our state's rivers, lakes, streams and estuaries at risk.

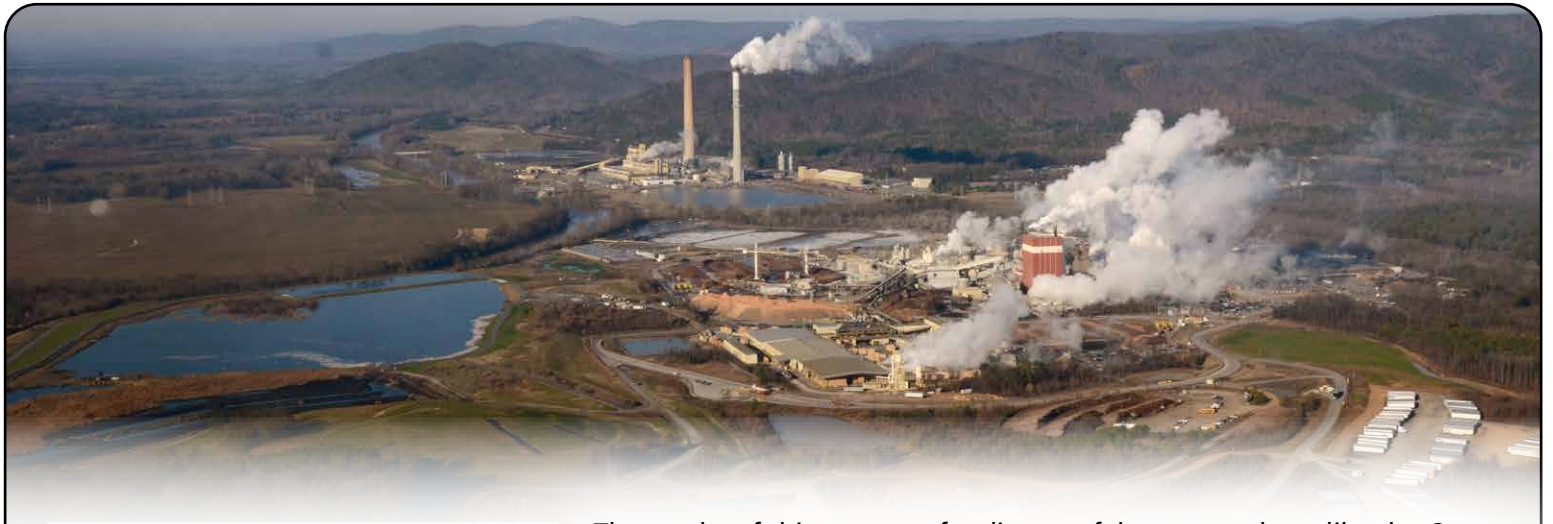
THE WATER BODY:

The upper Coosa River basin is considered North America's most biologically unique river basin with 30 endemic aquatic species, and the Coosa River in particular is unique because it is one of only a handful of locations in the country where land-locked striped bass still spawn. The Coosa River in Georgia also feeds Weiss Lake in Alabama, a 30,200-acre Alabama Power reservoir that is the economic calling card for Centre, Alabama and Cherokee County. Tourism associated with the lake is the county's primary industry, with an economic impact of \$250 million annually. More than 450,000 people visit the lake each year and some 4,132 lake-related jobs generate more than \$36 million in wages.

THE DIRT:

Since 2005, EPD has seen its appropriations fall while state revenues have grown. Adjusted for inflation, Georgia's 2017 revenue was \$3.3 billion more than in 2005, yet this year lawmakers provided EPD with almost 25 percent less than they did in 2005.





The results of this stagnant funding are felt most at places like the Coosa River where an underfunded, understaffed state agency has been forced to delay action to cleanup polluted water.

In 2004, EPD created a plan for the Coosa to correct chronic low oxygen levels in the river downstream of International Paper and other facilities discharging pollution. That plan would have forced the paper plant to cease operations during critical low flows on the Coosa in order to maintain safe oxygen levels in the river and Weiss Lake where fish kills had occurred periodically in the 1980s and 1990s.

The controversial cleanup plan was placed on hold while EPD agreed to conduct additional data collection and complicated computer modeling of the Coosa and Weiss Lake.

Though EPD hoped to finish the project as early as 2010, the agency has still not completed the work. Earlier this year with the question of how much pollution International Paper could safely dump in the river still unanswered, the global paper and packaging giant volunteered to spend \$300,000 to conduct the same studies EPD was to have conducted years ago.

While EPD is now working with the private contractor hired by International Paper and insists that it maintains full oversight over the modeling project, the perception is that the fox is watching the henhouse...all because EPD lacks the resources and manpower to keep watch over our water.

After 20 years of inaction, earlier this year EPD finally initiated a review of International Paper's pollution control permit, but as part of the agreement to allow International Paper to conduct the computer modeling, the state agency is providing the company with an additional seven years to complete the studies and upgrade its pollution controls.

That means for the next seven years, the company may continue discharging oxygen-robbing organic matter into the Coosa at nearly six times the level EPD considers safe for the river.

In addition to prolonged delays at International Paper, updates of pollution control permits have been delayed for Georgia Power Co.'s Plant Hammond as well as the City of Rome and Cartersville wastewater treatment facilities.

WHAT MUST BE DONE:

Georgia lawmakers must increase funding for the state's important environmental monitoring and protection programs. Without the data to understand safe pollution limits, industries that discharge waste to Georgia's water are left to deal with regulatory uncertainty and our rivers, lakes, streams and estuaries will continue to be polluted.

Top: Lack of funding for Georgia's lead environmental agency has delayed a cleanup of the Coosa River in this heavily industrialized area of Floyd County that includes facilities operated by International Paper and Georgia Power Company. Above left: The upper Coosa River is known for its aquatic biodiversity. The river basin is home to 30 aquatic creatures that are found no where else in the world. Among the more common animals living in the Coosa are soft-shelled turtles.



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2017's Worst Offenses Against GEORGIA'S WATER

SAVANNAH RIVER

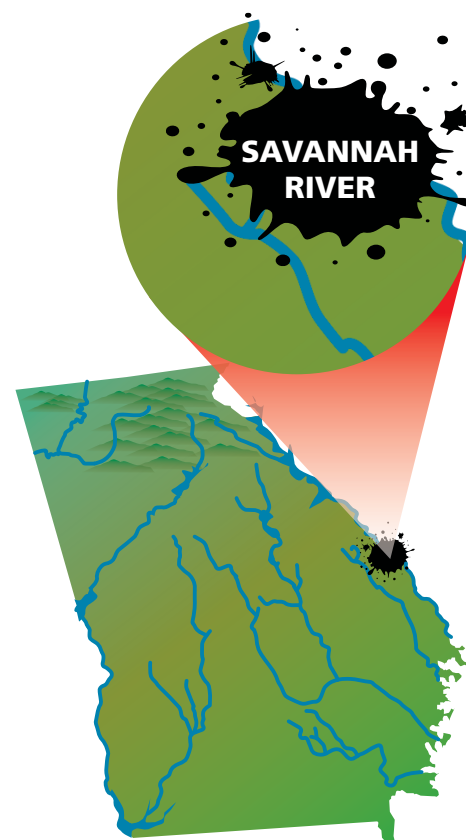
Risky Nuclear Boondoggle Harms River, Ratepayers, Taxpayers

INTRODUCTION:

More than a decade ago Georgia Power Company and its utility partners announced plans to build two new nuclear reactors at Plant Vogtle near Waynesboro along the Savannah River. Since then the project has traveled a road to financial ruin—for Georgia ratepayers, the contractors involved, and potentially, for the project owners. If the nuclear reactors are ever built, the Savannah River will be next in line to feel the brunt of this ruinous project. Costs for the project have more than doubled to around \$28 billion. Westinghouse, the lead contractor that designed and was building the reactors, has declared bankruptcy. Its parent company, Toshiba, is also in financial peril. Taxpayers were forced to back an \$8.3 billion federal loan for the private project with more proposed, and Georgia Power ratepayers are already paying extra on their monthly bills thanks to a 2009 law adopted by the Georgia General Assembly. Clean energy advocates foresaw this debacle years ago when they urged state leaders to look to less risky energy choices such as wind, solar and energy efficiency. Now, the Georgia Public Service Commission (PSC) must decide whether it makes sense to continue throwing good money after bad.

THE WATER BODY:

Flowing more than 300 miles along the Georgia-South Carolina state line, the Savannah River is Georgia's second largest river basin. At the Georgia coast, it supports the fourth largest port in the United States. Up river, it is no less important, supplying drinking water for 1.4 million people, including its namesake city as well as Augusta, among other municipalities. Three federal reservoirs above Augusta provide recreational opportunities and hydropower for the region. Together Clarks Hill, Russell and Hartwell reservoirs attract 17.5 million visitors annually. Meanwhile, beneath the river's surface is a treasure trove of biological diversity, including the federally protected Atlantic and shortnose sturgeons that spawn in the Savannah. The first river to be explored by Georgia's founders in 1733, 280 years later it remains a vital part of the state's economy and cultural and natural heritage.





THE DIRT:

In a state already at odds with neighboring states over the wise use of its water resources, Georgia, in its decision to embrace water-intensive nuclear power, has invested in a multi-billion dollar boondoggle that will place even more pressure on the state's water resources.

The two additional reactors at Plant Vogtle will demand up to 74 million gallons a day, with more than half of that permanently removed from the river. If built, Vogtle's four reactors could consume enough water each day to supply more than 1.1 million Georgians with drinking water.

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

Then, there are the financial costs—much of it borne by consumers and taxpayers. The new Vogtle reactors have been funded, in part, by an anti-consumer, pay-in-advance scheme passed by the General Assembly in 2009. Between 2011 when utility customers began paying the rate hike for Vogtle, and 2016, nearly \$2 billion was collected. Meanwhile construction costs have rocketed to \$28 billion, about double the original estimate.

Though the reactors were supposed to be up and running by now, the earliest projected start up date is 2022. To finish the project, Georgia Power and its partners have already pursued \$3.7 billion more in federal taxpayer-backed loans above and beyond the \$8.3 billion the project has already received.

By February, the five elected commissioners of the PSC face a choice that will shape Georgia's future: they can choose to continue down the ruinous path of new nuclear power, saddling utility customers with billions in additional Vogtle costs, or they can choose to invest in safe, affordable, water-wise and more sustainable energy options like wind, solar and energy efficiency.

WHAT MUST BE DONE:

The Public Service Commission should reject Georgia Power's recommendation to finish building Vogtle's new reactors. Barring that, the PSC should deny any additional rate hikes for consumers to cover Vogtle's rising construction costs and require shareholders of Georgia Power's parent company, Southern Company, to shoulder the costs and risks.

Because the Vogtle project now depends on billions of dollars more in additional federal taxpayer bailouts, Congress and the Trump Administration should oppose new loans and tax credits for the project.

Finally, the Georgia General Assembly should repeal the Georgia Nuclear Energy Financing Act so that utility customers will no longer be forced to pay up front financing costs for the Vogtle project and to prevent any future nuclear boondoggles.

Top: Cooling towers at Plant Vogtle loom over the Savannah River. The two additional reactors at Plant Vogtle will demand up to 74 million gallons a day from the Savannah. Combined with already existing reactors, the facility could consume enough water to supply more than 1.1 million Georgians with drinking water.



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2017's Worst Offenses Against GEORGIA'S WATER

GEORGIA'S WELL WATER

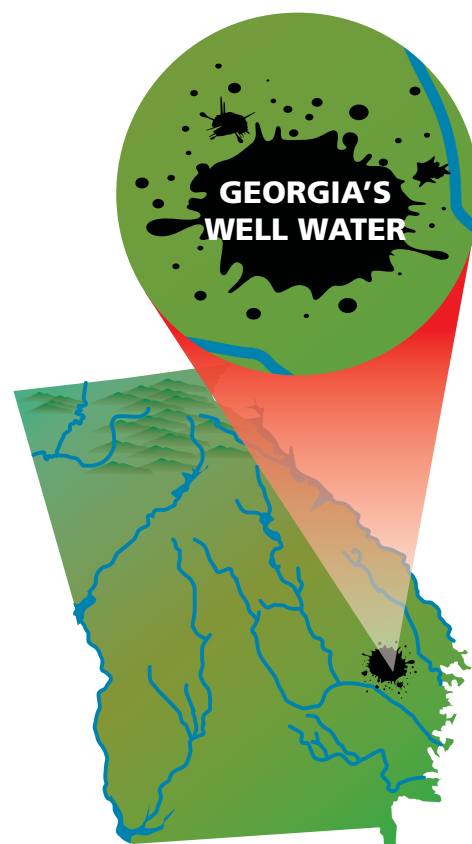
Disposal of Coal Ash at Poorly Sited Municipal Landfills Threatens Drinking Water

INTRODUCTION:

After relying on coal as its primary source of electricity for nearly a century, Georgia has a big, dirty problem on its hands: disposing of and recycling the toxic ash produced at the state's coal-burning power plants. One option endorsed by Georgia's Environmental Protection Division (EPD) is dumping the ash in municipal solid waste landfills. While that may be viable at some landfills, other landfills may be ill-suited to handle the hazardous substances found in coal ash—including arsenic, mercury, lead, selenium and other cancer-causing toxins—due to their locations near surface water and groundwater. This may be the case at Waste Management's Superior landfill near Savannah. The landfill is surrounded by wetlands on two sides and sits atop underground water sources used by local residents. Unfortunately, EPD's process for approving the disposal of coal ash at municipal landfills lacks some key safeguards. During the 2017 General Assembly session, bills introduced by concerned legislators aimed at strengthening EPD oversight failed to advance, leaving the neighbors of Superior landfill and other coal-ash accepting landfills at risk.

THE WATER BODY:

Across coastal and south Georgia, residents get their drinking water from vast stores of underground water. Pumped from wells, this groundwater provides more than 90 percent of the water used by homes and businesses in coastal Georgia and is the primary water source for Savannah and Brunswick. Most of that comes from the Floridan aquifer. One of the most productive groundwater sources in the country, the Floridan stretches from South Carolina to Mississippi and under the Superior landfill. Adjacent to the landfill are large wetlands that feed the Little Ogeechee River, a coastal recreational treasure popular with boaters and anglers.





THE DIRT:

Six municipal solid waste landfills currently accept coal ash in Georgia. That ash is both domestically produced and shipped to Georgia from out of state. As Georgia Power Company and other utilities across the region shutter outdated plants and remove ash that has been stored in unlined ponds at their facilities, Georgians can expect to see more ash headed their way. Georgia Power alone expects to ship some 8 million tons of its ash to municipal landfills. Waste Management expects to receive up to 150,000 tons annually at the Superior landfill.



Even though municipal solid waste landfills must have liners and leachate collection systems, liners can fail and leachate collection systems may not collect all the leachate that escapes from landfills. Pipes in the systems may crack or collapse.

The U.S. Environmental Protection Agency has concluded that all landfills eventually will leak into the environment. Despite this, municipal solid waste landfills that receive coal ash currently are allowed to operate in wetlands and floodplains and may be constructed

less than five feet above the uppermost groundwater sources. What's worse, leaks could go undetected for long periods of time, because EPD requires just two groundwater sampling events each year at those landfills.

Thus, for residents close by the Superior landfill, the critical question is this: are their drinking water wells at risk of contamination from coal ash, given the landfill's proximity to groundwater and surface water and the potential for leaks?

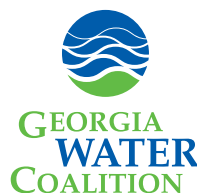
No one should have to worry about their drinking water. When coastal Georgia legislators introduced bills to address the risks posed by coal ash storage at certain landfills, they were met with opposition from the powerful waste and energy sector lobby (which contributed nearly half a million dollars to Georgia state representatives and senators during the 2016 election cycle). The bills never made it out of committee.

WHAT MUST BE DONE:

Coal ash must be disposed of safely and responsibly, away from rivers, lakes, wetlands, and drinking water aquifers. Coastal Georgia legislators are expected to introduce legislation during the 2018 General Assembly session that will strengthen EPD oversight of the disposal of coal ash at municipal landfills and clarify where coal ash ought to be stored. Legislative leaders should give these measures a fair hearing, and legislators should adopt these bills to safeguard the state's drinking water sources.

Georgians should contact their legislators encouraging them to support these measures. These same state representatives and senators will undoubtedly get an earful from landfill and energy sector lobbyists who will soon fill their campaign coffers in advance of the 2018 elections.

Top: An aerial view of Waste Management's Superior landfill in Chatham County shows the facility's proximity to wetlands and streams that flow to the Little Ogeechee River. The landfill is one of six municipal solid waste landfills in the state that are currently accepting coal ash waste. Above right: Coffee Bluff Marina on the Little Ogeechee River is one of many places downstream from Superior Landfill where boaters and anglers enjoy Georgia's coastal waterways.



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2017's Worst Offenses Against GEORGIA'S WATER

SAVANNAH RIVER

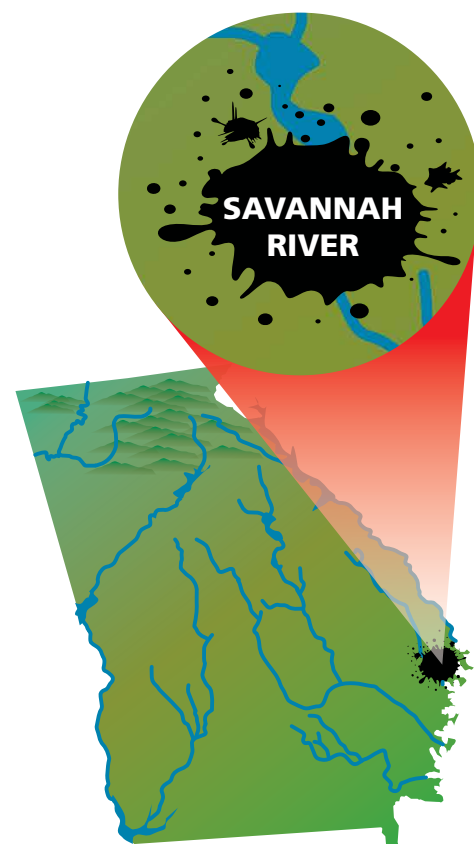
Natural Gas Export Plant Poses Risks to Savannah

INTRODUCTION:

For all the talk about U.S. “energy independence” among our nation’s leaders, a project at the Savannah harbor set to open in 2018 will, instead of processing natural gas for domestic use, ship it overseas while at the same time threatening the safety of Savannah residents and the health of the Savannah River. Energy infrastructure giant Kinder Morgan is in the midst of building a \$2 billion gas liquefaction plant on Savannah’s Elba Island that will ready natural gas for shipment. The Federal Energy Regulatory Commission (FERC) has already signed off on an Environmental Assessment, saying the plant would not significantly impact local residents, and the agency has since denied a Sierra Club request to reopen an environmental review. As work on the liquefaction and export facility continues, the project raises questions about the realities behind the rhetoric of American energy independence and the real risks to local communities with massive natural gas processing and shipment facilities in their backyards.

THE WATER BODY:

Draining a watershed of 10,577 square miles, the Savannah River forms the stateline between Georgia and South Carolina and is shared by users on both sides of the border, not only providing drinking water to 1.5 million residents, but also providing the water for multiple industries from Augusta to Savannah. On the coast, it’s home to the Savannah Harbor, the nation’s third largest container ship port, which generates an estimated \$33 billion in economic activity and creates some 300,000 jobs. The river is also a treasure trove of fish diversity. It harbors more native fish species (108) than any other river in North America draining to the Atlantic Ocean. That count includes the federally endangered Atlantic sturgeon, a species commonly found in the harbor area.





THE DIRT:

These days many intown Savannah residents are casting concerned eyes downstream toward Kinder Morgan's Elba Island gas liquefaction and export facility and wondering if their leaders are really serious about American energy independence—especially when the facility poses a safety risk in their community.

While rare, explosions at natural gas facilities have occurred. In 2014, an incident at an Algerian facility killed 27 people and injured 56. Kinder Morgan's choice of a location near the mouth of the Savannah River leaves the facility susceptible to both hurricanes and sea level rise. The location not only threatens Savannah, but also the proposed Jasper Port facility in neighboring South Carolina where construction is expected to begin soon. The risks associated with moving large quantities of natural gas are so great that when gas tankers are in the Savannah Harbor, the shipping channel must be closed.

The area surrounding the facility that is endangered in the event of an explosion extends into neighborhoods and business districts near Savannah's historic River Street, and also extends into South Carolina where the Jasper Port is now under construction.

The Savannah River, itself, is also at risk from polluted runoff and other discharges from the industrial facility. Already, multiple discharges from a dredge area at the plant have harmed the river, and algae-filled water and chemicals used to control that algae have been documented being discharged from the facility.

Looming over these concerns is the debate over energy independence. During recent years, the boom in natural gas extraction brought on by fracking technology has resulted in greater reliance on domestically produced fossil fuels. Oil imports as a percentage of the country's daily oil demand have dropped more than 50 percent in the last decade. By 2020, energy analysts predict that the U.S. will get just 11 percent of its oil from imports.

Shipping the very commodity that could bring about this independence seems counter to national goals and points to the conclusion that the Kinder Morgan facility is being driven not by national priorities but private profit motives.

WHAT MUST BE DONE:

The Federal Energy Regulatory Commission should reconsider its approval of the Kinder Morgan facility and conduct a complete Environmental Impact Statement. The U.S. Army Corps of Engineers should also review how the facility will impact the Jasper Port in South Carolina.



Top: The Kinder Morgan natural gas liquefaction plant will prepare domestically-produced natural gas for export. Above: Anglers try the waters of the Savannah River. In addition to supporting the nation's third largest container ship port, the Savannah fishery provides countless recreational opportunities.



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UPDATES FROM PREVIOUS DIRTY DOZEN REPORTS

2015 Withlacoochee and Floridan Aquifer: Battle over Sabal Trail Pipeline Leads to Precedent Setting Court Decision

Though the Sabal Trail natural gas pipeline was built through southwest Georgia, crossing multiple rivers and sitting atop the Floridan aquifer, the Federal District Court in Washington, D.C. in August ruled that the Federal Energy Regulatory Commission (FERC) illegally allowed the construction of the pipeline. That precedent setting ruling has already been used in other courts to stop pipeline projects elsewhere. Whether or not the courts will allow gas to continue to flow through the Sabal Trail pipeline is uncertain, but the high profile battle has led, in part, to the introduction of legislation in Congress that would reform how FERC reviews and approves pipeline projects. H.R. 2649 would force FERC to compare the cost and need for the pipeline against opportunities for meeting those needs through alternative energy sources like wind and solar, require more thorough environmental impact studies and provide private landowners with more power to appeal FERC decisions.

2016 Northwest Georgia's Drinking Water: State Fracking Laws Close to Passage

When oil and natural gas wildcatters began soliciting northwest Georgia property owners about purchasing the mineral rights to their land, those residents—concerned about the prospects of natural gas drilling and fracking—contacted their legislators. Their legislators responded by introducing and passing legislation earlier this year that would safeguard well water and surface water in the event that fracking occurs in Georgia. While HB 205 passed both chambers, an amendment unrelated to the issue sank the measure when the House and Senate versions of the bill could not be reconciled. However, the bill's sponsor, Chairman John Meadows (R-Calhoun) expects the two chambers to adopt the measure early in the 2018 session.

2016 Chattahoochee River: Nuclear Proposal Dies

After getting the go ahead to conduct a \$99 million feasibility study for constructing a nuclear power plant on the Chattahoochee River in Stewart County, Georgia Power Company in March suspended further exploration of the project. In a letter to the Georgia Public Service Commission, the company said demand projections showed that embarking on the study would be premature. The company continues to be dogged by cost overruns on its Vogtle nuclear reactors highlighted in this year's Dirty Dozen report.

2016 Georgia's Well Water: Effort to Dump Coal Ash At Wayne County Landfill Stopped

Faced with mounting opposition from the citizen group No Ash At All and other Wayne County residents, Republic Services in April announced that it would temporarily halt efforts to build a rail spur to its Broadhurst Landfill to accept up to 10,000 tons of coal ash daily. The rail spur would have required filling some 25 acres of wetlands while the toxic coal ash threatened drinking water sources for area residents. Republic Services has offered to permanently refuse to accept ash at its Wayne County facility in exchange for higher dumping rates for local residents. The local Municipal Solid Waste Management Authority has rejected that proposal, but negotiations continue.