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For More Information Contact:

Gil Rogers, Southern Environmental Law Center, 404-521-9900 or grogers@selcga.org
Emily Kurilla, Ogeechee Riverkeeper, 866-942-6222 or emily@ogeecheeriverkeeper.org
Dana Skelton, Georgia River Network, 706-549-4508 or dana@garivers.org
Joe Cook, Coosa River Basin Initiative, 706-409-0128 or jcook@coosa.org
Jason Ulseth, Chattahoochee Riverkeeper, 404-352-9828 or julseth@chattahoochee.org
Chris Manganiello, Water Policy Director, Chattahoochee Riverkeeper, 404-924-4509 or CManganiello@chattahoochee.org

LEGISLATORS PROTECT WATER, PROPERTY RIGHTS, BUT CONCERNS REMAIN ABOUT COAL ASH WASTE, OTHER CLEAN WATER PROTECTIONS

Atlanta, GA - Property rights and clean water advocates say that the Georgia General Assembly responded favorably to voters' requests to protect water and property rights this session. Several key issues remain unaddressed. Georgians are encouraged to visit www.protectgeorgia.org to take action to protect property rights and drinking water.

Regulating Pipeline Companies' Use of Eminent Domain to take Private Property

The Georgia Water Coalition lauded the passage of legislation to regulate petroleum pipelines and petroleum pipeline companies' use of eminent domain.

"A bipartisan group of Senators and Representatives showed great leadership. They represented their constituents' concerns about the overreach of private petroleum companies and corporations' ability to use eminent domain to claim people's land," said Emily Kurilla, Ogeechee Riverkeeper. "Rep. Jon Burns, Rep. Al Williams, Sen. Rick Jeffares, Sen. Jack Hill, Sen. John Kennedy, Sen. Ben Watson, Sen. Jesse Stone, Sen. William Ligon, and Sen. Blake Tillery provided critical leadership on this issue. Their efforts ultimately resulted in a strong bill that protects property and water (HB 413). We thank them and encourage Governor Deal to sign HB 413."

Statewide Water Trails Resolution of Support Passes Unanimously

The Georgia Water Coalition also supported legislation to promote tourism and safe public access to Georgia's waterways. HR 281, which promotes water trails in Georgia, passed the House unanimously. Water trails help to provide safe public access points and prevent trespassing on private land.

"A water trail is similar to a hiking trail but on a waterway, and includes safe public access points, information kiosks and signage, and family friendly amenities such as picnic areas and facilities along the route," said Dana Skelton, Georgia River Network, Executive Director. "Water trails help promote tourism and clean water, and we thank Rep. Spencer Frye (D-Athens), Rep. Tom McCall (R-Elberton), Rep. David Knight (R-Griffin), Rep. Debbie Buckner (D-Junction City), Rep. Chuck Williams (R-Watkinsville), and Rep. Lynn Smith (R-Newnan) for supporting House Resolution 281."

There are currently 15 established and 17 developing water trails in Georgia. To view the Statewide Water Trails Resolution and learn more about Georgia River Network's Water Trails Program, visit the Georgia Water Trails website at <http://GaWaterTrails.org>.

"Water trails often offer a first experience in paddlesports, which can lead to a lifetime of healthy enjoyment and an enhanced appreciation of water and other natural resources. We very much appreciate the Members of the House recognizing and celebrating the value of Water Trails," said Dan MacIntyre, River Protection Chair, Georgia Canoeing Association.

Throughout the General Assembly's 40-day session, the Georgia Water Coalition continued to demonstrate the collective power that 237 conservation and environmental organizations, hunting and fishing groups, businesses, and faith-based organizations have exerted to protect Georgia's water for more than a decade. Combined, these organizations represent more than 250,000 Georgians.

"Since its formation in 2002, the Coalition has accrued a track record of successes that have established us as a statewide powerhouse," said Gil Rogers, Director of the Southern Environmental Law Center's Georgia office. "We are a highly effective voice on water issues."

Communities Remain Threatened by Coal Ash Waste

This effectiveness was demonstrated in the introduction of measures to protect Georgia's communities from toxic coal ash waste. Coal ash is the waste left over from burning coal. Thousands of Georgians reached out to their legislators to encourage action on this threat to their drinking water and their families. Legislators, including Rep. Jeff Jones and Sen. William Ligon, introduced multiple bills (HB 387, HB 388, and SB 165) to protect communities throughout the state from toxic coal waste. The legislation remains in committee to be taken up in the 2018 legislative session. The Georgia Water Coalition encourages Georgians to thank the bills' supporters, especially Rep. Jeff Jones and Sen. William Ligon.

Although the Chair of the House Natural Resources & Environment Committee, Rep. Lynn Smith, refused to allow a vote on several key bills, she created an ad hoc coal ash task force to investigate the issue after receiving substantial pressure from Coalition members. Additionally, Rep. Jeff Jones and Rep. Chad Nimmer exercised outstanding leadership in convincing the Georgia Environmental Protection Division ([EPD](#)) to create [a new website](#) providing the public with information about Georgia Power's plans to drain coal ash ponds and information about private storage of coal ash in municipal solid waste landfills. People can sign up to receive updates.

"We made important headway on access to information about toxic coal waste in our communities," said Emily Kurilla, Ogeechee Riverkeeper. "But communities and families remain vulnerable to pollution from this toxic waste. We encourage people to visit <http://www.protectgeorgia.org/#/33> and sign the petition to ask our legislators once and for all to protect Georgia's communities from coal ash waste."

The Coalition has set up a website with a map for residents to view coal ash waste disposal sites near their homes: www.gawater.org/coal-ash

Trust Fund Honesty

Legislators introduced a resolution for a constitutional amendment to ensure that money collected for fee-based programs like the Solid Waste and Hazardous Waste Trust funds is actually dedicated to the intended programs, instead of being funneled to the state's general budget to be spent for whatever purposes the General Assembly sees fit.

Since these funds were created in 1993, tipping fees that we pay at landfills and a \$4 fee imposed when we purchase a set of new tires have generated \$469 million for the state. Of these millions collected, about 40 percent (\$193 million) has been used to fund other portions of the state budget.

“Georgia has a backlog of hazardous waste sites needing cleanup and dozens of illegal tire dumps,” said Joe Cook, Coosa River Basin Initiative. “With HR 158, the legislature has taken an important first step towards ensuring fees are used for their stated purpose. We look forward to working with the Resolution’s sponsors (Rep. Jay Powell, Rep. Stacey Abrams, Rep. Andrew Welch, Rep. Brett Harrell, Rep. John Meadows, and Rep. Geoff Duncan) and other supporters to pass this important legislation in 2018.”

The Georgia Water Coalition encourages people to reach out to their Senators to support trust fund honesty. A petition is set up at <http://www.protectgeorgia.org/#/30>.

Changing the Shore Protection Act to the Shore Destruction Act

The Coalition also engaged Georgians to speak out for the coast. HB 271 would have redefined “sand dunes” in the Shore Protection Act. The bill, dubbed the “Shore Destruction Act”, would allow homes to be built only 25 feet from the ordinary high water mark along areas of the coast where the sand is already washing away. The bill stalled in the Senate. Coalition members are committed to ensuring that legislation in 2018 will be fully protective of the entire coast.

Legislation to Reduce Local Protections from Flooding Dies

Localized flooding and polluted runoff is a growing problem in Georgia. More frequent severe weather events and the increase in paved surfaces caused by growing populations results in more polluted water and flooding.

A bill targeting local programs to manage this water, called “stormwater utilities” or “stormwater fees” also failed to advance during the General Assembly’s 2017 session. SB 116 creates an exemption for any “water neutral site” that is “designed to achieve control of water runoff from a 25-year, 24-hour storm event.” But none of these exempted properties are actually “water neutral,” and would still be releasing stormwater into the local system for the government to manage.

“Eliminating stormwater fees paid to local governments to manage stormwater would have created more expensive problems,” said Jason Ulseth, Chattahoochee Riverkeeper. “SB 116 would have cost taxpayers much more money in the long run.”

While SB 116 failed to advance, a joint study committee will study stormwater management fees in 2017.

Streamside Setbacks Delayed, Again

The Georgia Water Coalition has been involved in “buffer policy” for decades. According to the Georgia Erosion and Sedimentation Control (E&S) Act, all of Georgia’s waterways are supposed to be protected by a 25-foot stream buffer. On cold water trout streams in North Georgia that buffer is 50 feet.

In 2015, a Georgia Supreme Court ruling placed the protection of Georgia’s creeks, rivers, and lakes in question. The high court limited the methods used by Georgia’s Environmental Protection Division (EPD) to determine streamside protection zones to a single, narrow test: buffers are to be measured only from the point of “wrested vegetation.” However, not all waterways have wrested vegetation, which leaves many of the state’s creeks, rivers, and lakes without a protected buffer. Furthermore, the high court said this problem can be fixed only by the legislature.

Multiple legislative attempts to improve this law to protect all of Georgia’s state waters have been met by opposition from special interests who are already exempt from the law. Rather than change the law as recommended by the Georgia Supreme Court, the General Assembly created a Joint Study Committee on Stream Buffers that will meet before December 31, 2017.

“Buffers are the most cost-effective tool to keep our water clean and protect property rights,” said Chris Manganiello, Chattahoochee Riverkeeper Water Policy Director. “There is a solution to this problem.”