

2021's Worst Offenses Against GEORGIA'S WATER

WHITEWATER CREEK

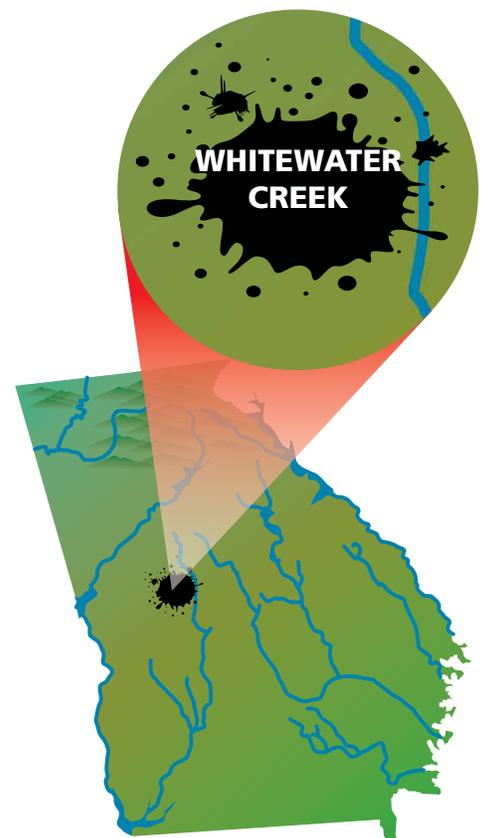
Mixed-Use Development Catering to Film Industry Muddies Creek,
Lake in Fayetteville

INTRODUCTION:

Dirt, in the case of this Dirty Dozen entry, is, in fact, the pollutant of concern. Dirt—more specifically the muddy sediment washing off construction sites and other disturbed areas after heavy rains is considered the leading cause of water pollution in Georgia. This stormwater colored by Georgia's red clay hills blocks sunlight from aquatic plants, impacts fishes' and other aquatic animals' ability to find food and reproduce, fills drinking water reservoirs, drives up the cost of treating drinking water, clogs stormwater pipes and infrastructure causing flooding and impacts recreational use of our waterways. Thus, when Georgia experiences a building boom and land is cleared for new homes and businesses, our rivers get hammered as well. During the last several years, residents downstream of the Trilith Studios and adjacent mixed-use development in Fayetteville have learned first-hand just how much damage sediment can do when developers do not properly install and maintain structures to keep the dirt from migrating downhill and into creeks and adjacent properties. Dirt from the movie studio development is filling wetlands along Whitewater and Sandy creeks, clogging a neighborhood amenity lake and damaging residents' use and enjoyment of their properties. Now, the developer faces a Clean Water Act suit brought by downstream property owners and Flint Riverkeeper.

THE WATER BODY:

With its headwaters near Fairburn in South Fulton County, Whitewater Creek winds some 26 miles through the heart of Fayette County before joining Line Creek and ultimately the Flint River. It has played an important role in the history of Fayette County powering two early grist mills: Bennett's Mill and Starr's Mill. Established prior to the Civil War, Bennett's Mill and the lake the mill dam creates, is the water body most impacted by dirt from the Trilith development. Today, Whitewater Creek continues to serve the Fayette County community, providing a portion of the region's drinking water, and serving as an aesthetic and recreational amenity for residents, especially at places like Crystal Lake Estates on Bennett Lake where access to swimming,





boating and fishing opportunities drives property values. Whitewater Creek is also important to the region's rare aquatic wildlife. Portions of the creek immediately downstream of Bennett's Lake have been designated as critical habitat for four federally protected mussel species: the gulf mocassinshell, shiny rayed pocketbook, oval pigtoe and purple bankclimber, all of which are sensitive to sediment pollution.

THE DIRT:

In the 1980s, when property along historic Bennett's Lake was subdivided and developed, its promoters chose the name Crystal Lake to market the new neighborhood. Much to the dismay of homeowners who have since invested in the desirable lakefront lots in suburban Fayette County, dirt washing off the Trilith development immediately upstream has transformed their crystal lake into a muddy mess.

Bennett Lake has been filled in places with as much as two feet of sediment; portions of the lake that were once navigable are no longer so; where once there was water, vegetation has sprouted; wetlands along the creek have been filled with red mud. Crystal Lake residents no longer use their amenity for swimming, boating and fishing the way they once did.

State erosion and sedimentation laws are in place to prevent this kind of damage to downstream water bodies and property owners, but since beginning to clear land, operators of the Trilith development have repeatedly failed to abide by these laws.

The 234-acre development on steeply-sloped terrain is part of a mixed-use residential development associated with Trilith Studios, one of the largest film and production studios in the country and known for its many Marvel Studios blockbusters like Avengers Infinity War. Among the major investors in Trilith is Dan Cathy, CEO of Chick-fil-A.

In 2018, the City of Fayetteville noted no less than 70 erosion and sedimentation law violations at the development; in 2019, additional violations were noted and in 2020, city inspectors required Trilith developers to remediate wetlands that had been covered with mud from stormwater leaving their construction sites.

Since 2019, Flint Riverkeeper has monitored outfalls from the development and routinely found turbidity levels more than 10 times the levels allowed by law, documenting more than 70 incidents where discharges from the Trilith development violated state laws.

Despite multiple complaints filed with the developer, as well as local and state environmental regulators, Crystal Lake residents have seen the pollution continue, and in July filed a federal Clean Water Act suit to bring Trilith in compliance with state and federal laws and recover damages.

WHAT MUST BE DONE:

Trilith must act immediately to stop the continued pollution of Whitewater Creek and Bennett's Lake, and settle the pollution and trespass suit filed by Crystal Lake Estate homeowners and Flint Riverkeeper to restore and remediate damage done to the creek, lake and wetlands.

Top: The mixed-use Trilith development, with Trilith studios in the background, sprawls over some 234 acres. The acres of cleared land has resulted in tons of sediment being released to Whitewater and Sandy creeks and impacting Lake Bennett in Fayetteville.



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