



**2022 DIRTY DOZEN REPORT**  
**CELEBRATING 50 YEARS OF THE CLEAN WATER ACT'S IMPACT ON GEORGIA'S WATER**

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For more information about specific Dirty Dozen sites view the report at:

<https://www.gawater.org/resources/dirty-dozen>

**For Immediate Release** : Today, in celebration of the 50<sup>th</sup> anniversary of the Clean Water Act, Georgia's leading water advocacy organizations released their "Dirty Dozen" report for 2022, highlighting 12 landmark legal actions that have shaped the implementation of the Clean Water Act in Georgia.

Unlike previous Dirty Dozen reports that shined a light on present threats to the health of Georgia's water, this year's edition takes a look back at actions that corrected some "dirty" situations to improve the health of Georgia's water and the people and wildlife that depend on it.

When passed by Congress in October 1972, the Clean Water Act included a provision allowing citizens, or grassroots citizen groups, to file lawsuits against polluters when federal and state regulators failed to enforce the law. This provision has proven critical in cleaning up water pollution problems across the nation, and especially in Georgia.

Many of the 12 legal actions cited in this year's Dirty Dozen report were initiated by citizens and water protection organizations, and the outcomes of these actions helped clarify and strengthen the scope of the landmark federal legislation. Among the organizations playing a role in the fulfillment of the Clean Water Act's goal of making all the Georgia's water swimmable and fishable are Chattahoochee Riverkeeper, Coosa River Basin Initiative, Sierra Club, Trout Unlimited, Ogeechee-Canoochee Riverkeeper, Savannah Riverkeeper and Georgia Wildlife Federation.

The list of cases include:

- **Alma v. United States:** In 1988, the U.S. Environmental Protection Agency invoked its rarely used veto power to stop the construction of a 1,400-acre recreational reservoir in the tiny Bacon County town of Alma.
- **Burkhalter v. Claxton Poultry Farms:** In 2000, citizens downstream of Claxton chicken processing plant sued to prevent the continued pollution of their property on the Canoochee River. The lawsuit forced the facility to upgrade its

waste management and secured funding to start Canoochee Riverkeeper (now Ogeechee Riverkeeper)

- **Chattahoochee Riverkeeper v. American Sealcoat Manufacturing:** Chattahoochee Riverkeeper's 2014 investigation of an Atlanta asphalt sealant manufacturer and subsequent lawsuit led to a \$500,000 cleanup and prompted state and federal regulators to strengthen their oversight of industrial facilities.
- **United States v. Dalton Utilities:** Federal regulators forced upgrades to the City of Dalton's sewage treatment system in 1998, but the Carpet Capital of the World's massive land application system remains a problem for downstream water users in Rome and Alabama because of the discharge of toxic PFAS, a manmade chemical used to make stain resistant carpet.
- **United States v. DeKalb County:** Years of unceasing sewage spills prompted the U.S. Environmental Protection Agency in 2007 to deem DeKalb County's sewer collection system and treatment facilities a failure and take action to force the county to fix its problems. But, progress was slow. Mismanagement and corruption delayed projects, and today, the county is still faced with a 2027 deadline to fix its sewer system. Advocates say the planned \$1 billion in upgrades is not enough to fix the whole system, especially in predominantly Black South DeKalb County.
- **Driscoll v. Adams:** One of the first construction stormwater cases to be litigated in Georgia, this 1997 case from Union County confirmed mud as a pollutant regulated by the Clean Water Act and the six-figure ruling served notice to homebuilders and land developers across the state.
- **Ogeechee-Canoochee Riverkeeper v. U.S. Army Corps of Engineers:** In 2006 the Clean Water Act helped save a stand of 100-year-old cypress trees on a Bulloch County lake. In this case, the local riverkeeper argued that the harvest of the trees was not covered under the Clean Water Act's exemption for forestry projects. The courts agreed and clarified that the legislation's forestry exemption applied only to "ongoing silviculture," not one-time harvests like the one planned for Cypress Lake.
- **Ogeechee-Canoochee Riverkeeper v. King America Finishing:** A 2011 fish kill on the Ogeechee River in Screven County and an anemic response by state regulators to the tragedy, prompted Ogeechee Riverkeeper to file a lawsuit that ultimately resulted in nearly \$6 million in investments to protect the river. Most of that investment would not have been made had the enforcement of clean water laws been left solely to state regulators.
- **Sierra Club v. Hankinson:** Some 20 years after the passage of the Clean Water Act, Georgia had still not implemented a key component of the act—identifying polluted water bodies and developing plans to restore them. Thus, in 1994 a coalition of local and national groups sued the federal government to force Georgia to start the cleanups. Since then, the state regulators have upped their game and multiple rivers have gotten on the path to restoration because of this legal action.

- **Upper Chattahoochee Riverkeeper v. City of Atlanta:** For decades, the Chattahoochee downstream from Atlanta was described as an “open sewer,” the consequences of a failed sewage collection system and an even greater failure of state and federal regulators to enforce the Clean Water Act. In 1995, the upstart Upper Chattahoochee Riverkeeper sued the City of Atlanta to stop the pollution. Decades and \$2 billion in water infrastructure investments later, the Chattahoochee downstream from Atlanta is cleaner and experiencing a renaissance.
- **Upstate Forever and Savannah Riverkeeper v. Kinder Morgan:** A 2014 spill of 369,000 gallons of gasoline from a petroleum pipeline near Belton, South Carolina and a insufficient cleanup of the mess, prompted two local water protection groups to take legal action. The suit that went all the way to the Supreme Court was among several that helped clarify that when a polluter soils groundwater that then pollutes surface water, the polluter is responsible for cleaning it up. The settlement also created a \$1.5 million fund for clean water projects in the Upper Savannah River basin.
- **United States v. Wright Brothers Construction & GDOT:** When a contractor for the Georgia Department of Transportation (GDOT) buried portions of seven primary trout streams in Rabun County beneath mounds of dirt, it set off an investigation by state regulators and legal action by the U.S. Environmental Protection Agency. The resulting \$2.8 million settlement in 2011 got GDOT’s attention and changed the culture at the state agency that is known as the biggest dirt mover in the state.

The Georgia Water Coalition is a consortium of more than 285 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 thousands of Georgians.