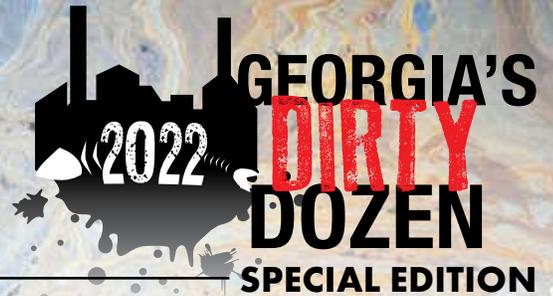


# Celebrating the Clean Water Act's Impact on **GEORGIA'S WATER**



## **MICHAEL AND LINDA BURKHALTER V. CLAXTON POULTRY FARMS**

### After "Paradise" Lost on Canoochee River, Local Citizens Force Poultry Plant to Cleanup, Create Riverkeeper Group

#### **INTRODUCTION**

For Linda Smith and her brothers and sisters, the Canoochee River was their summer childhood home. Once school was out in the 1950s and 60s, the family retreated to the cool air by the river bottom and spent their days swimming in the river and their nights sleeping on a soft, snow-white sandbar. But by the late 1990s, the paradise of her youth was lost. Pollution from an upstream chicken processing facility was causing massive algal blooms on the Canoochee, leaving the Smith's family swimming hole covered at times from bank to bank with a thick, slimy floating mat of algae. Armed with courage and a bulky video camera, Smith began documenting the pollution. Her efforts soon attracted the attention of attorneys and a young graduate student at nearby Georgia Southern University who began investigating nitrogen pollution in the river. The Clean Water Act lawsuit filed by the Smith family in 2000 ultimately forced Claxton Poultry to create a new land application system and secured funding to start Canoochee Riverkeeper, a non-profit citizen organization dedicated to monitoring and protecting the river.

#### **THE WATER BODY**

A blackwater stream of uncommon beauty lined by moss-draped tupelo and cypress, the Canoochee River winds some 100 miles from near Swainsboro in Emanuel County to its confluence with the Ogeechee River near the Georgia coast in Bryan County. Along its journey, it assimilates the waste of not only Claxton Poultry, but that of the citizens of Statesboro, Metter, Claxton and Hinesville, including the U.S. Army's Fort Stewart. It supports a thriving recreational fishery and provides habitat for two federally protected fish species: the Atlantic and shortnose sturgeons.

#### **THE CASE**

More than 20 years after winning her Clean Water Act case against Claxton Poultry, located about five miles upstream from her family's property, Linda Smith still feels the loss of her paradise.

Though the lawsuit resulted in an undisclosed monetary settlement for her



The Canoochee River which flows some 100 miles from near Swainsboro in Emanuel County to its confluence with the Ogeechee River near the Georgia coast in Bryan County, like South Georgia's other blackwater rivers, is characterized by clear, tea-colored water and snow white sandbars. Pollution from Claxton Poultry caused extensive algal blooms that interfered with the use and enjoyment of the river by downstream property owners.



Claxton Poultry processes some 400,000 chickens a day at its facility located along the Canoochee River in Evans County. Pollution from the facility prompted downstream landowners to file a Clean Water Act lawsuit that forced the company to improve its wastewater management and provide funding to start Canoochee Riverkeeper, now Ogeechee Riverkeeper.

But water tests conducted by Ogeechee Riverkeeper downstream from the facility have shown high conductivity levels, an indicator of possibly high nutrient levels. The most likely path of pollution to the river is through groundwater.

Tests conducted in the early 2000s by Chandra Brown as part of her masters degree study at Georgia Southern University showed that nitrogen-rich groundwater—not just surface water—was the largest contributor of pollution in the river, and that those inputs were most significant near Claxton Poultry’s original land application spray fields. During low water, especially, nitrogen-rich water can spawn algal blooms.

Despite upgrades to Claxton Poultry’s wastewater management system, it is possible the facility is still polluting groundwater which in turn pollutes the Canoochee.

This is significant because in 2020 the U.S. Supreme Court ruled that pollutants entering surface waters through groundwater are regulated under the Clean Water Act. It remains to be seen if this ruling will impact the more than 200 land application systems in Georgia including Claxton Poultry, but such legal decisions show that the 50-year-old landmark environmental legislation continues to evolve, especially through legal challenges brought by citizens.

Brown, who would complete her masters studies at Georgia Southern and become the first Canoochee Riverkeeper, went on to file multiple Clean Water Act lawsuits in that capacity. “This is literally what the Clean Water Act was designed to do,” she said. “To allow citizens to step in when the government fails to enforce the law.”

family, the establishment of Canoochee Riverkeeper (now Ogeechee Riverkeeper) and a host of stipulations that ultimately led Claxton Poultry to develop a new land application system, she remains convinced the poultry processing facility is still polluting the river.

She said her once snow-white sandbar is discolored and overgrown and the river still shows signs of algae with a black slime coating the sandy river bottom. “It’s been like watching someone you love slowly die,” she said after a recent visit to the family’s sandbar.

In the years following the lawsuit, the company, which processes some 400,000 broilers a day, invested in more than 3,000 acres of land northwest of Claxton along the Canoochee to create a 782-acre hay, corn and cotton farm fertilized daily by some 1.6 million gallons of process wastewater from its nearby broiler operation. The wastewater is sprayed on to fields through an irrigation system.

The company insists that this land application system, regulated by Georgia’s Environmental Protection Division (EPD), is managed to prevent excessive nutrients from reaching the river.



The Canoochee River empties into the Ogeechee River in Bryan County near the Georgia coast. The rivers’ moss-draped riversides of tupelo, cypress and hardwoods are an iconic landscape of South Georgia.

## FOR MORE INFORMATION

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