

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



UNITED STATES V. DEKALB COUNTY

EPA Forces Sewage Upgrades In DeKalb County, But Progress Has Been Slow

INTRODUCTION

In 2007, after years of unceasing sewage spills, the U.S. Environmental Protection Agency (EPA) deemed DeKalb County's wastewater system a failure, and took legal action to force the county to fix its aging sewer collection system and treatment facilities. The result was a 2011 consent decree that required the county to pay a \$453,000 fine to federal and state governments, improve some 20 percent of its sewer lines in so-called "priority areas," and achieve specific pollution reduction goals by 2020. But improvements were slow in coming. The 2020 deadline came and went, resulting in an amended consent decree in which DeKalb County paid another \$1 million in fines and promised, among other things, to fix by the end of 2027 more than 100 sites where multiple sewage spills had already occurred. While the county has made progress since 2020, the scope of the work, estimated to cost \$1 billion, is daunting. And critics contend that the mandated fixes are not enough to fully eliminate sewage spills and that ongoing spills disproportionately impact DeKalb's lower income and predominantly Black communities. In 2021, the South River Watershed Alliance sued DeKalb County arguing that the amended 2020 consent decree failed to enforce the Clean Water Act.

THE WATER BODY

DeKalb County is drained by dozens of small streams like Nancy and Peachtree that flow to the Chattahoochee River and Intrenchment, Sugar, Shoal and Snapfinger that wind to the South River. Each of these streams has been identified by state regulators as having high fecal bacteria levels, largely due to the frequent sewage spills that plague DeKalb County's sewage collection system. Likewise, sections of the South and Chattahoochee rivers on the receiving end of these creeks also fail to meet water quality standards. In spite of this, the Chattahoochee River through Atlanta serves as the region's primary drinking water source and one of the region's top outdoor recreation amenities with more than 3 million people visiting the Chattahoochee River National Recreation Area annually for fishing, boating, swimming and walking the park's trails. The South River, long-neglected and polluted, is nevertheless undergoing a renaissance with the development of recreational walking trails along its banks and a boating trail stretching from DeKalb County to Jackson Lake.



The South River in South DeKalb County spills over Albert Shoals. Though progress has been made and water quality in the South River has improved over the last four decades, much still needs to be done to fix the county's 2,700-mile sewer system and its treatment facilities. The South River Watershed Alliance has sued DeKalb County arguing that the county's consent decree violates the Clean Water Act because it does not mandate repairs and set deadlines for fixing the entire system, especially in South DeKalb County where most of the sewage spills occur.

THE CASE

The scope of DeKalb County's sewer infrastructure upgrade needs is immense. The county operates nearly 2,700 miles of sewer lines and two major wastewater treatment plants that process on average 78 million gallons of sewage daily. The system is so large—in terms of miles of sewer pipe—that there's one manhole cover for every 10 of the county's 700,000-plus residents. It's larger than the much-maligned City of Atlanta sewer system by nearly 600 miles.

Years of neglect have taken their toll. Even after the 2011 consent decree, mismanagement and corruption stalled upgrades. Construction of the new Snapfinger wastewater treatment facility, which when complete will expand the system's capacity by nearly 20 million gallons a day, was begun in 2012 and is still not finished. Between 2014 and 2019, the system experienced 800 spills. In a 16-month span between 2019 and 2021, 27 million gallons of untreated sewage escaped from the system. In the first eight months of this year, nearly 12 million gallons escaped the system.

During rain events, the system's aging pipes allow water to infiltrate the sanitary sewer system, and when the pipes fill, the mix of raw sewage and rainwater overflows through manhole covers, fouling neighborhoods and area streams.

Indeed, the task of rehabbing this system will take years—much longer than the five years remaining in the current consent decree. That agreement mandates that only 831 miles of the system's nearly 2,700 get fixed, and initially targets 103 sites where repeated sewage overflows have been identified.

The good news is that since 2020 half of those 103 sites have been repaired, along with 42 other sites not previously identified in the consent decree, and the county is slowly assessing, rehabbing and replacing aging pipes.

The bad news is that much of the upgrades outlined in both the 2011 and 2020 consent decrees disproportionately benefit higher income and predominantly white portions of DeKalb County and neglect predominantly Black sections of the county, according to Jacqueline Echols, board president with the South River Watershed Alliance.

The Alliance has filed a Clean Water Act lawsuit of its own against DeKalb County arguing that the consent decree violates the Clean Water Act because it does not mandate repairs and set deadlines for fixing the entire system—especially in South DeKalb County where it claims most of the sewage spills occur.

"The people of South DeKalb County deserve equal protection under the Clean Water Act, and they are not getting it," Echols said. In a June letter to EPA Region 4 administrator Daniel Blackman, Echols noted that 66 percent of the spills in DeKalb's sewer system occurred in South DeKalb County, but that the sewer lines targeted for repair are mostly in North DeKalb County.

The final verdict in *South River Watershed Alliance v. DeKalb County* is still pending, as is a full and complete rehab of DeKalb's long ailing sewer system. But this ponderous journey to healthy creeks in DeKalb may have never started if not for the Clean Water Act.



Treated sewage is discharged to the South River from DeKalb County's Pole Bridge Creek wastewater treatment facility. The U.S. Environmental Protection Agency took action against DeKalb County in 2007 after years of unceasing sewage spills. The county is now in the midst of sewer infrastructure projects estimated to cost \$1 billion and has until 2027 to come into compliance.

FOR MORE INFORMATION

Jacqueline Echols, Board President South River Watershed Alliance,
southriverwatershedalliance@gmail.com, 404-285-3756

