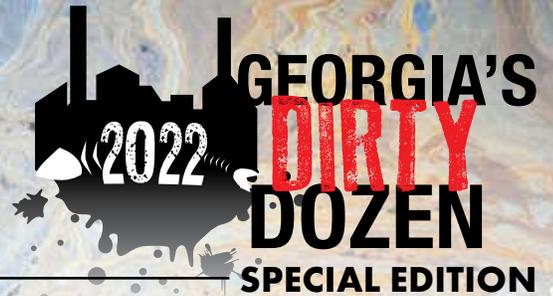


# Celebrating the Clean Water Act's Impact on **GEORGIA'S WATER**



## **UPPER CHATTAHOOCHEE RIVERKEEPER V. CITY OF ATLANTA**

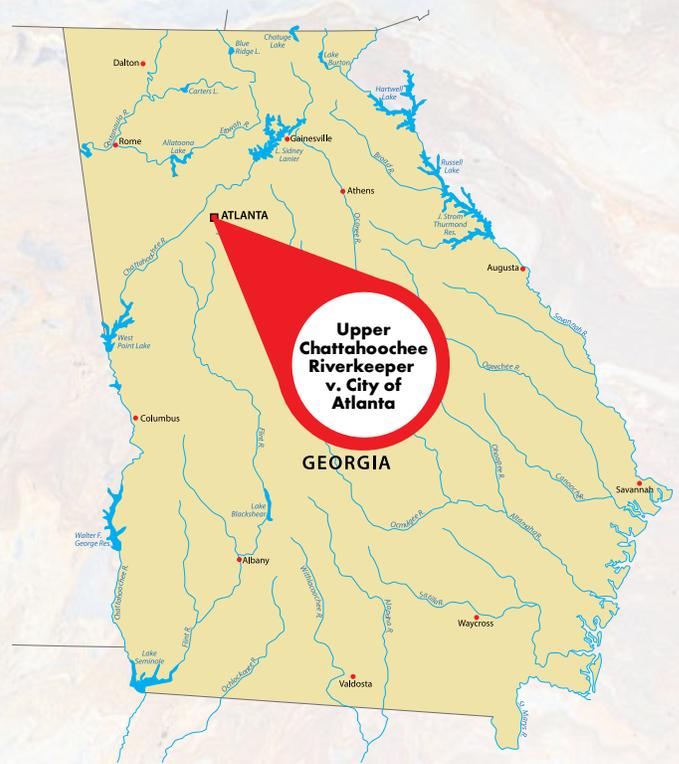
### Lawsuit Filed by River Advocacy Group Forces Atlanta to Clean Up Its Sewer System

#### **INTRODUCTION**

From the 1960s through the 1990s, the Chattahoochee River downstream from Atlanta was often described as an “open sewer.” Until the late 1970s when upgrades to Atlanta’s largest sewage plant were finally completed, an estimated 50 million gallons of untreated sewage was diverted directly to the river each day. Into the 1990s and early 2000s, rain events in Atlanta sent a combined brew of stormwater from the city’s streets and sewage spilling into the city’s creeks and on to the river. State regulators cautioned citizens not to recreate in the Chattahoochee, and West Point Lake, some 65 miles downstream, was plagued by algal blooms. Residents of LaGrange, which pulled its drinking water from the lake, complained of their tap water’s odor and taste. Meanwhile, state and federal environmental regulators seemed content to issue ineffective fines and let the city continue to pollute. The upstart Chattahoochee Riverkeeper entered this septic fray in 1994 intent on forcing the City of Atlanta to fix its failing sewer and stormwater systems. A year later, the non-profit organization filed suit under the Clean Water Act’s citizen suit provision and by 1998, the city agreed to a consent decree that led to a \$2 billion investment in the city’s sewer and drinking water infrastructure. Now, two decades later, the river downstream of Atlanta has been revived. Recreational boaters and anglers have returned and the improved conditions have spawned riverfront development and a push to create a multi-modal public recreation corridor from Atlanta to Coweta County.

#### **THE WATER BODY**

For all the river does for the human populations of Georgia and Alabama—serving up drinking water for some five million residents, receiving the treated sewage of that same population, providing the water to power a nuclear power plant and three other electric generating facilities, and servicing two major pulp mills and countless other industries—the Chattahoochee is nonetheless a treasure trove of aquatic biodiversity. It is home to 104 fish species,



Since the early 2000s, the health of the Chattahoochee downstream from Atlanta has improved dramatically and boaters and anglers are beginning to return to a river that was once considered “dead.” The volume of sewer overflows in Atlanta has been reduced by 99 percent and bacteria levels in the river are 80 percent lower than levels measured in the 1990s.

24 species of aquatic turtles, 37 species of salamanders and sirens, about 30 species of frogs and toads and historically as many as 45 species of freshwater mussels. Upgrades to metro Atlanta's sewer systems have improved water quality and habitat downstream such that the fish and the anglers that pursue them are returning. Where once the 60-mile stretch of river between Peachtree Creek and Franklin had only two public boat ramps, today there are seven...and people are using them.

## THE CASE

After decades of failing to keep its sewer infrastructure on pace with the city's growth, the City of Atlanta was finally forced by Chattahoochee Riverkeeper's lawsuit to fix its aged sewage and stormwater system.

The lawsuit specifically targeted five combined sewer overflow (CSO) treatment facilities that were failing to adequately treat the brew of sanitary sewage and stormwater that overwhelmed Atlanta's sewer system during rain events. Outfall from these facilities made the streams they spilled into unsafe due to elevated bacteria levels and that danger extended downstream to the Chattahoochee.

The court found that the City of Atlanta violated the Clean Water Act on multiple fronts, and the lawsuit concluded with the city agreeing to a consent decree that required the city cease the pollution by updating its sewer system by 2014. The decree also ordered the city to pay a civil penalty of \$2.5 million, invest \$2.5 million in stream cleanups and spend some \$25 million on acquisition of public greenspace along both the Chattahoochee and the South River.

Since the lawsuit, the City of Atlanta has invested nearly \$2 billion in upgrades to its sewer, stormwater collection and drinking water infrastructure. The volume of sewer overflows in the city has been reduced by 99 percent, and bacteria levels in the river are 80 percent lower than levels measured in the 1990s. Except during periods of heavy rain when stormwater runoff increases bacteria levels, the river downstream from Atlanta regularly meets bacteria standards. Algal blooms on West Point Lake have dissipated and the lake routinely meets state water quality standards for chlorophyll a, an indicator of algae in the lake.

The improved water quality has impacted how the region's residents interact with a stretch of river that was once considered "dead." In Smyrna, Riverview Landing, a mixed-use community with apartments and businesses overlooking the river and a city park with river access, has transformed a former industrial site. In the last two decades, three public parks have been developed on the river's banks: Chattahoochee Bend State Park in Coweta County, Bushhead Shoals Park in Heard County and Moore's Bridge Park in Carroll County. The river below Atlanta now supports a commercial sport fishing guide and canoe and kayak outfitters. What's more, downstream communities like Fairburn, Union City and Palmetto are now set to begin withdrawing drinking water supplies directly from the river—something that would have been unthinkable 30 years ago.

All this was made possible because the Clean Water Act's citizen suit provision enabled a grassroots citizen-based advocacy group to force corrective action where state and federal environmental regulators had failed.

While the transformation has been remarkable, the City of Atlanta still has more yet to accomplish. In 2012, the deadline for completing the sewer upgrades mandated by the consent decree was extended to 2027.



Upper Chattahoochee Riverkeeper's (now Chattahoochee Riverkeeper) Clean Water Act lawsuit against the City of Atlanta forced the city to comply with the federal law and initiated \$2 billion in sewer infrastructure projects including an 8.5-mile tunnel capable of storing 177 million gallons of untreated sewage. The tunnel dramatically reduced combined sewer overflows that plagued the city's sewer systems during rain events and polluted the Chattahoochee with fecal bacteria.

## FOR MORE INFORMATION

Jason Ulseth, *Chattahoochee Riverkeeper*,  
julseth@chattahoochee.org, 770-312-3855

