



The Georgia Department of Transportation is considered the largest single mover of dirt in the state. So in the early 2000s as Georgia's Environmental Protection Division began enforcing portions of the Clean Water Act regulating stormwater from construction sites, it was no surprise that road building projects consistently generated the most citizen complaints.

"We decided the best bang for the buck was to get DOT into compliance," said Bert Langley, a former director of compliance with EPD, now retired. "And, that was a big task because no one had ever asked DOT to follow the laws."

The thinking, Langley said, was that if EPD could get GDOT in compliance, others would follow.

When EPD received complaints from a Lake Burton resident about road work on U.S. 411 and U.S. 76 in Rabun County, a site inspection revealed that between 2004 and 2007 the GDOT contractor, Wright Brothers Construction, had buried portions of seven primary trout streams beneath mounds of dirt, a violation of both the Clean Water Act's construction stormwater and wetlands protection rules.

The U.S. Environmental Protection Agency and U.S. Department of Justice soon filed suit against the contractor and GDOT, and in 2011 a settlement was reached that forced the contractor and GDOT to pay a \$1.5 million civil penalty to the federal government and spend \$1.35 million to restore trout streams in the area. At the time of the settlement, the civil penalty was one of the largest ever under Clean Water Act provisions prohibiting the unauthorized filling of wetlands and streams.

At GDOT, the settlement turned heads and changed the culture. Langley said. "It was a major shake up for them. Today, they know what they are supposed to do, and they do a fair job, but back then (prior to implementation of construction stormwater permitting) it was a circus."

of the South." Today, valuable lakefront homes crowd the banks of the four reservoirs and Tallulah Gorge State Park preserves the two-mile long, 1,000-foot deep gorge. Twice each year, Georgia Power Company sponsors a series of water releases that permits thrill seeking kayakers the opportunity to run the Class IV-V whitewater through Tallulah Gorge.

THE CASE

In 2000 when Georgia began implementing the Clean Water Act's construction stormwater provisions designed to force developers and others to keep dirt on their construction sites and out of nearby streams (and off private property), EPD, with limited funds and manpower, was intentional about targeting the state's biggest dirt mover—GDOT. After all, the state agency's road building projects consistently generated the most citizen complaints.



A swimmer flips into the Tugaloo River. A headwater stream of the Savannah River, the Tugaloo's health is dependent upon the protection of the Tallulah and Chattooga rivers upstream.

FOR MORE INFORMATION

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