

2024's Worst Offenses Against GEORGIA'S WATER



GEORGIA'S STREAMS

Lax Enforcement of State Laws Allows Dirt From Development Sites To Soil Creeks

INTRODUCTION

By all measures, Georgia's economy is booming. Last summer, the state announced that with some \$24 billion in investments for new business/industry developments, Georgia's economy set economic development records for a third consecutive year. Massive developments like the \$7 billion Hyundai electric vehicle plant in Bryan County, and the \$5 billion Hyundai/SK electric battery plant in Bartow County are fueling the growth, spurring additional residential and business development in surrounding communities. But, the conversion of forests and fields to construction sites is coming at a cost to local streams. Dirt running off cleared land during every rain enters Georgia's smallest streams and literally chokes the life out of them, with impacts rippling downstream to other property owners and our state's big rivers. Since the mid-1970s, Georgia erosion and sedimentation laws have been in place to minimize the dirt washing off construction sites; but 50 years after those laws went on the books, they are not followed and poorly enforced. The black silt fences, rock dams and retention ponds you see at building sites often fail, and just as often state and local authorities fail to force builders to fix these water pollution problems. Predictably, the result is damaged streams and angry downstream property owners. As it turns out, when environmental laws are not enforced, being the No. 1 state to do business has serious consequences.

THE WATER BODY

There are more than 70,000 miles of rivers and streams in Georgia, but of those miles, the state's 14 major rivers and their significant tributaries account for less than 10 percent of the total stream miles. The remainder of this life-giving system of water is made up of the thousands of small streams that course through business corridors in our cities, border backyards in the suburbs, run past pastures in rural areas and, where the our land remains untouched, through dense forests. Indeed, some 34 percent of the state's total stream miles are classified as intermittent, meaning they do not even flow year round. But, these small streams are vitally important. They link land and water and are the vehicle by which critical nutrients for aquatic flora and fauna



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are transported downstream. Healthy small streams translate into healthy big rivers and reservoirs from which we draw our drinking water and where we boat, fish and swim. When land is cleared and laws to keep dirt out of these streams are not enforced, these small streams are the first to feel the impacts.



Mass grading of a 600-acre data center development in Fayetteville as seen from above. Georgia's erosion and sedimentation laws are enforced by a mix of local and state inspectors. Georgia's Environmental Protection Division, which is responsible for enforcement in 380 jurisdictions, has about 12 inspectors to cover the state.

While EPD personnel say they have enough funding and staff to administer and enforce the law, budget and employment trends at the state agency suggest otherwise.

To enforce the law in those 380 jurisdictions, EPD has the equivalent of 11.5 erosion and sedimentation inspectors statewide.

A fee program in the Erosion and Sedimentation Act intended to support inspection and enforcement generated \$2.4 million in 2023. These collections, paid by developers on a per-acre basis, would be enough to hire more than 48 environmental compliance specialists at EPD's recently-advertised beginning salaries.

It's Georgia's elected leaders that are responsible for appropriating those funds to EPD, but over the past two decades as Georgia's population has grown by more than three million and as state revenues have more than doubled to upwards of \$35 billion annually, EPD has seen its staff and budget shrink. In 2002, the agency employed some 900; today, EPD has a staff of just over 700. Adjusted for inflation, EPD's 2024 budget represents a cut of 30 percent over 2013 funding levels. When compared to EPD budgets prior to 2000, the cuts are even greater.

The consequences of weak enforcement of Georgia's erosion and sedimentation laws at both state and local levels are readily evident after every rain. Typically clear flowing streams flow the color of surrounding dirt. And, the problems are widespread—from residential development in North Georgia to utility-scale solar arrays in South Georgia to industrial development along the coast.

WHAT MUST BE DONE

Georgia state leaders must appropriate enough funds to allow EPD to robustly enforce the state's erosion and sedimentation laws, and where local governments are responsible for enforcement, EPD must ensure that local authorities are enforcing the law.

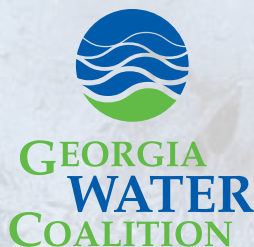
THE DIRT

Georgia's Erosion and Sedimentation Act, first adopted in 1974 and amended multiple times since, is supposed to protect Georgia's streams from excessive sediment as a result of land development. When enforced, the law works. But, in too many incidences Georgia Water Coalition's (GWC) member organizations have found both local and state regulators' enforcement actions to be anemic. Often, it takes the threat of legal action on the part of private citizens to get developers and builders to keep their dirt on site and out of streams and neighboring property.

Some 323 local governments have responsibility to enforce the state's erosion and sedimentation laws; Georgia's Environmental Protection Division (EPD) has responsibility for enforcing the law in the state's other 380 municipalities and counties, while also overseeing local governments to ensure they are enforcing the laws.



Run off from upstream development in Fayette County reveals itself where SandyCreek enters Lake Bennett. When dirt from construction sites enters Georgia's smallest streams, it literally chokes the life out of them, with impacts rippling downstream to other property owners and our state's big rivers.



FOR MORE INFORMATION

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