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MAJOR VICTORY FOR CLEAN WATER JUDGE INVALIDATES FORSYTH COUNTY PERMIT AND ORDERS LESS POLLUTION INTO CHATTAHOOCHEE RIVER

ATLANTA, GA – Late yesterday afternoon, Judge Kristin Miller of the Office of State Administrative Hearings issued a final decision in Upper Chattahoochee Riverkeeper's (UCR) appeal of a permit issued by the Georgia Environmental Protection Division (EPD) to Forsyth County to discharge six million gallons daily (MGD) of treated wastewater into the Chattahoochee River from its Fowler/Shakerag Wastewater Reclamation Facility.

In a precedent-setting decision, Judge Miller found that the permitted discharge would result in lower water quality in the Chattahoochee River. After analyzing the technical and economic feasibility of alternative levels of treatment, the judge concluded that the lowering of water quality is not necessary to accommodate important social or economic growth because Forsyth County can treat its wastewater and discharge significantly less pollution at minimal additional cost. Thus, the judge concluded that the permit issued by EPD to Forsyth County violated state and federal water quality laws. Federal and state law prohibit lowering water quality unless necessary for important social or economic development in the area.

EPD issued the permit to Forsyth County in August 2010 with discharge limits for fecal coliform bacteria and phosphorous that were significantly less protective of water quality than comparable limits in permits issued by EPD to other dischargers in the area, including Gwinnett County, the City of Gainesville and Fulton County. Fecal coliform is an "indicator bacteria" which shows the presence of fecal contamination (i.e., human or animal waste) containing microbiological organisms such as pathogenic bacteria and viruses that can cause illnesses in humans. Phosphorous is a nutrient that when discharged in wastewater into a water body such as the Chattahoochee River can cause, among other things, algal blooms and the reduction of oxygen needed to support fish and aquatic organisms, and thus could threaten the important trout fishery in the Chattahoochee. The proposed discharge location is in the Chattahoochee River National Recreation Area, used by over 3 million visitors a year.

The permit challenged by UCR contained a monthly average discharge limit for fecal coliform bacteria of 200 cfu/100ml and a monthly average discharge limit for total phosphorous of 0.3 mg/l. Those limits were as much as 100 times higher than limits in other recently issued permits in the watershed. Yesterday, in ruling that it was technically and economically feasible for Forsyth County to treat its wastewater such that it would discharge significantly less pollutants into the Chattahoochee River, Judge Miller remanded the permit for reissuance with revised monthly average discharge limits of 0.08 mg/l for total phosphorous and 23 cfu/100 ml for fecal

coliform bacteria. The ruling results in cutting pollution discharged to the River to 1/10 the amount of fecal coliform, and ¼ the amount of phosphorous.

UCR filed the appeal to protect the high quality waters of the Chattahoochee River National Recreation Area (CRNRA) from unnecessarily weak permit limits. In her June 1 decision, Judge Miller stated that, “[o]ver three million people use the Chattahoochee River each year, making it an important economic, recreational, and environmental resource for the state of Georgia and metropolitan Atlanta in particular.” UCR is represented by Andy Thompson and Steve O’Day, attorneys with Smith, Gambrell, and Russell, LLP. “We are very pleased with Judge Miller’s thorough, well-reasoned and detailed decision in which she concluded that the Fowler/Shakerag Permit violated the clear language of the state and federal antidegradation rules because it is technically and economically feasible for Forsyth County to discharge significantly less pollutants and not degrade the water quality of the Chattahoochee River,” said Andy Thompson.

UCR Executive Director Sally Bethea said, “We are thrilled with this decision, which represents a major victory for clean water for all the people who recreate in the river and downstream lakes.”

Established in 1994, Upper Chattahoochee Riverkeeper (UCR) is an environmental advocacy organization with over 5,000 members dedicated solely to protecting and restoring the Chattahoochee River, its lakes and tributaries, for the people, fish and wildlife that depend upon it. The Chattahoochee River is the primary drinking water source for 3.5 million people.

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