

# #4

# South River

**THREAT:** Sewage pollution

**STATE:**

Georgia

**AT RISK:**

Public health

**SUMMARY**

Originating from creeks and streams in Atlanta, the South River has been plagued by sewage pollution for decades. This pollution has choked the river and impacted the health and quality of life in nearby communities, perpetuating longstanding environmental injustice. DeKalb County missed the 2020 deadline set by the Environmental Protection Agency to fix the sewer system. Now, the Department of Justice and Environmental Protection Agency must examine the circumstances surrounding this failure and the years of lax regulatory enforcement. It is critical for the health of South River communities and the river that they take immediate action to ensure that the river and all impacted communities are afforded all clean water protections required by law.

PHOTO: MARGARET SPALDING

## THE RIVER

Flowing through the ancestral lands of the Muscogee (Creek) Nation from just north of Hartsfield Jackson International Airport through Arabia Mountain National Heritage Area (AMNHA) into Jackson Lake, the South River has struggled for decades with extreme environmental impacts concentrated in the two most densely populated areas in metropolitan Atlanta— the City of Atlanta and DeKalb County. Neither has been particularly kind to the river that meanders through primarily moderate to low-income Black neighborhoods. Lax regulation and management have contributed mightily to the river’s pollution problems from sanitary and combined sewage and stormwater runoff. Currently, both municipalities are under federal consent decrees for Clean Water Act (CWA) violations.

Outside of the city, the river’s troubles are masked by the beauty of its surrounding landscape. Massive granite outcroppings, cascading waters and a white sand beach frame the Panola Shoals Trailhead — the recreational gateway to the South River in DeKalb County. Extending 40 miles to the Southeast along this navigable stretch, the river’s ecosystem and wildlife habitat are beautiful and intact. Seven thousand acres of protected greenspace (the combined acreage of AMNHA, Panola Mountain State Park and Monastery of the Holy Spirit – a Trappist monks’ sanctuary) make the river an idyllic place for viewing a wide variety of birds and an abundance of other wildlife.

Over the last decade, the South River has become an important source of water recreation where none previously existed. Only 20 minutes from downtown Atlanta, the river attracts canoeists and kayakers from throughout the metro area. A new 6.5-mile section of water trail will soon be officially designated just downstream in Rockdale County. Hosting hundreds of thousands of visitors each year, the AMNHA is a natural locale for expanding the organized paddle events offered by South River Watershed Alliance that take place throughout late spring and summer, leading the community to share in the state’s \$11.3 billion paddling sports industry.

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## South River

Continued

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### TAKE ACTION:

[AmericanRivers.org/  
SouthRiver2021](https://AmericanRivers.org/SouthRiver2021)

PHOTO: MELANIE COURT

## THE THREAT

DeKalb County owns and operates a sewer system designed to collect and transmit wastewater to treatment facilities before being discharged into the South River in compliance with National Pollutant Discharge Elimination System (NPDES) permit effluent limitations. The county's failure to maintain and upgrade its system has caused sewage to repeatedly overflow from pipes and spill into waterways before reaching treatment facilities.

In 2010, the Environmental Protection Agency, Georgia Environmental Protection Division and DeKalb County entered into a consent decree aimed at bringing the county into compliance with the Clean Water Act and eliminating sewage spills. The EPA is responsible for ensuring that the negotiated objectives of the consent decree are achieved. However, while EPA's consent decree imposed a deadline to repair the county's sewer system in "priority areas" (June 2020 — already missed), they did not impose a deadline to address issues in "non-priority areas" (a de-facto statement that compliance with the Clean Water Act is not necessary in these areas). These non-priority areas make up more than two-thirds of

the sewer system with over 1,800 miles of sewer pipes, including the entire navigable length of the South River in DeKalb County and the largest concentration of Black residents in the state. Not surprisingly, most of the sewage spilled from the sewer system is in non-priority areas.

The EPA has negotiated an extension of the consent decree deadline or modified consent decree (MCD) with DeKalb County, given that they have not even fully addressed the sewage problem in "priority areas". The MCD is now focusing on 103 priority work projects (i.e., repeat spill locations) — 48 in Priority Areas and 55 in Non-Priority Areas. Theoretically, all projects are to be completed within the next seven years, with most work completed by 2025. Even if all 55 work projects slated for non-priority areas are completed within the seven-year timeframe, which is very unlikely, the requirement to eliminate all spills by an agreed upon deadline as required by the Clean Water Act remains far beyond reach.

## WHAT MUST BE DONE

It is the responsibility of the EPA to effectively negotiate and enforce consent actions that achieve the goals of the Clean Water Act for all, regardless of race, socio-economic status or geography. Compliance and enforcement are paramount. Neither the consent decree nor MCD include a deadline to repair the sewer system in "non-priority areas," thus there is no requirement for compliance with the Clean Water Act for these impacted communities.

DeKalb County must commit to making the necessary investments to address wastewater management issues fully and eliminate sanitary sewage spills for all impacted communities in a timely manner. The EPA and the Department of Justice (DOJ) must determine what went wrong with the negotiation and implementation of the consent decree and take all necessary actions to restore Clean Water Act protections to the South River and the entire impacted community. Further, the DOJ should retrospectively review the 2010 consent decree to determine the foundation and justification for the two-thirds exclusion and identify and implement actions to remedy this miscarriage of environmental justice — including revising the MCD to ensure compliance with the Clean Water Act.

Finally, the EPA should exercise its regulatory authority that prohibits intentional discrimination and unintended discriminatory effects, and actively explore opportunities through the National Environment Policy Act and the Civil Rights Act, to further bolster actions to achieve compliance with the Clean Water Act for South River impacted communities. It is the law, and equal protection is a right that must be upheld for both water and communities.