

The logo for Upper Chattahoochee Riverkeeper is centered at the top of the page. It features the text "UPPER CHATTAHOOCHEE" in a smaller font above "RIVERKEEPER" in a larger, bold font, all enclosed in a white rectangular border. Below the border, the tagline "Keeping Watch Over Our Waters" is written in a smaller, italicized font. The background of the entire page is a blue-tinted photograph of a river flowing through a wooded area.

UPPER CHATTAHOOCHEE
RIVERKEEPER[®]

Keeping Watch Over Our Waters

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Upper Chattahoochee Riverkeeper and the City of Cumming Settle Lawsuit

February 10, 2010 -- Atlanta, GA – Upper Chattahoochee Riverkeeper (UCR) has settled a lawsuit filed against the city of Cumming for its violations of the federal Clean Water Act and the Georgia Erosion and Sedimentation Act. UCR filed the lawsuit after observing violations on the site of the city's future Aquatic Center, including considerable land disturbance with little adherence to best management practices to control storm water runoff and erosion and sedimentation.

The settlement terms, which are subject to review and approval by the U.S. Department of Justice and the U.S. District Court of Northern District of Georgia, will result in the restoration of streams that flow to Lake Lanier and will also support environmental initiatives that benefit the local community.

The source of the dispute was the city's clearing of approximately 22 acres of land located less than 400 yards from Lake Lanier for a competitive aquatic center in 2008. While clearing the site, the city destroyed the vegetated buffer and stream channel of an 812-foot section of an unnamed tributary to Sawnee Creek, which flows into Lake Lanier, without adhering to the requirements of state and federal permitting programs. Currently, Lanier is the primary source of drinking water for metro Atlanta.

UCR believes that this case was especially important because the city is responsible for administering and enforcing the same laws it failed to follow at the Aquatic Center site. "It's essential for local governments to serve as good examples of best practices and to follow the letter of the laws they are supposed to enforce," said Jason Ulseth, UCR's technical programs director.

It will take approximately two years for all terms of the settlement to be fulfilled. UCR and the city of Cumming will work together to ensure these terms are achieved. Under the terms of the settlement the following measures will be taken on-site:

- (1) The cleared site, which has been sending plumes of sediment downstream into the lake with every rain, will be completely stabilized.

- (2) On each side of a 260 linear foot section of the tributary to Sawnee Creek, a 50-foot stream buffer will be restored and re-planted.
- (3) The Aquatic Center site parking lot will be constructed of pervious paving materials over at least 60% of its square footage to allow storm water to infiltrate into the ground.
- (4) Sediment will be removed from the tributary and Sawnee Creek.
- (5) UCR will inspect the site every two weeks to ensure that all water quality regulations are adhered to during future construction.

In addition, the following environmental projects will benefit the community:

- (1) The city will pay up to \$100,000 to restore a degraded stream in Cumming City Park located on Pilgrim Mill Road with the installation of educational kiosks regarding the importance of streams and vegetated stream buffers. This project will improve water quality in the Chattahoochee River watershed and will offer a great educational opportunity for all park visitors.
- (2) The city will pay \$40,000 to the Sawnee Mountain Foundation to support environmental education tuition and programming at the nature center for approximately 1,500 elementary school students of Forsyth County with an emphasis on four Title I Elementary schools to ensure that underserved populations are afforded an opportunity to connect with the natural world.
- (3) The city will pay \$10,000 to the Turner Environmental Law Clinic of Emory University School of Law to support the representation of the public interest environmental community on water quality protection matters in Georgia.

Speaking on behalf of UCR, its executive director Sally Bethea said, “As Georgia continues to experience the extremes of droughts and monsoon-like rains, it is vital that we manage the way we develop the land so that our water resources are sustainable now and for future generations. Vegetated stream buffers help protect green space, keep our water cleaner, and protect property values during floods. Additionally, the use of pervious paving materials will facilitate absorption of storm water into the ground to sustain the underground flow that replenishes streams during droughts.”

Established in 1994, Upper Chattahoochee Riverkeeper (UCR) is an environmental advocacy organization 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. UCR has 4,500 members and was the 11th licensed program in the international Waterkeeper Alliance, now 191 organizations strong.

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