

# 2011's worst offenses against Georgia's Water



## #1 Ogeechee River: Polluter Devastates Ogeechee for Five Years and Goes Undetected by EPD

For five years, King America Finishing Co. (KAF) has discharged toxic substances to the Ogeechee River without the state's knowledge or approval. Even while citizens complained to Georgia's Environmental Protection Division (EPD) about the plant's discharge, and while EPD personnel inspected the textile manufacturing plant, the pollution continued unabated. EPD's failure to protect the Ogeechee led in May 2011 to the death of an estimated 33,000 fish—the largest known fish kill in state history. Not only did EPD fail to discover the problems at the facility, EPD failed to adequately warn the public of the health dangers following the spill. Adding insult to injury, subsequent actions taken against the facility excluded public input and did not even require immediate compliance with the law. After the kill was discovered, it took EPD several days to warn the public and almost a month to instruct the company to stop the dumping. EPD could have fined the company up to \$90 million for violating clean water laws; instead EPD required the company to spend just \$1 million on yet-to-be-named environmental projects in the area.

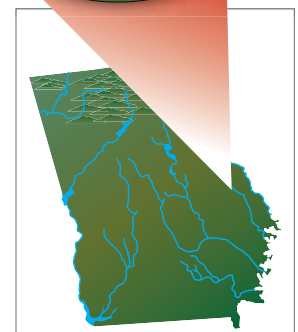
### The River:

The Ogeechee River and its major tributary the Canoochee River are two of Georgia's natural gems. These beautiful blackwater rivers flow freely through eastern Georgia, draining a 5,540 square-mile basin that encompasses wetlands, forests, farms, and scores of towns and cities.

Within that basin, hundreds of thousands of Georgians rely on the rivers, their tributaries, and underlying aquifers for drinking water. The Ogeechee and Canoochee rivers also support a diversity of wildlife, offer opportunities for recreation, supply water for agricultural and industrial uses, and carry off wastewater. These blackwater rivers, stained tea-color from tannins in surrounding swamps, are perhaps the most distinctive natural features in the region and certainly among its most important natural resources.

### The Dirt:

King America Finishing Co.'s discharge to the Ogeechee led to one of the





worst single environmental disasters in Georgia history, yet despite the magnitude of the problem, the parties responsible for the disaster are not being held fully accountable. Despite assurances by EPD that it was on the job, EPD's response to the Ogeechee Fish Kill was slow at best. It took EPD several days to warn the public of the dangers from the spill. And EPD should also have been able to prevent the spill as staff had conducted inspections of the King Finishing facility but had failed to notice the problems that led to the spill.

Following the fish kill, EPD entered into an agreement - called a "Consent Order" - with King America Finishing. The Order was executed after an investigation of the facility found a host of other problems including, most egregiously, that the facility had started two unpermitted production lines which were discharging into the Ogeechee River. While the Order will require King Finishing to spend \$1 million on an unspecified "supplemental environmental project," it does not require the company to pay a penalty, nor does it require that it cover the costs for the

restocking of the fish in the river, which was conducted by the state. Presumably, state taxpayers will be responsible for picking up that bill. The Order also allows the company to continue the unpermitted discharge of pollutants from the manufacturing line, although both state and federal law prohibit discharging into waterways without a permit. Adding insult to injury, the public has been given no opportunity for input into any of the Order's terms.

Because of these failures, Ogeechee Riverkeeper is now challenging the Order in state courts.

### What Must Be Done:

To prevent similar tragedies, EPD must be fully funded by the state legislature and EPD must adequately enforce state environmental laws. When laws are broken, EPD must take enforcement action that reflects the seriousness of the violations.

In this case, EPD's Consent Order failed to protect the public. The following needs to be addressed in the Consent Order:

1. Providing citizens and Ogeechee Riverkeeper a seat at the table in identifying the projects necessary for restoring the Ogeechee River.
2. Acknowledging that King Finishing's discharge of formaldehyde and other pollutants may have endangered, or may be endangering, human health and imposing a penalty that deters future misconduct.
3. Stopping all unpermitted discharges until after King Finishing has obtained a proper permit for its wastewater discharge that ensures a public comment period.



### For more Information Contact:

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