

CHATTahoochee RIVERKEEPER®

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Clean Water Act settlement resolves pollution and dedicates resources to South Fork of Peachtree Creek

Atlanta, GA. —Chattahoochee Riverkeeper (CRK) is pleased to announce that a settlement has been reached for litigation concerning an industrial facility along Burnt Fork Creek in Tucker, Ga.

The A&R Ironworks facility's violations were discovered as part of CRK's Protecting Streams and Communities from Industrial Pollution program. During a survey of industrial operations in the watershed, staff identified potential pollution issues at the facility, which fabricates structural and ornamental ironworks for commercial building projects.

Through our review, we learned that this facility failed to obtain coverage under the State of Georgia's industrial general permit for stormwater exposures. Such compliance failures typically indicate the facility lacks essential best management practices and procedures necessary to keep stormwater from mixing and becoming contaminated with industrial pollutants before discharging to adjacent state waters.

Subsequent review of aerial images and site investigations revealed significant outdoor exposure of materials, including sediment piles, scrap metal, and an open garbage dump on the banks of the creek, indicating pollutants have been and are continuing to be released via stormwater runoff into Burnt Fork Creek and the Chattahoochee River. Based on operations observed at the site, sediment and heavy metals such as zinc, lead, cadmium, copper, arsenic, and chromium have the potential to pollute the receiving waters. As a result, CRK, represented by pro bono counsel Andrew Thompson of Smith, Gambrel & Russell, initiated a lawsuit in summer 2019 using the citizen suit provision of the federal Clean Water Act.

After CRK filed the suit, A&R Ironworks substantially cleaned up and stabilized the property and has altered operations to eliminate almost all outdoor activities, storage, and stormwater exposure of industrial materials. Additionally, in agreeing to terms for settlement, CRK has secured \$60,000 for supplemental environmental projects, paid directly to two entities in and around Burnt Fork Creek and the South Fork of Peachtree Creek, the larger Chattahoochee River tributary into which Burnt Fork Creek flows.

"CRK is excited to celebrate this successful resolution that prevents pollution from entering the river, and grateful to have diverse, successful partners that it can support in this way," said Jason

Ulseth, Riverkeeper. "One of the best was to preserve and protect the Chattahoochee River is by building a community of organizations, neighbors, and students invested in its long-term health."

The South Fork Conservancy received \$40,000 for its ongoing programs and for funding the Confluence Bridge, a pedestrian bridge to be situated at the confluence of the north and south forks of Peachtree Creek. The DeKalb County Department of Parks and Recreation will receive \$20,000 for stream bank maintenance and restoration along Burnt Fork Creek at Mason Mill Park. The funds will also be used to support the department's naturalist program, also housed at Mason Mill Park, which leads nature programs that are open to the public, coordinates volunteer activities, and oversees safety and maintenance at the park.

"South Fork Conservancy is grateful for the reduction of pollution in our waterways and funding which will help us to restore creekside habitats and create new nature trails," said Kimberly Estep, executive director of the Conservancy. "The connections and greenspaces we create will provide equitable access to healthy nature for generations to come."

Interview sources:

- Riverkeeper Jason Ulseth, Chattahoochee Riverkeeper – julseth@chattahoochee.org
- Attorney Andrew Thompson, Smith, Gambrell & Russell – a.thompson@sgrlaw.com

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Chattahoochee Riverkeeper's mission is to protect and preserve the Chattahoochee River, its lakes and tributaries for the people, fish, and wildlife that depend upon it.

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