

## News Release

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### **Lawsuit Settlement Sends Message to Developers to Obey the Law. Agreement also protects valuable wetlands and Oohoopee River streams.**

(Swainsboro, Georgia) How do you keep a river healthy? Answer: you have to keep the streams that feed it free flowing and clean. And that is just what the Georgia Center for Law in the Public Interest—representing Ogeechee-Canoochee Riverkeeper and Altamaha Riverkeeper—has done by negotiating a settlement in their lawsuit filed against a Swainsboro developer in Southeast Georgia.

The groundbreaking settlement under the *Clean Water Act* allows Pine Tree II, the developers of additional parcels of land around a Super Wal-Mart complex, to complete development of a small portion of land while preserving more than 15 acres of protected wetlands and streams that flow into the nearby Oohoopee River. A public land trust organization to be named in the near future will manage the settlement.

“The enforcement of Georgia’s erosion and sedimentation laws and the Federal *Clean Water Act*, designed to keep construction dirt out of our streams and ensure healthy water, is particularly lax in rural Georgia,” says Deborah Sheppard, Executive Director of the Altamaha Riverkeeper. “Citizens are watching for the results of this case to determine if the justice system really protects the environment.”

The two Riverkeeper organizations claim the developers of the Swainsboro Super Wal-Mart “outparcels” illegally trenched a stream, removed a stream buffer, filled in wetlands, and violated the National Pollution Discharge Elimination System (NPDES) permit for construction storm water by discharging excessive amounts of dirt into the surrounding streams and a downstream lake.

The compromise the parties agreed upon, after nearly a year of litigation and settlement negotiations, allows the developers to finish developing a small portion of the property while

permanently preserving through a conservation easement over 15 acres of the property, including two small streams, a lake, and wetlands area.

Justine Thompson, Executive Director of the Georgia Center for Law in the Public Interest, comments, “This agreement sends a message to developers near our waterways that they can’t pave over our streams and wetlands. The settlement won’t harm economic growth, but it will ensure that growth doesn’t harm one of Georgia’s most valuable assets, our water.”

Deborah Sheppard, Altamaha Riverkeeper agrees and says, “We reached a compromise that reduces the negative impact on the Ochoopee River and downstream property owners, while actually improving the design of the development on these parcels.”

The 15 acres of permanently protected wetlands and streams will help to treat storm water leaving the development and downtown Swainsboro, preventing downstream flooding. It also provides vital wildlife habitat in a growing part of the state. Additionally, the inclusion of rain gardens and other features to reduce the amount and speed of rainwater leaving the development site significantly improve the development design.

“We first received complaints from citizens about this site back in 2002. Unfortunately, repeated complaints to state and federal agencies failed to adequately address the problems on the site,” states Chandra Brown, Executive Director of OCRK. “It is our hope that by bringing this costly and time-consuming litigation, other developers will thoroughly review the environmental impact of their development and ensure they are following all of the federal, state, and local laws before they begin construction.” For a compliance checklist to follow when building in Georgia, visit [www.getthedirtout.org](http://www.getthedirtout.org).

*Ogeechee-Canoochee Riverkeeper (OCRK) works to ensure clean water throughout the Ogeechee watershed. In the past year, OCRK has seen a dramatic increase in citizen complaints from the Swainsboro area—from an average of one complaint a quarter to one complaint a month. By responding to these complaints and giving citizens the tools to prevent pollution in streams, OCRK seeks to establish future generations of guardians for our waters. For more information, visit [www.ocrk.org](http://www.ocrk.org).*

*The Altamaha Riverkeeper (ARK) works to protect the habitat, water quality, and flow of the 14,000 square mile Altamaha River Watershed \_ from its headwaters in the Ocmulgee, Oconee, and Ochoopee Rivers to its Atlantic Coast estuary. ARK requests citizens to observe and report problems, like illegal discharges into the rivers, to the Environmental Protection Division (EPD) of the Department of Natural Resources and to the Altamaha Riverkeeper. Information on how to contact EPD is available on ARK’s website, [www.altamahariverkeeper.org](http://www.altamahariverkeeper.org).*

*The Georgia Center for Law in the Public Interest is a non-profit organization that provides free high quality legal assistance to local, state, and national environmental organizations working to protect Georgia’s natural resources from unlawful air and water pollution. Additional information may be found at [www.cleangeorgia.org](http://www.cleangeorgia.org).*