

Clean Water Act Consent Decree Community Engagement

Georgia State University College of Law

Choyce Garcia and James Wickens

Agenda

- Overview of Task
- Overview of Consent Decree
- Community Background
- Community Engagement

Overview

- Gaining a better understanding of the consent decree and its amendments.
- Helping the Proctor Creek Stewardship Council understand the timeline of events that were required under the consent decree and its amendments.
- Coordinating with the Proctor Creek Stewardship Council along with the EPA to help better understand the extension of the first amended consent decree.

Consent Decree

- The EPA, EPD, and the Upper Chattahoochee Riverkeeper sued the City of Atlanta for violation of the Clean Water Act (33 U.S.C. § 1251 *et seq.*).
- The consent decree was put in place as a settlement to the lawsuit. The consent decree commits the city to an accelerated program of remediation activities.
 - Specifically, the consent decree directed the City of Atlanta to develop and implement a solution that would end water quality violations by 2007.

Consent Decree: Timeline

- 1998 – Consent Decree was signed in September to settle the lawsuit and end water quality violations from combined sewer overflows (CSOs) by 2007.
- 1999 – First Amended Consent Decree (FACD) was signed in December to deal with water quality violations from sanitary sewer overflows (SSOs).
- 2003 – Amendment to the FACD to allow substitution of certain projects required under the FACD
- 2012 – Second Amendment to the FACD extending deadlines.

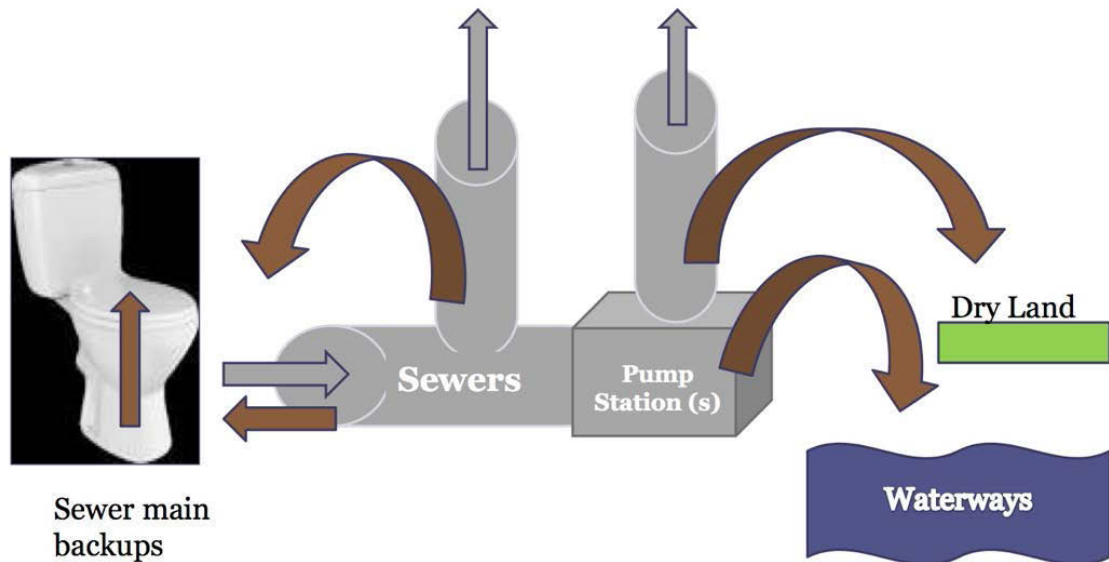


Consent Decree: Combined Sewer Systems

- CSO Example

Consent Decree: Sanitary Sewer Overflows

What are “SSOs”?



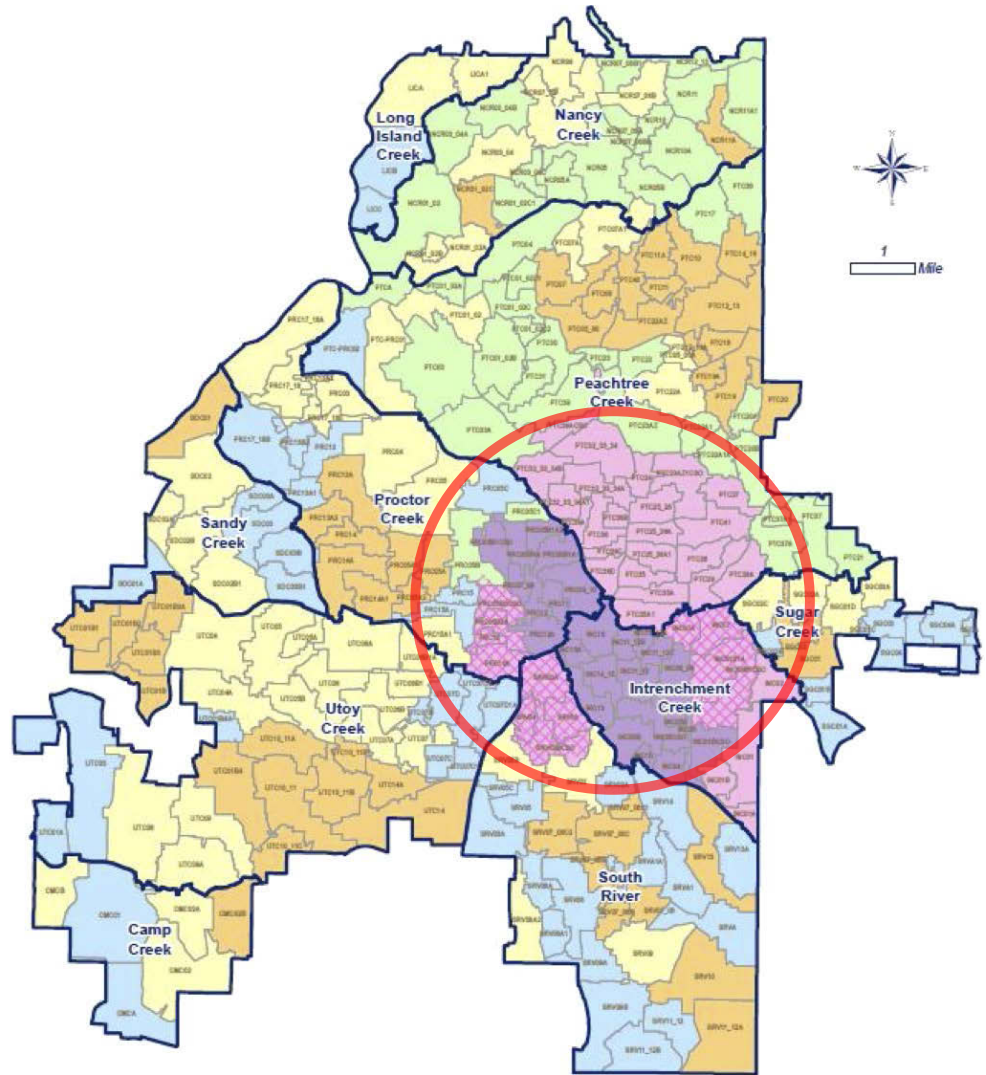
Community



Community: English Avenue and Vine City

- English Avenue and Vine City are two closely-related historic neighborhoods located just west of the Arena District in downtown Atlanta.
- Once a center of the Civil Rights movement, the area was hard hit by the effects of suburbanization and the foreclosure crisis.

Community
:
English Avenue
and Vine City



Community

:

English Avenue and Vine City

- The Vine City and English Avenue neighborhoods are on the lowest priority level for the SSO Consent Decree Remedial Projects (deadline extended to 2026, 2027).
- Different areas of the city were grouped together and work is to be completed on a “worst-comes-first” model:
 - By prioritizing by remediation need, the City can use its resources more effectively and target specific and comprehensive consecutive remedial projects.

Community

: Perception

- Acknowledge the Difference in Points of View
 - To residents of Vine City, the Consent Decree extension seems to indicate no sense of emergency from the City's point of view;
 - The City explains the extension on budgetary grounds.
 - Meanwhile, the residents of Vine City experience what they perceive as emergency conditions every time the city receives substantial rainfall.

Engagement : Improving Communication

- Relate to communities as equals/partners in the process
 - Best practice is to avoid relating to community as an obstacle to be managed.
- Routine Involvement
 - Procter Creek Stewardship Council monthly meetings
 - Ask questions as well as observe
 - Engage in the process-as-partnership
 - Minimize adversarial dynamics

Engagement: Improving Communication

- Empathize
 - Underserved communities have historically been the object of “study”; as such, there is significant potential for “*us/them*” dynamics.
 - Residents begin to feel more like lab rats than partners in change.
- Tailor Engagement Methods to the Target Community
 - For example, take advantage of community centers such as churches or recreational centers.
 - Engage as if guests in the community.

Engagement: Improving Communication

- Acknowledge Community's Historically Adversarial Relationship with Government.
 - Start from a point of mindfulness of:
 - Community suspicion that government is acting in its best interest.
 - Community's history as de facto object of study.
 - Community's perception of its own disenfranchisement by and disconnection from the mainstream that the government represents.
- Involve Communities in Fundamental, Meaningful Ways
 - For example, work to fill development jobs from within the community.
 - Avoid inadvertent paternalism.

Questions?