

Memo / Correction:

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Headline:Judge: Pollution of rivers must end  
Atlanta council prepares to vote on sewer hikes; judge warns city  
faces fines, receivership if orders aren't met.

Subhead:

Reporter:TY TAGAMI

Body Text:Atlanta's plumbing mess could prevent new water and sewer hookups, thereby stifling development, if the city fails to comply with federal court orders to stop polluting rivers with raw sewage.

If the untreated wastewater continues to flow beyond court-enforced deadlines, the city also could be fined thousands of dollars a day, and city officials could be held in contempt of court. And if none of that works, U.S. District Judge Thomas Thrash Jr. said he could appoint a receiver for the city. The receiver would take over management of the city's water and sewer departments on behalf of the federal court.

"So, this is serious, a serious matter," the judge warned city officials in a courthouse meeting Tuesday. Thrash held a status conference at the city's request to reiterate consequences of failing to follow through with the promises Atlanta made after it was sued for polluting the Chattahoochee and South rivers.

The city must comply with the Clean Water Act, Thrasher said, according to a transcript of the session. "That is not negotiable, and it is not going to go away."

The uncertainty about Atlanta's future stems from a City Council decision last week to delay a vote on sharp increases in water and sewer rates. The council is expected to vote on the rate hikes Monday, at its last scheduled meeting of the year.

Mayor Shirley Franklin has requested a tripling of the rates during the next five years to pay for \$2.5 billion in water and sewer

upgrades. By city estimates, another \$700 million worth of work ultimately would be required, but Franklin has not said where that money would come from.

Council members have felt the heat as residents and businesses across the city have called to complain about the proposed rate hikes, some of them claiming they'd be unable to pay.

Since Nov. 17, when the council voted unanimously to delay a decision on the rates, council members have grilled city finance officials, engineers, lobbyists and other consultants about the sewer overhaul and its cost.

Several council members have voiced suspicion that the costs were driven by consultants with a vested interest in an expensive project.

Councilman C.T. Martin on Tuesday accused a city consultant of using a "scare tactic" when the engineer said Atlanta needs to seek construction bids in January if it is to meet a court-ordered 2007 deadline for the sewer overhaul. The consultant, Refik Elibay, said the city must start construction in April.

Rob Hunter, a deputy commissioner in the city's Watershed Management Department, said in an interview that the rate increases must be approved before work can begin.

But the rate increases also are needed to pay for about \$2 billion in debt on water- and sewer-related work that already has begun.

The judge questioned Tuesday why the city in 2001 --- under the watch of former Mayor Bill Campbell --- borrowed additional money without a sufficient plan to pay it back.

"It's just inconceivable to me that that could have been done that way," Thrash said.

City officials have said next year's 45 percent rate increase would be used to make payments on existing debt. An explanation of how the money has been spent since the mid-1990s is expected to be ready this week. Additional rate hikes from 2005 to 2008 would pay for the proposed work.

If the City Council fails Monday to approve the rate hikes, Franklin might not wait for the court to act. City Attorney Linda DiSantis told Thrash that the mayor is considering asking the court to ban new sewer hookups, or may do it herself as an emergency order.

Franklin said she knows of no way to comply with the court orders other than approving the rate increases and carrying on with the project as she has proposed.

And the federal judge is not inclined to let the city slide, said Sally Bethea, executive director of Upper Chattahoochee Riverkeeper, the group that filed the lawsuit that landed the city in federal court.

"[The judge] was clearly upset," said Bethea, who attended the court session Tuesday. "He intends to see that the job gets done here."

Staff writer Stacy Shelton contributed to this article.

Caption:

Keywords: