



PO Box 16206  
Savannah, GA 31416  
Phone/Fax: 866-942-6222

[www.ogeecheeriverkeeper.org](http://www.ogeecheeriverkeeper.org)  
*Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers*

May 15, 2023

**Via E-Mail**

Georgia Department of Natural Resources  
2 MLK Jr. Dr. S.W., 1152 East Tower,  
Atlanta, Georgia 30334  
[EPDcomments@dnr.ga.gov](mailto:EPDcomments@dnr.ga.gov)

**Re: Comments on Public Notice No. 2023-07ML for Arrowhead Dairy LLC's Nutrient Management Plan (Permit No. GAG930065)**

To Whom it May Concern:

Ogeechee Riverkeeper's ("ORK") mission is to protect, preserve, and improve the water quality of the Ogeechee River basin, including the Canoochee River and the coastal and tidal rivers of Liberty, Bryan, and Chatham Counties. ORK works with local communities to share and collect information on the ecological and cultural importance of rivers and streams throughout the Basin, and use that information to amplify the voices of those who speak for the watershed. One of ORK's primary roles is as watchdog on new land development projects throughout the watershed that could pose a significant threat to water quality.

ORK offers these comments on Arrowhead Dairy LLC's ("applicant") proposed Nutrient Management Plan ("NMP") as part of its application for coverage under the Georgia Environmental Protection Division's ("GA EPD") National Pollution Discharge Elimination System ("NPDES") General Permit. The water quality limited status of the downstream receiving waters raises concerns about how the proposed discharge might further contribute to its current impairment. ORK also requests additional clarification related to the NMP's procedures, including nonpoint source management and groundwater monitoring. Finally, ORK also asks that all monitoring data be submitted to the GA EPD on a regular basis, and that GA EPD approve any changes to operations detailed in this NMP prior to its implementation.

1. Impact on water quality limited streams

Of primary concern is the impact the discharge contemplated by this NMP and the larger NPDES permit will have on already-impaired water quality. Multiple downstream waters are listed on Georgia's 2022 Integrated

305(b)/303(d) List of impaired streams.<sup>1</sup> The unnamed tributary that receives the contemplated discharge first leads to Eightmile Creek, which is listed for fish-related biota<sup>2</sup> and has had a TMDL present since 2005.<sup>3</sup> Buckhead Creek, which receives Eightmile Creek, is also a listed stream for fecal coliform.<sup>4</sup> With these two water bodies already facing water quality issues, GA EPD cannot permit this discharge if it causes or contributes to a water quality standard violation.<sup>5</sup> As such, ORK asks that GA EPD show that this discharge will not further degrade water quality in both Eightmile Creek and Buckhead Creek.

In addition, ORK asks that GA EPD investigate whether Eightmile Creek currently meets water quality standards for fecal coliform. Buckhead Creek's impairment coupled with the presence of other agricultural and animal feed operations in the area indicate that fecal coliform may also be an issue in Eightmile Creek. This additional information will further ensure that this activity, if it is eventually permitted, will not further contribute to water quality issues.

## 2. Non-point source concerns

ORK requests clarification on the strategies that the applicant intends to implement to reduce and prevent foreseeable nonpoint source pollution related to the proposed activities. In particular, the applicant should clarify how it will prevent waste application in buffer areas and show that sand cleaning and storage remains within the waste management system, especially during a 25-year/24-hour rain event.

Buffer areas play an important role in reducing nonpoint source pollution and should be strictly enforced. In portions of the NMP, the applicant notes that waste application activities through the center-pivot mechanisms will cross into these buffer areas. It states no waste will be applied in these areas, but does not explain how it will achieve this, beyond stating that manual valves will be installed. Beyond stating that they will be shut off "as required," the NMP does not explain how those manual valves will be used, nor does it detail any procedures to provide reassurance that the manual valves will be checked or utilized before entering buffer areas. ORK requests clear plans and procedures be explicitly included in this NMP to ensure that waste does not enter any buffer areas.

The NMP does not describe the sand cleaning process or location in sufficient detail. The applicant states that the sand, which receives waste generated at the facility, will be cleaned daily and that the sand "should" not be a threat to the environment. However, the NMP does not fully detail the construction designs of the sand settling lane. Likewise, it does not clearly state whether the sand will be clean in the settling lane or in another location. Without more information, ORK is concerned that the waste cleaned from these sands could potentially escape the system and enter nearby waterways or adjacent properties. ORK asks GA EPD to require clearer descriptions of the sand clean process, including its location and procedures that ensure no nutrient-rich runoff escapes the management system.

---

<sup>1</sup> Available at <https://epd.georgia.gov/water-quality-assessment>.

<sup>2</sup> 2022 Integrated 305(b)/303(d) List - Streams at page 238.

<sup>3</sup> Available at: <https://epd.georgia.gov/document/publication/biota-impairment-tmdl-report-2005/download>.

<sup>4</sup> 2022 Integrated 305(b)/303(d) List - Streams at page 236.

<sup>5</sup> 40 C.F.R. § 122.4(i).

### 3. Groundwater Monitoring

As proposed, the NMP indicates that only one monitoring well will be used to ensure groundwater is not adversely affected, specifically relating to the waste storage pond. Very little discussion is included in the NMP about the selected location. From the included maps, it appears that the monitoring well will be upgradient of the waste storage pond as well as the settling ponds. ORK suggests that at least one additional groundwater monitoring well be installed downgradient of these four ponds to allow for more accurate and useful groundwater monitoring. Likewise, ORK suggests more frequent monitoring of groundwater beyond twice a year. ORK urges monitoring at least quarterly, as well as following any event in which the applicant or GA EPD believes that waste infiltration into the groundwater could have occurred.

### 4. Monitoring and submission of data to EPD

ORK asks that GA EPD require the applicant to submit all of its required monitoring data directly to the division, rather than simply requiring it to maintain the records on the property. With regular submission of data, GA EPD will not only be better able to ensure that the applicant is keeping consistent and accurate records as required by its NMP, but it will also be able to act more quickly in the event that the monitoring data does not comply with the relevant environmental quality requirements.

### 5. Changes to NMP and facility operations

In the NMP, the applicant suggests that changes to the plan can be made as needed. Specifically, the applicant makes these suggestions in the Farm Description relating to the applicant process and nutrient balancing, in the Field Application section, and in the Records Kept on Farm section with regards to application equipment and number of animals. These changes could significantly alter the operations and expectations of the GA EPD in its permitting decision. ORK asks for the NMP to require any changes to the plan first be discussed with and approved by GA EPD before implementation.

Thank you in advance for your time and consideration. If you have any questions regarding this letter, please contact [ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org) or 866-942-6222 x9.

Ben Kirsch  
Legal Director  
Ogeechee Riverkeeper