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*Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers*

September 29, 2023

**Via E-Mail**

Environmental Protection Division  
Watershed Protection Branch  
Wastewater Regulatory Program  
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**Re: Comments on Bryan County Board of Commissioners' NPDES Permit No. GA0050326 for the North Bryan Water Reclamation Facility**

Dear Mr. Lutkehus:

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 uses that information to amplify the voices of those who speak for the watershed. One of ORK's primary roles is as watchdog on wastewater management projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK offers these comments on the Bryan County Board of Commissioners' draft National Pollution Discharge Elimination System (NPDES) Permit for the North Bryan Water Reclamation Facility (NBWRF). ORK's comments fall into two general categories. First, water quality and ecological monitoring should expand to include more pollutants and should occur more frequently than proposed. Second, stakeholders and the wider public should be included and given the opportunity to provide constructive input and feedback on future operational and management plans contemplated by the draft permit. These additions will help ensure that the Ogeechee River and impacted communities will be protected over all phases of the NBWRF during the permit term.

## I. Expanded and More Frequent Monitoring of Known and Likely Pollutants

To ensure the Ogeechee River's water quality and aquatic environment maintains its integrity during all phases of the proposed NBWRF, the draft NPDES permit should be expanded to monitor additional pollutants and provide more frequent and regular reporting. With the Hyundai Motor Group Metaplant America (HMGMA) anticipated to be a major source of wastewater for the NBWRF, it will bring a new, unique, and known flow of pollutants that will be treated and discharged into the Ogeechee River and the habitats it supports. Specific monitoring considerations should be included to ensure treatment is effectively removing these pollutants and not harming the aquatic environment throughout the permit term. Additionally, considering the three phases of operational capacity to be permitted, each of these expansions will create new pressures on the Ogeechee River's ecology. As such additional monitoring should be conducted following expanded capacity operation to ensure the river and its associated environment's ongoing health.

### A. Expanded List of Pollutant Monitored

A wide range of electric battery and automobile manufacturing-related pollutants will be treated and potentially discharged into the Ogeechee River related to wastewater received by the NBWRF from the HMGMA site. As such, specific attention should be given to those pollutants in this NPDES permit.

The U.S. Environmental Protection Agency's (EPA) guidance manual for battery manufacturing provides a list of some of the pollutants used during the manufacturing process.<sup>1</sup> Section 5 of the guidance manual lists a number of heavy metals and other pollutants in the manufacturing process. These include lead, copper, zinc, nickel, and aluminum, from a list of 43 pollutants.<sup>2</sup> It should be noted that this guidance manual is from 1987. In the intervening 30+ years, changes in the battery manufacturing process have likely occurred, as well as scientific understanding of discharged pollutants' impact on the environment. As such, this list of pollutants has likely changed and expanded and should not be considered exhaustive for the NBWRF. Likewise, EPA's guidance manual's list only considers the battery manufacturing process and excludes other parts of the automobile manufacturing process that will be present in the wastewater stream.

In relation to manufacturing-related pollutants, ORK suggests these additions to the draft NPDES. First, the permit should include monthly influent and effluent monitoring and reporting for all of the pollutants listed in the EPA guidance manual referenced above. Second, effluent limitations for these pollutants should also be included in the permit. Third, an additional special condition should be included in Part I.A of the NPDES permit to require HMGMA and any other industrial polluter who seeks to utilize the NBWRF to disclose all pollutants known or likely to be present in its wastewater stream. This will allow for more targeted and more effective pollutant monitoring of the NBWRF's discharge. Especially during the crucial stage of initial operation and treatment following each expansion phase, it is vital that all pollutants received by the NBWRF be known and effectively treated prior to subsequent expansion.

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<sup>1</sup> U.S. EPA. Guidance Manual for Battery Manufacturing Pretreatment Standards. August 1987. EPA 440/1-87/014. Available at: [https://www.epa.gov/sites/default/files/2016-06/documents/battery-mfg\\_guidance-manual-pretreatment\\_1987.pdf](https://www.epa.gov/sites/default/files/2016-06/documents/battery-mfg_guidance-manual-pretreatment_1987.pdf) Lithium batteries are initially discussed at pages 2-20 to 2-25.

<sup>2</sup> See EPA Guidance Manual at page 5-15.

Another group of emerging pollutants of concern in the Ogeechee Basin are per- and polyfluoroalkyl substances, or PFAS. With their widespread use in many different products, it is very likely that these pollutants will also be found in the wastewater taken in by the NBWRF. The harmful human health and ecological impacts that PFAS cause make these pollutants specifically and uniquely concerning.

ORK suggests that PFAS are specifically monitored and reported. We urge the Georgia Environmental Protection Division (EPD) to require monitoring for a wide range of the many different PFAS chemicals. As seen by the recent finalization of an EPA rulemaking,<sup>3</sup> a better understanding of the PFAS presently being discharged is vitally important. ORK asks that monitoring be required at the NBWRF for the PFAS currently listed in the EPA's Toxic Substances Control Act's Toxic Chemicals Inventory.<sup>4</sup> And while no effluent limitations are currently in place for PFAS, the EPA is currently pursuing plans to further regulate these pollutants. As such, and with PFAS ability to persist in the environment for decades, ORK also calls for specific considerations around these actions during the permit lifetime. An additional special condition should be included that requires any federal or State of Georgia PFAS-related effluent limitation to be automatically incorporated into the permit and become effective immediately upon notification from the EPD.

#### B. Increased Monitoring Frequency

As a new large source of discharge into the Ogeechee River, early, ongoing, and frequent water quality and effluent monitoring will be essential for protecting the aquatic environment. Establishing a robust monitoring program early and consistently confirming expected water quality conditions during the whole permit period and in each phase of expansion is vital for protecting the Ogeechee River and all who rely on it. ORK appreciates the early efforts proposed in this draft permit but urges EPD to strengthen monitoring further.

First, ORK urges EPD to require additional monitoring reports following each expansion phase contemplated in the permit. Each subsequent expansion of treatment capacity at the NBWRF will add additional pressure on the Ogeechee River's water quality. As such, each phase necessitates careful monitoring. EPD should require monitoring to confirm that treatment and water quality expectations are still being met following each expansion phase. To achieve this, the Total Mercury Monitoring report (Part I.C.9) and Comprehensive Nutrient Optimization Plan Report (Part I.C.14) should be completed following each phase, following the models set for Chronic Whole Effluent Toxicity (WET) and Long-Term Biochemical Oxygen Demand (LTBOD).

Second, ongoing monitoring should be required following the short-term confirmation of treatment and water quality expectations. Many of the monitoring requirements set up to ensure these expectations are being met are only required during the first year of operation. Due to the potential serious impacts that these monitoring requirements are attempting to prevent, ORK wants to highlight the value they provide and urge the EPD to expand the frequency of these monitoring reports to occur on an annual basis at minimum.

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<sup>3</sup> See EPA. "EPA Finalizes Rule to Require Reporting of PFAS Data to Better Protect Communities from Forever Chemicals." Sept. 28, 2023. Available at:

<https://www.epa.gov/newsreleases/epa-finalizes-rule-require-reporting-pfas-data-better-protect-communities-forever>

See also. EPA. TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances . Available at: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-8a7-reporting-and-recordkeeping>

<sup>4</sup> Information about the Chemicals Inventory is available her: <https://www.epa.gov/tsca-inventory/how-access-tsca-inventory>.

Currently, Chronic WET testing is only required for four quarters following initial permitting and each expansion. The NPDES permit should require at least one WET test to be completed and submitted to EPD each year following the completion of the four-quarters of testing to ensure ongoing compliance.

Similarly, Total Mercury Monitoring is only required for the first three months following the permit's effective date. In addition to subsequent testing following each expansion phase, monitoring, testing, and a report should be submitted to EPD at least annually.

Likewise, the Toxics and Manmade Organic Compounds scans related to priority pollutants are required for the first three quarters following the effective date and after each expansion. First, these scans should be required for four full quarters, following the model set by other monitoring and reporting requirements. Second, these scans should be conducted and submitted to EPD on an annual basis.

Finally, long-term BOD reporting should occur more frequently. While monitoring occurs on a fairly frequent basis, as described in Part I.B's effluent limitations and monitoring requirements, Part I.B.12's only requires reporting once over the permit term. Without a comprehensive report detailing the critical June 1 to September 30 period, EPD will need to closely monitor and analyze the oxygen levels submitted in these monthly extremely closely. Instead, ORK urges EPD to require the LT BOD testing report to be submitted by December 31 of the year following the second completed June 1 to September 30 period after the permit effective date.

## II. Stakeholder and Community Involvement in Future Contemplated Actions under the NPDES Permit

Three future plans contemplated by this permit - the Watershed Protection Plan, Industrial Pretreatment Program plan, and Comprehensive Nutrient Optimization Plan - should provide an opportunity for stakeholders, impacted communities, and the broader public to provide input, feedback, and comments. These significant and important components are not detailed in this draft permit and, therefore, cannot be constructively commented at this time on by affected parties and individuals. As such, ORK urges the EPD to incorporate public feedback in these three plans prior to granting its final approval.

First, ORK requests that the public be involved in the creation and approval of the Watershed Protection Plan (WPP) required in this draft permit. Over the three years following the effective date of this permit when the WPP is being created, ORK asks that the permittee be required to periodically inform and seek feedback from the affected public about the status and components of its plan. Ideally, a review committee including members of the public would periodically meet to draft and revise the WPP. At minimum, annual public meetings should be held where the public is given the opportunity to voice their feedback and have their questions considered and answered. Finally, prior to the WPP's submission to EPD for, the permittees should host a final meeting explaining the plan and take feedback from the public. EPD should likewise open the proposed WPP to public comment prior to its final approval and implementation.

Second, as related to the Industrial Pretreatment Program Plan and the Comprehensive Nutrient Optimization Plans, ORK requests that the public be given an opportunity to provide feedback and comment on these plans prior to

EPD's final approval and implementation. These plans will be crucial for ensuring the Ogeechee River and its aquatic environments remain healthy. However, because the public was not given a chance to provide constructive feedback here, ORK asks that we and the public be given the opportunity to do so when the plans are submitted and prior to their final approval.

### III. Other Miscellaneous Comments

First, related to the Long-Term BOD testing, ORK requests that the models used to develop the effluent limits in Part I.B be included in the permit or otherwise shared with the public. Without these models and/or analyses, the public is not able to provide constructive feedback on these levels. Additionally, considering the ongoing uncertainty around the biologically supportive dissolved oxygen levels necessary for blackwater rivers, like the Ogeechee River

Second, in Section 3.4 and Part I.C.9 relating to Total Mercury Monitoring, the permit refers to the "Ocmulgee River." ORK believes that this is a typo and should be the "Ogeechee River." ORK also asks EPD to confirm that the water quality target for mercury included in these sections is correct for the Ogeechee River.

Thank you in advance for your time and consideration; please let me know if you have any questions: [ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org) or 866-942-6222 x9.

Ben Kirsch, Legal Director  
Ogeechee Riverkeeper