

Aug. 23, 2024 -- Ogeechee Riverkeeper (ORK) received [a letter from the U.S. Army Corps of Engineers \(USACE\)](#) confirming that a “reevaluation of its permit decision regarding its effects determination for water supplies is warranted.” ORK made this assertion in its [letter of intent \(LOI\) to sue](#). ORK filed the LOI with the assertion that USACE overlooked water supply concerns during the permitting process of the Hyundai Megasite in June of 2024.

The [reevaluation decision](#) requests that the applicants provide the USACE with an impact assessment of the Megasite’s water supply wells. Depending on the findings, the applicants may also be required to compensate for any resulting impacts. ORK will also continue to carefully monitor the Corps’ reevaluation process.

This is a small victory in a massive battle for water resources. Some may be frustrated that the Megasite project continues in spite of this decision, but a number of positive outcomes happen with this reevaluation.

*Q: What does the Megasite have to provide to USACE? Are they allowed to keep building?*

- The Savannah Harbor-Interstate 16 Corridor Joint Development Authority (JDA) and the Georgia Dept. of Economic Development submitted the permit application to the U.S. Army Corps of Engineers (USACE). This reevaluation letter asks the applicants to submit “an assessment of effects the project may have on municipal and private water supplies” as well as whether “any drainage of aquatic resources” would occur. The results of this assessment will be taken into consideration by the USACE.
- It puts the responsibility on the applicants - the JDA and GA DED - to show that this won't have impacts on the Floridan Aquifer, those who rely on it, and the aquatic resources and environment.
- USACE has the ability to reevaluate, adjust, or revoke a permit at any time, as “circumstances warrant.” As their letter states: Circumstances that could require reevaluation include, but are not limited to, (1) failure to comply with the terms and conditions of a permit; (2) information submitted in support of a permit application proves to have been false, incomplete, or inaccurate and/or (3) significant new information surfaces which this office did not consider in reaching the original public interest decision (33 CFR Part 325, Appendix A). USACE is currently reevaluating the permit.
- During this time, the current permit is active and construction may continue at the Megasite.

*Q: What does this mean? Will anything change?*

- Water supply and usage impacts will actually be considered. Because details regarding water usage were not included in the permit application, it was not part of USACE’s permit decision.

Without Ogeechee Riverkeeper's (ORK) efforts, those impacts and effects would never have been considered by USACE.

- The decision from USACE confirms that the concerns raised in ORK's letter of intent to sue were real and warranted. It also admits that the human and environmental impacts from supplying water to the Megasite were not considered in the initial permitting decision. They will have to consider these impacts in their reevaluation. Any unconsidered impacts to aquatic resources will have to be compensated for by the applicants.
- It is difficult to predict if this will have any production timeline effects on the Megasite. It all depends on the findings of USACE's reevaluation and if operations are able to / have to adjust to accommodate the decision.

*Q: What will ORK do now?*

- A lawsuit remains possible, pending the conclusion reached by USACE in its reevaluation. Until the USACE completes its reevaluation, and ORK has a chance to review it, ORK doesn't know what the next step will be.
- USACE's agreement to reevaluate was a discretionary action it took in response to ORK's threat of legal action. In the interest of transparency, ORK will encourage the USACE to make the results of the reevaluation, and the supporting research provided by the applicants, available to the public.
- ORK's actions puts future applicants on notice that both ORK and the USACE will require them to fully consider all impacts and that they will be held accountable if they don't.