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www.ogeecheeriverkeeper.org
Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers

August 15, 2025

Via E-Mail

Georgia Environmental Protection Division
Watershed Protection Branch
2 MLK Jr. Dr., 1470A East Tower,
Atlanta, Georgia 30334
EPDcomments@dnr.ga.gov

Re: NPDES Permit No.: GAG640000 - General Permit - NPDES Permit for Drinking Water Treatment Plant Dischargers

To whom it may concern:

Ogeechee Riverkeeper 501(c)(3) (ORK) works to protect, preserve, and improve the water quality of the Ogeechee River basin, which includes the Canoochee River, tributary streams, and all of the streams flowing out to Ossabaw Sound and St. Catherine's Sound. The Ogeechee River system drains more than 5,500 square miles across 20 counties in Georgia. ORK works with local communities to retain the ecological and cultural integrity of rivers, streams, wetlands, and related habitats throughout the Basin. One of ORK's primary roles is as watchdog on permits throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK's comments on the General National Pollution Discharge Elimination System (NPDES) permit reissuance for Drinking Water Treatment Plant Dischargers address three concerns. First, monitoring should be required for per- and polyfluoroalkyl substances (PFAS) in order to pinpoint sources of these pollutants from these and every discharge source under this general permit. Second, the Public Notice that announced this permit, Public Notice No. 2025-13ML, failed to include the proper link to this draft permit. Third and finally, ORK has concerns about the legality of the Water Quality Based Effluent Limitations (WQBELs) following recent U.S. Supreme Court decisions. ORK asks that these concerns be fully addressed by the Georgia Environmental Protection Division (EPD) and confirms that it can ensure the Ogeechee River's water quality will be protected and preserved before it issues this permit.

First, PFAS parameters should be added to the monitoring requirements for every facility permitted under this general permit. PFAS present a long-term pollution and human health concern. Determining the presence of this pollution in wastewater not only helps to prevent its introduction into the aquatic environment through treatment, prevention, and mitigation measures, but it also helps to pinpoint potential sources of PFAS in need of remediation. To gather this information, a PFAS monitoring parameter should be added to multiple permit terms. Quarterly monitoring

of a broad selection of PFAS will allow the operators and EPD to respond quickly to the discovery of PFAS in the treatment system. To achieve this, ORK suggests adding PFAS monitoring to the following permit terms with the following suggested language:

- Part II.A - Monitoring (Pages 8-9 of 25)
 - 8. Effluent (both Process Water and Non-Process Water Discharges) must be monitored for per- and polyfluoroalkyl substances (PFAS) on a quarterly basis. Monitoring shall comply with EPA Testing Methodology 1633, Revision A¹ or other method equally or more rigorous approved by the Georgia Environmental Protection Division. Monitoring data shall be reported to EPD at least quarterly.
- Part II.B - Sludge Disposal and Monitoring Requirements (Page 9 of 25)
 - d. Sludge must be monitored for per- and polyfluoroalkyl substances (PFAS) on a quarterly basis. Monitoring shall comply with EPA Testing Methodology 1633, Revision A² or other method equally or more rigorous approved by the Georgia Environmental Protection Division. Monitoring data shall be reported to EPD at least quarterly on the Discharge Monitoring Reports as required under Part II.L. of this permit.
- Part III.A.1 - Facilities Using Surface Water as a Raw Source Water (Page 15 of 25)
 - Parameter = Per- and polyfluoroalkyl substances (PFAS)
 - Discharge Limitation = [TBD]
 - Measurement Frequency = One Day/Quarter
 - Sample Type = Grab
 - Sample Location = Effluent
- Part III.A.2 - Facilities Using Groundwater as a Raw Source Water (Page 16 of 25)
 - Parameter = Per- and polyfluoroalkyl substances (PFAS)
 - Discharge Limitation = [TBD]
 - Measurement Frequency = One Day/Quarter
 - Sample Type = Grab
 - Sample Location = Effluent
- Part VI - Definitions (Page 24 of 25)
 - cc. **“PFAS”** means per- and polyfluoroalkyl substances as defined by the EPA³ or EPD.
 - Note: the following definitions’ numberings should be adjusted to fit this new definition

¹ EPA Testing Methodology 1633, Revision A. December 2024. Available at: <https://www.epa.gov/system/files/documents/2024-12/method-1633a-december-5-2024-508-compliant.pdf>

² EPA Testing Methodology 1633, Revision A. December 2024. Available at: <https://www.epa.gov/system/files/documents/2024-12/method-1633a-december-5-2024-508-compliant.pdf>

³ See: <https://www.epa.gov/chemical-research/research-and-polyfluoroalkyl-substances-pfas>

Second, the Public Notice that announced this permit, Public Notice No. 2025-13ML, failed to include the proper link to this draft permit. The July 16, 2025 email from CADNR@public.govdelivery.com included an unusable link that did not direct users to the draft permit.⁴ Likewise, the link⁵ provided for “...General permits, the draft permit, notice of intent, fact sheet, and supporting documents are accessible through the EPD Watershed Protection Branch Permit and Public Comments Clearinghouse website...” also failed to direct users to the current draft permit, only including the previous permits posted on August 14, 2020⁶ and December 16, 2020.⁷ The draft was finally located at the Watershed Protection Branch’s Public Notice page. While the draft was locatable after some additional digging, ORK asks that each draft permit be easily accessible through a direct hyperlink on all public notices.

Third, there is uncertainty around the use and inclusion of Water Quality Based Effluent Limitations (WQBELs) in NPDES permits following the U.S. Supreme Court’s decision in *San Francisco v. EPA*.⁸ In this decision, the Supreme Court holds that “[33 U.S.C.] §1311(b)(1)(C) does not authorize the EPA to include “end-result” provisions in NPDES permits.” The Court defines these “end-result” requirements as “provisions that do not spell out what a permittee must do or refrain from doing,” but rather “make a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants.” Instead of the permittee’s responsibility for the end-result requirement, the Court states that it is the EPA (and, therefore, the states authorized to issue NPDES permits through their environmental departments, *i.e.* Georgia and the EPD) to determine “what steps a permittee must take to ensure that water quality standards are met.”

Under these instructions, it is unclear whether WQBELs are allowed to be used or included under this new interpretation of 33 U.S.C. § 1311(b)(1)(C). The WQBELs do not instruct the permittee about “what steps [it] must take to ensure that water quality standards are met,” and appear to focus only on the end results. ORK urges EPD to consider whether these WQBELs should be included in this NPDES permit and any future permit. Further, EPD must still be mindful of its continuing duty to meet water quality standards when issuing NPDES permits in this changing legal landscape. If WQBELs cannot be used or included, EPD must determine whether the remaining permit terms are sufficient to ensure that water quality standards will still be met. If the remaining permit terms cannot achieve this requirement, EPD cannot issue the permit. ORK strongly urges EPD to fully consider its permitting strategy and approach in light of this recent Supreme Court decision.

⁴ The link included was:

file:///C:/Users/geena.broadwater/Downloads/GAG640000%20-%20Drinking%20Water%20Plants%20GP-%202025%20-Draft%20Permit%20Package-General.pdf

⁵ EPD Watershed Protection Branch Permit and Public Comments Clearinghouse. *See*:

<https://epd.georgia.gov/forms-and-permits/watershed-protection-branch-forms-permits/watershed-protection-branch-permit-and#p>

⁶ GAG640000 August 14, 2020. *See*:

<https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/watershed-protection-branch-permit-and#permits/viewpermitdetails/5f36efe3735ea60015235a33/>

⁷ GAG640000 December 16, 2020. *See*:

<https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/watershed-protection-branch-permit-and#permits/viewpermitdetails/5fda624ad24dc6001b7d38eb/>

⁸ *City and County of San Francisco, California v. Environmental Protection Agency*, 604 U.S. ____ (No. 23-753). Available at:

https://www.supremecourt.gov/opinions/24pdf/23-753_f2bh.pdf

Thank you in advance for your time and consideration; please let me know if you have any questions:
ben@ogeecheeriverkeeper.org.

Ben Kirsch, Legal Director
Ogeechee Riverkeeper