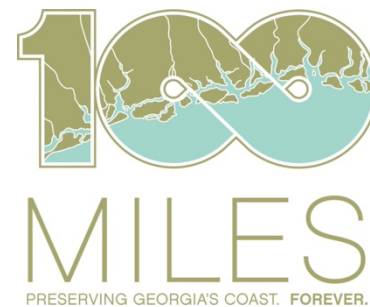


August 20, 2024

[EPDcomments@dnr.ga.gov](mailto:EPDcomments@dnr.ga.gov)

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***RE: Public Comments on water withdrawal permit applications for Bryan County Mega-Site;  
Draft Groundwater Withdrawal Permit # 016-0013 and # 016-0014***

Dear Director Cown,

Thank you for the opportunity to comment on *draft groundwater withdrawal permits (#016-0013 and #016-0014)* posted by the Georgia Environmental Protection Division (EPD) for the Bryan County Mega-Site, home of the new Hyundai Motor Factory. Please accept this letter on behalf of the 1200 members and Board of Directors of One Hundred Miles (OHM), a coastal advocacy organization dedicated to protecting and preserving Georgia's 100-mile coast through education, advocacy, and community engagement.

**OHM respectfully submits this letter in opposition to the finalization of the groundwater withdrawal permits. Our opposition will stand until there is further clarification and certainty that the surrounding communities' water quality and supply will be protected for perpetuity and that EPD upholds regulatory and planning expectations.**

OHM appreciates the time the EPD staff have invested in collecting information and public comments and efforts to address the concerns expressed to date regarding this massive project. However, after reviewing the draft permits and relevant materials, we continue to believe that unless the permit conditions and mitigation plans are adjusted, the withdrawals requested by Bulloch and Bryan Counties will have lasting negative impacts on the surrounding communities, ecosystems, and coastal landscapes,

- The proposed wells will tap the deep Floridan aquifer but withdrawing 6.6 million gallons a day (MGD) (monthly average) will affect artesian pressure reducing spring- and well-flow that feeds surficial wetlands, tributaries, and the Ogeechee River. Such impacts have occurred to well-owners and residents of St. Catherines Island,<sup>1</sup> Colonels Island, and surrounding areas in Liberty County, Georgia, when the Interstate Paper mill operation began in Riceboro, Georgia. Additionally, evidence of the connection between Floridan aquifer pressure and surface water flow was also witnessed when the former Gillman/Durango Paper Plant in Camden County, Georgia, closed in 2002. The cone of depression created by the Durango withdrawals filled rapidly and forced artesian flow at the surface. Wells on Cumberland Island blew their caps, overflowing and continuing to flow today.<sup>2</sup>

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<sup>1</sup> "Geoarchaeology of St. Catherines Island, Georgia" by Bishop, Gale, Harold B. Rollins, and David Hurst Thomas. Anthropological Papers of the American Museum of Natural History. Number 94, 391 pages. See Issued March 23, 2011. (page 66). [https://www.academia.edu/97620262/Geoarchaeology\\_of\\_St\\_Catherines\\_Island\\_Georgia?sm-b](https://www.academia.edu/97620262/Geoarchaeology_of_St_Catherines_Island_Georgia?sm-b)

<sup>2</sup> "Assessment of Coastal Water Resources and Watershed Conditions at Cumberland Island national Seashore, Georgia" by Alber, Meryll, Janice Flory, and Karen Payne. Submitted to the National Park Service May 2005. (page 86). [https://www.gcrc.uga.edu/wp-content/uploads/2019/10/CUIS\\_pdf\\_links.pdf](https://www.gcrc.uga.edu/wp-content/uploads/2019/10/CUIS_pdf_links.pdf)

While the mitigation fund is a creative idea for mitigating the impacts of the cumulative withdrawal from the Floridan aquifer, how it will be implemented is critical to successfully supporting the communities, farms, and businesses surrounding the location of the wells. Neighboring farms and communities will be affected by the cone of depression that will form when the wells are at full operational capacity. The very creation of this fund shows a recognition by EPD that there will be significant impacts to aquifer water levels and pressure. Before EPD issues the final permits, more details must be developed about the mechanisms for collecting funds from responsible parties (i.e. Hyundai), managing the funds, the process for applying for funds, and the process for allocating those funds. These details are important and should be developed with community input and transparency.

- 1. How will EPD oversee the establishment and implementation of the mitigation fund to ensure the payments are going to the farmers, businesses, and residents in need of assistance?**
  - 2. Can EPD condition the permit to ensure that community members play a role the management of the funds to ensure the process is transparent and the funds are distributed equitably?**
- The contentious nature of these permits merits a shorter permit lifetime than ten-years. Georgia R&R Chapter 391-3-2-.07 allows EPD to grant non-farm permits a maximum of ten years. It would seem prudent for the agency to NOT grant the maximum period, but instead to grant the permit for 5 or 6 years. This will allow the agency and the applicants to reevaluate the impacts of the withdrawals and address any issues or challenges that have occurred and address any challenges that may have arisen from the multiple governmental applicants providing water to the mega-site.<sup>3</sup>
- 3. With the contentious nature of this permit application, why doesn't EPD shorten the time period from the maximum ten (10)-years to a five (5)- or six (6)-year period to assure affected parties that the applicant and the end user are not causing undue harm to the neighboring water users and watershed?**
- The ambiguous reference to water conservation and efficiency efforts is not enough for providing water to such a large operation. R&R Chapter 391-3-2-.05(1)(j) requires a conservation plan, but even more significant is the charge from the Georgia Statewide Water Management Plan adopted by our Georgia General Assembly in 2008. The Statewide Plan declares that applicants for water withdrawal permits for non-farm uses must demonstrate progress toward water conservation goals or water efficiency standards. EPD must not proceed with issuing this permit until the applicant has submitted a detailed plan for how the conservation measures will be employed and how much they will increase efficiency over time. The plan should include, at the very least, recycling and reuse of water as much as possible, regular water audits, innovative technologies proven to minimize consumptive loss of water, and leak detection and repair plans.
- 4. Why have the applicants, Bryan and Bulloch Counties, not submitted a detailed water conservation and efficiency plan for the end uses of the water withdrawn?**
  - 5. What specifications and assurances can the applicants, who are not the end users of the water withdrawn, commit to ensure that the end user, Hyundai Motor Facility,**

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<sup>3</sup> The City of Pembroke's Bulloch County Operations groundwater withdrawal permits were issued for five years.

**will establish and fulfill appropriate goals to demonstrate more efficient use over time?**

- In the response to previous comments, the agency stated, "EPD 's authority to modify or revoke a permit, when it is deemed necessary, is when the groundwater use or withdrawal is not in compliance with the terms of the permit or when there is an unreasonable adverse effect upon the water uses or users in the area, except with respect to farm use permits." <sup>4</sup> The permit conditions should include crystal-clear outcomes in the case of applicant's non-compliance, and explicitly state that permit suspension or revocation will occur with specific non-compliance with the mitigation fund.

Additionally, the term "unreasonable adverse effect" must be clearly defined in terms of what impact the withdrawals will have on surrounding communities.

**6. How does EPD define "unreasonable adverse effect"?**

**7. Why does EPD fail to include clear consequences of the permit being revoked if the applicants fail to comply with the terms of the permits, the permit conditions, or a failure to adequately implement the mitigation fund?**

- Policy effective in the 24-county coastal Georgia region requires any major water withdrawal permit application to be preceded by an analysis of alternative water sources.<sup>5</sup> No alternatives were evaluated for this operation. Instead, EPD is proposing that over a 25-year period, alternatives be considered. This is a violation of the permitting process and demonstrates that the applicant was not considering any other water supply than the Floridan aquifer, a high-quality source that is most economical for the company, but not the best fit for the area.

**8. Why did EPD not require a thorough alternative analysis be submitted by the applicants prior to issuing the draft permits?**

- Lastly, Georgia's Comprehensive State-wide Water Management Plan, signed into law by Governor Sonny Purdue in 2008,<sup>6</sup> lead to the development of a coastal regional water management plan, last updated in 2023. Georgia's state water plan says, that "...once adopted regional water management plans would be implemented by the water users in the region and EPD will make water permitting decisions based on the plans."<sup>7</sup> The 2023 update of the coastal regional water plan vaguely mentions a new industrial complex that is, "expected to use 4 MGD of groundwater from Bryan County, 3.25 MGD of groundwater from Bulloch County and 2.5 MGD of surface water from Effingham County." <sup>8</sup>

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<sup>4</sup> See "Response to Comments on the Draft Special Conditions" posted by EPD online: <https://epd.georgia.gov/water-withdrawal-permitting>

<sup>5</sup> Alternative Water Sources – EPD Guidance Document, August 2007. [https://www.google.com/url?client=internal-element-cse&cx=450907bf5042c4844&q=https://epd.georgia.gov/document/document/alternatwatersourcespdf/download&sa=U&ed=2ahUKewiskZ\\_p1Y0IAxVjlu4BHYsQBm8QFnoECAIQAQ&usq=AOvVaw3z93cOfkYt3eNZFLzOqp8e](https://www.google.com/url?client=internal-element-cse&cx=450907bf5042c4844&q=https://epd.georgia.gov/document/document/alternatwatersourcespdf/download&sa=U&ed=2ahUKewiskZ_p1Y0IAxVjlu4BHYsQBm8QFnoECAIQAQ&usq=AOvVaw3z93cOfkYt3eNZFLzOqp8e)

<sup>6</sup> See HR 1022, signed into law on February 6, 2008.

<sup>7</sup> Georgia Comprehensive State-wide Water Management Plan (See Section 1, page 8). <https://waterplanning.georgia.gov/state-water-plan>

<sup>8</sup> Coastal Georgia Regional Water Plan, updated June 2023 (see pages 4-6 & 4-7). <https://waterplanning.georgia.gov/coastal-georgia-regional-water-plan>

The regional plan estimates clearly do not align with the four wells being proposed by Bryan and Bulloch County, maxing ground water withdrawals only at about 6.6 MGD (monthly average). The language in the regional water plan demonstrates that the Regional Water Planning Council anticipated that the applicant(s) would employ a full suite of alternatives to meet the large industrial facility demand, but the applicants instead are pursuing the least expensive, and likely most impactful, way of meeting demand. As far as we know, EPD has not required the applicants to conduct an alternatives analysis to meet the demand of the facility. Instead, the agency is proposing that over a 25-year period alternatives be considered.

A development of this magnitude – indeed a MEGA SITE – must be planned for, it must be accounted for, and it must be considerate of the other non-industrial uses of our most precious and limited resource.

- 9. How does EPD consider a water withdrawal application that is not adequately addressed or planned for in the regional water plan, when the state-wide water management plan clearly requires that all withdrawals comply with the regional plans?**
- 10. Why does EPD not require the applicant to consider alternative water sources as part of the permit application, or at least consider alternatives after a shorter time period, such as when the permit is due for renewal?**

To conclude, One Hundred Miles requests that the Georgia Environmental Protection Division use its regulatory authority, as granted in the Comprehensive State-wide Water Management Planning Act and the Georgia Groundwater Use Act, to pause the issuance of the final groundwater withdrawal permits requested by Bryan and Bulloch Counties. It is imperative that the agency not proceed until a plan is in place that ensures efficient use of limited water supplies, considers all possible alternatives, provides assistance to those affected by the withdrawals, assures government accountability of the mitigation fund, and overall protects the quality of life for the surrounding residents, their farms and businesses.

Thank you for considering these concerns. I look forward to your response to our questions. Contact me at any time if you need additional information or if I can be of assistance ([jen@onehundredmiles.org](mailto:jen@onehundredmiles.org) or 912-441-3908).

Sincerely,

*Jen Hilburn*

Jenifer Hilburn  
North Coast Advocate  
One Hundred Miles