



Richard E. Dunn, Director

Watershed Protection Branch
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Atlanta, Georgia 30334
404-463-1511

VIA ELECTRONIC DELIVERY
AND FIRST-CLASS MAIL

Mr. David Groves
Plant Manager
3465 Highway 198
Carnesville, Georgia 30521

DEC 09 2019

RE: Notice of Violation
GRP Franklin Renewable Energy Facility
NPDES Permit No. GA0039292
Franklin County

Dear Mr. Groves:

This letter serves as a Notice of Violation (NOV) of the Georgia Rules and Regulations for Water Quality Control (Rules) and National Pollutant Discharge Elimination System (NPDES) Permit GA0039292 (Permit) issued to GRP Franklin Renewable Energy Facility (GRP Franklin) on September 28, 2015.

On October 7, 2019 and October 8, 2019, representatives from the Georgia Environmental Protection Division (Division) visited GRP Franklin to investigate a complaint received on October 5, 2019, of a release of fire-suppression water to Indian creek resulting in a fish kill of 2,159 fish in 4.6 miles of the creek. During the visits, the Division learned that GRP Franklin sprayed water, estimated to be 1.14 million gallons, on the wood chip fuel pile from October 3, 2019 to October 5, 2019 and the runoff from this entered an unnamed tributary to Indian Creek through stormwater basin A (Basin A) and stormwater basin C (Basin C) on October 5, 2019 through October 6, 2019. Basins A and C are settling basins and the Permit requires stormwater runoff from the fuel storage area to discharge to them before discharging to the tributary of Indian Creek through Outfalls 001 and 002 respectively. Basin A and Basin C had skimmers to collect sediment-free water from the surface and discharge to the receiving water. According to the facility, during the incident, the skimmers were not operating as intended. The Division observed that runoff from the pile appeared tannic and was dark brown to black in color. GRP Franklin has stated that a small percentage of the stored material was creosote-treated.

Part II.A.3 of the Permit requires GRP Franklin to maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed. Rule 391-3-6-.03(5)(c) of the Rules states that all Georgia waters shall be free from material related to discharges which produce turbidity, color, odor or other objectionable condition which interfere with legitimate water uses. Rule 391-3-6-.03(5)(e) states that all Georgia waters shall be free from toxic substances

discharged from industries in amounts which are harmful to aquatic life. Rule 391-3-6-.05 requires that whenever any toxic or taste and color producing substance, or any other substance which would endanger downstream users of the water of the state or would damage property, is placed so that it may flow, be washed, or fall into waters of the state because of accident or otherwise, then it is the duty of a person in charge of the substance to take reasonable and necessary steps to protect the waters of the state. The Division alleges that the discharge of substances that were toxic to aquatic life and interfered with legitimate water use, the failure to maintain and operate Basin A and Basin C as efficiently as possible and the failure to take reasonable and necessary steps to prevent injury to property and downstream users are violations of the Permit and the Rules.

In corresponding with the facility following the incident, the facility stated that it has removed skimmers from its stormwater basins to allow settling, pumped out Basin A and Basin C, and established a short-term contingency plan of placing Frac Tanks on site with pumps at Basin A and Basin C. According to the facility, it has also removed residual runoff from all stormwater conveyances and retention ponds and has covered the drain alongside the roadway on the northwest side of the plant to prevent runoff from the wood pile entering stormwater basin B (Basin B) which drains to Basin A.

On November 20, 2019 and November 22, 2019, representatives of the Division visited GRP Franklin to follow-up from the fish kill event of October 2019, investigate recent complaints from the public (which included complaints of black residue and oil sheen in Indian Creek), and conduct an industrial stormwater inspection. During the visits, the Division observed that the concrete outfall structure in Basin C was leaking, allowing stormwater to discharge into the tributary before normal settling occurs (*Picture 1*). The Division also saw evidence of black residues, from the fish-kill event, alongside the tributary to Indian Creek (*Picture 2*) downstream of both Outfalls 001 and 002. The Division alleges that the failure to maintain and operate Basin C as designed is a violation of Part II.A.3 of the Permit. On December 2, 2019, the facility submitted to the Division an updated Corrective Action Plan (Plan) for Basin A and Basin C. The Plan includes developing engineering plans and specifications for the installation of pH control systems, baffles and two Surface Aerators in the basins.

The National Pollutant Discharge Elimination System Storm Water Discharges Associated with Industrial Activity General Permit No. GAR050000 (2017 IGP) regulates all point source discharges of storm water associated with industrial activity to the waters of the State of Georgia. GRP Franklin submitted a Notice of Intent for coverage under the 2017 IGP on May 13, 2019. According to Section 1.1.4.1 (*Discharges Mixed with Non-Stormwater*) of the 2017 IGP, stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part 1.1.3, are not eligible for coverage under this permit. Observations from the site visit conducted on November 22, 2019 indicate the presence of process wastewater in both outfalls, 001 and 002. Therefore, the facility is not eligible for coverage under the 2017 IGP.

Within fifteen (15) days of receipt of this letter, GRP Franklin must submit the following to the Division:

1. Contingency procedures and/or plans for monitoring wood chip pile runoff and discharges from Basin A and Basin C during future watering and storm events.
2. An interim operating plan for Basin C until planned modifications have been implemented. This should address repair of the outfall structure and disposition of the skimmers.
3. A corrective action plan to assess and remediate any lingering effects from the October fish

kill event, such as residue or impacts to flora, along Indian Creek and its tributary below the plant outfalls, for the 4.6 miles impacted by the facility's discharge.

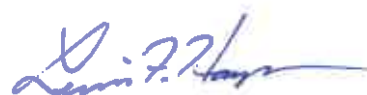
4. Any water quality sampling data requested by EPD after the fish kill event, that have not previously been collected and/or submitted, for samples collected from Basin A, Basin B, and Basin C, including the date and location of samples. EPD requested that the facility monitor all parameters required in the Permit during discharge from either basin and sample all the pollutants included on the permit application as "believed present", any additional pollutants that you have reason to believe are present, and turbidity and color from Basin A and Basin C. GRP Franklin has provided EPD with some of the sampling data from Basin A and Basin C but is still missing sampling results for some of the pollutants it marked as 'believed present' in its permit application, including data for Beryllium, Copper, and Nickel.
5. A complete and accurate Notice of Termination (NOT) to terminate permit coverage under the 2017 IGP. The NOT must be submitted using the NOT form provided through the Georgia EPD Online System (GEOS) portal.

The Division will consider this and any other information GRP Franklin wishes to submit, including any additional explanation of corrective actions taken or planned to address these violations, in determining what additional enforcement action, including monetary penalty, is warranted.

GRP Franklin is responsible for maintaining the facility and must take necessary measures to comply with the requirements of its permit to avoid any future violations. GRP Franklin must notify the Division immediately of any discharge in violation of the Permit, followed by a written report within five (5) days of becoming aware of the incident. The report must have chronology of events leading to the discharge, description of the discharge, cause and duration of the noncompliance, and any corrective action(s) taken.

Thank you for your attention to this matter. If you have any questions regarding this letter, please contact Chris Bruegge at (404) 463-4944, or via email at chris.bruegge@dnr.ga.gov.

Sincerely,



Lewis F. Hays, Manager
Watershed Compliance Program

LFH/cb

Attachment: Pictures

cc: Ciaran McManus, GRP (cmcmamus@georgiarenewablepower.com)
Jacquelyn Scarbary, GRP Franklin (jacquelyn.scarbary@veolia.com)
Charles D. Williams, EPD Northeast District Office (Derrick.Williams@dnr.ga.gov)
Veronica Craw, EPD Non-Point Source Program (Veronica.Craw@dnr.ga.gov)

Attachment - Pictures



Picture 1



Picture 2