

A summary of water-related permitting processes

This document outlines several key water-related permitting activities that are likely relevant to the proposed Rivian plant. For more information about the Watershed Protection Branch, including water permits and regulations, please visit the EPD website at:

<https://epd.georgia.gov/watershed-protection-branch>

You can also sign up to receive public notices about water permits and other announcements at:

<https://epd.georgia.gov/watershed-protection-branch-public-announcements>

Wastewater

Rivian proposes to send wastewater to the Newton County Water and Sewer Authority (NCWSA). NCWSA has two wastewater treatment facilities: the Yellow River Water Pollution Control Plant (Land Application System [LAS] permit number GAJ020013) and A. Scott Emmons Water Reclamation Facility (National Pollutant Discharge Elimination System [NPDES] permit number GAO050304). The Yellow River Water Pollution Control Plant has an approved pretreatment program. The newly-constructed A. Scott Emmons Water Reclamation Facility permit is undergoing a permit modification to be included in the NCWSA pretreatment program. The pretreatment program was put on public notice by EPD on February 14, 2022, and the public comment period expired on March 31, 2022. NCWSA posted their public notice on February 20, 2022, and the comment period closed on April 6, 2022. EPD is in the process of reviewing and responding to the comments received.

Pretreatment permits are designed to protect the local municipalities' wastewater treatment plant and infrastructure by reducing pollutant levels discharged by industries to the sanitary sewer, which could cause pass through or interference in the receiving waterbody. Pretreatment permits can be issued by either EPD or by a Publicly Operated Treatment Works (POTW) with an approved pretreatment program.

Municipalities may request authorization to implement their own local Industrial Pretreatment Program, and EPD may delegate its authority to a municipality, per Rule 391-3-6-.09. Requirements for Approval and Implementation of Publicly Owned Treatment Works Pretreatment Programs and Administration of the EPD Pretreatment Program.

The municipality must submit for review, public notice, and approval their pretreatment program. The program must contain all of the elements provided in 40 CFR 403.9 and 403.8, such as certification statements, identification of funding mechanisms, and a description of how the POTW will implement the program to comply with the federal and state pretreatment standards and regulations, including how the POTW will review applications and issue permits to industrial users that include monitoring and effluent limits, conduct inspections, and establish and run compliance and enforcement programs. The program also includes the numeric and narrative local limit evaluations used to determine effluent limits for industrial users and the local sewer use ordinance.

Program Public Notice Process

After EPD has determined the pretreatment program to be complete, the program will be public noticed by the municipality and EPD in a manner that informs interested persons, which means

that at a minimum the notice is posted in the newspaper of general circulation for a period of at least 45 days. All comments received are considered in the decision on whether to approve or deny the program.

A public hearing may be held if requested and the hearing would also require a 45-day public notice.

After EPD has considered all comments, and is ready to approve the program, a public notice of the approval must be issued.

After the public notice of approval, EPD will modify the POTW's permit to include the approved program and associated permit conditions. This permit modification is a minor modification and does not require an additional public notice process.

Approved Pretreatment Program

Upon approval and incorporation into the POTW permit, the POTW is expected to implement the program. As part of the POTW permit, the program must be evaluated by EPD at least once every five years. If modifications are needed, the modifications to the program would follow the same public notice procedures described above.

Stormwater

The Rivian site may require coverage under two stormwater permits: the general permit for discharges of stormwater from construction activity and the general permit for discharges of stormwater from industrial activity. Both permits are NPDES permits.

The construction general permit and industrial general permit include specific Best Management Practices (BMP) requirements for all sites/facilities covered under the permits. The BMPs and other permit requirements were selected to ensure that compliance with permit conditions would result in protection of water quality.

The facility will submit Notices of Intent (NOI) for coverage under the two permits. These NOIs will be available to the public through the GEOS portal; however, because these are general permits, there is no comment period associated with the submittal of a NOI. Authorization to discharge stormwater associated with an eligible industrial activity is granted immediately upon submittal of the NOI, and authorization to discharge stormwater from construction sites is granted 14 days after submittal of the NOI.

Rivian will be required to comply with all permit requirements. Copies of the permits are available on the EPD website (see links below).

Construction Stormwater Permits: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/storm-water-forms/npdes-construction-storm>

Industrial Stormwater Permit: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/storm-water-forms/npdes-industrial-storm#:~:text=NPDES%20Industrial%20Stormwater%20General%20Permit%20%28IGP%29%20Draft%20Permit,Permit%20for%20stormwater%20discharges%20associated%20with%20i ndustrial%20activity.>

For the construction stormwater permit, Rivian will develop and implement an Erosion and Sediment Control Plan, which will be reviewed by EPD. The construction site will also be subject to inspections and oversight by EPD District staff.

For the industrial stormwater permit, Rivian will develop and implement a Stormwater Pollution Prevention Plan (SWPPP), which must include all of the necessary items identified in the permit. The SWPPP will be reviewed by EPD, and the site will be subject to inspections and oversight by EPD staff.

Wetlands

Streams and wetlands have been identified on the site for the proposed Rivian plant. Impacts to jurisdictional streams and wetlands are authorized by the United States Army Corps of Engineers (USACE) through 404 permits. For individual 404 permits, off-site mitigation is required for impacts to streams and wetlands. Compensation for such impacts is handled by stream and wetland mitigation banks, and the project proponent can buy credits sufficient to offset the impact.

States may issue 401 water quality certifications for 404 permits (along with other federal permits/licenses, such as through FERC) to ensure that the activities covered by the federal permits/licenses comply with state water quality requirements. EPD has dedicated staff for the review of 401 water quality certification applications and the development of 401 water quality certifications, including all necessary conditions to protect water quality.

Typically, the project proponent (or applicant) will request a jurisdictional determination on the waters on the sites (streams and wetlands). After the waters have been determined to be jurisdictional, then the project proponent will apply for a 404 permit with the USACE and a 401 water quality certification with EPD. When developing the 401 water quality certification, EPD can include special conditions responsive to the unique site conditions, such as concerns about the impacts of previous site contamination to water quality.

Public comments are solicited through USACE's Joint Public Notice (JPN) process, which occurs after USACE completes their review of the proposed project. EPD receives copies of comments from the USACE process and the response from the project proponent. 401 water quality certifications do not undergo a separate public comment process. EPD focuses on those comments relevant to the 401 water quality certification, and the certification is not finalized until the comments and responses are reviewed by EPD.

The Georgia Department of Economic Development has applied for a 404 permit with USACE on April 29. On May 2, EPD received a 401 water quality certification application for the project.

Groundwater

Hydrologic Atlas 18 (HA 18) – Most Significant Ground-Water Recharge Areas of Georgia (1989) serves as the primary reference for areas of significant groundwater recharge. In the Piedmont region, the mapping for HA 18 was done by taking any information indicating increased soil thickness over the crystalline rock and low slopes. HA 18 shows that the site of the proposed Rivian plant is in an area designated as part of Piedmont Province “Probable Areas of Thick Soils (may be significant recharge area)” (see: <https://epd.georgia.gov/document/publication/ha-18-most-significant-ground-water-recharge-areas-georgia-1989/download>). Approximately 23% of Georgia is identified in HA 18 as an area of significant groundwater recharge.

Hydrologic Atlas 20 (HA 20) – Ground-Water Pollution Susceptibility Map of Georgia (1992) shows which areas of Georgia are more susceptible to groundwater pollution using the DRASTIC method. When HA 20 was then created, the mapping from HA 18 in the Piedmont region showing the “Probable Areas of Thick Soils” was carried over directly onto the HA 20 map. HA 20 shows that the site of the proposed Rivian plant is an area designated as a lower pollution susceptibility area (see: <https://epd.georgia.gov/document/publication/ha-20-ground-water-pollution-susceptibility-map-georgia-1992/download>).

The Rules for Environmental Planning Criteria (391-3-16) include a section for Criteria for Protection of Groundwater Recharge Areas (391-3-16-.02). These criteria address:

- Georgia EPD permitting decisions regarding landfill and hazardous waste permitting (391-3-16-.02(3)(a)-(c)),
- above-ground chemical or petroleum storage tank requirements (391-3-16-.02(3)(d)),
- agricultural waste impoundments (391-3-16-.02(3)(e)),
- septic tanks/drain field systems for homes and mobile home parks, including lot sizes and approvals (391-3-16-.02(3)(f)-(j)),
- Regional Development Center septic tank consideration and plan requirements (391-3-16-.02(3)(k)),
- Material handling and operation requirements, as prescribed by Georgia EPD (391-3-16-.02(3)(l)),
- And additional requirements related specifically to areas with pollution susceptibility (391-3-16-.02(3)(m)-(o))