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August 12, 2014 (ALBANY) - The Flint Riverkeeper filed comments August 8, 2014 with the Georgia Environmental Protection Division (“EPD”), objecting to the proposed content of a draft renewal permit for the TenCate/Southern Mills (“TenCate”) facility in Molena, Georgia. The Riverkeeper’s primary objections are to the noxious smell caused by the LAS spray and the overspray and flow of chemicals into tributaries of the Flint River. Also, results of well testing on TenCate property have shown pollution exceeding state limits. The Riverkeeper is represented by GreenLaw senior attorney, Hutton Brown.

TenCate is a manufacturer of protective fabrics, synthetic turf, and other products with its corporate headquarters and three facilities in Georgia. The facility in Upson County provides over 220 jobs for the upper Flint community, \$6 million in annual payroll, and is a major supporter of many outstanding efforts in Thomaston and Upson County. The chemicals used at their Upson County facility are treated by partial oxidation and then discharges to spray fields pursuant to a Land Application System (“LAS”) permit issued by EPD.

A LAS allows for pollutants to be removed by plants and soil before entering water bodies. A well-designed and operated LAS produces a percolate water of high quality that protects ground and surface water resources. A spray irrigation system is typically used to apply all or a portion of the treated wastewater to approved sites.

Landowners adjacent to the TenCate facility in Molena complain that spray from the LAS routinely blows onto adjacent land and waters, and the Riverkeeper has observed such. Residents also complain of noxious smells, observed by Riverkeeper staff as well. Residents have also complained that TenCate is discharging polluted waste and sediment via a stream on its property and small surface springs on private property. These discharges have caused increased conductivity of stream water, local algal blooms, sedimentation of formerly pristine

hardwood bottoms, and have deposited a heavy grey sludge in a formerly clear-water wetland.

In its comments filed with EPD, Brown calls for regimented odor testing, tighter controls on overspraying, investigation into several self-reported violations of TenCate's existing LAS permit, monitoring of all streams crossing the site, an antidegradation review, limits on the release of various compounds of nitrogen, additional 50-foot buffers on the edge of the TenCate property, and regular testing of private drinking wells within 2,500 feet of TenCate's sprayfields. Most importantly, Brown urges the EPD to lay out a very clear pathway to a higher level of wastewater treatment and a direct discharge permit (NPDES) for the facility.

"Overspray, odor, and escape of pollution are a significant problem with the TenCate facility and should be controlled to protect the health of the community and the river," says Gordon Rogers, Flint Riverkeeper. "We want for EPD to do its job and for TenCate to make the necessary investments, so jobs are preserved, private property is cleaned up and protected, and our public waters have their quality and flow restored."

"We think it's unwise for the EPD to issue another five-year permit without imposing stricter controls on TenCate's discharge," agrees Brown.

Another concern is water quantity. The EPD's policy of "no returns" to the upper Flint River, established in 1988, has resulted in chronic low flows, even in wet years such as 2014. This was detailed in a 2013 report coauthored by American Rivers and Flint Riverkeeper entitled, "Running Dry: Challenges and Opportunities in Restoring Healthy Flows in Georgia's Flint River Basin."

The EPD should be converting LAS's to direct returns at every possible juncture," says Rogers. "We urge the EPD to issue a very tightly structured two-year permit and move to an NPDES permit where water that is removed from the Flint basin can be returned after it is properly treated."

Interested parties wanting to follow the issue may visit the Flint Riverkeeper website at www.flintriverkeeper.org or the GreenLaw website at www.greenlaw.org

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The Flint Riverkeeper is a non-profit dedicated to restoring and protecting the Flint River, its water quality and flow, for the benefit of current and future generations and dependent wildlife. It was established in 2008 to address the various issues that are threatening the Flint River and its tributaries in the face of unprecedented demand for its water.

GreenLaw is a non-profit law firm that has provided free, high-quality legal representation to environmental and community organizations throughout Georgia for more than 20 years. GreenLaw's clean water work is headed up by Hutton Brown, a respected attorney with over 20 years of litigation experience in state and federal courts.