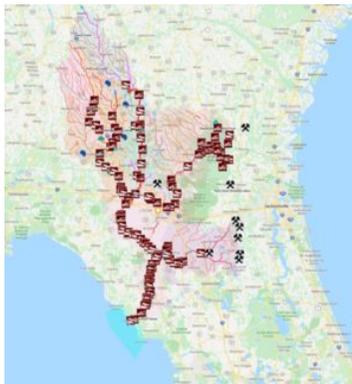
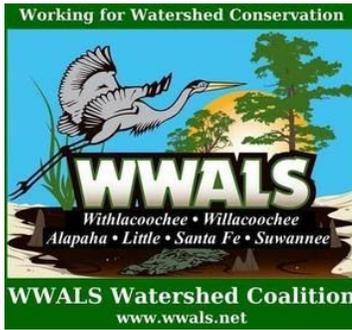


March 30, 2020



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WWALS is an IRS 501(c)(3)
nonprofit charity est. June 2012

WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, Santa Fe, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.



To: Mary S. Walker, Regional Administrator <walker.mary@epa.gov>
Jeaneanne Gettle, Director, Water Division, <gettle.jeaneanne@epa.gov>
Blake Ashbee, Chief of Staff <ashbee.blake@epa.gov>,
Carol Kemker, Director, Enforcement & Compliance Assurance Division
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Region 4, U.S. Environmental Protection Agency (EPA)

Cc: Gregory J. Strong, Director, Northeast Division <Greg.Strong@dep.state.fl.us>
Noah Valenstein, Director <Noah.Valenstein@dep.state.fl.us>
Florida Department of Environmental Protection (FDEP)

Col. Daniel Hibner, Commander, U.S. Army Corps of Engineers, Savannah District
Attention: Ms. Holly Ross, holly.a.ross@usace.army.mil,
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Georgia Department of Natural Resources, Environmental Protection Division,
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Re: Applicant: **Twin Pines Minerals, LLC**, Application Number: **SAS-2018-00554**

Dear Administrator Walker and Director Gettle,

Thank you for your two comment letters to the U.S. Army Corps of Engineers (USACE), raising extensive and serious concerns about the first permit application by Twin Pines Minerals, LLC (TPM), of Birmingham, Alabama. TPM retracted its first application, but applied again, as announced by USACE in a Public Notice of March 13, 2020, using the same Application Number: **SAS-2018-00554**.

Suwannee Riverkeeper for WWALS Watershed Coalition (WWALS) brings to the attention of the Environmental Protection Agency (EPA) that the rule under which USACE is reviewing this Application, 33 CFR § 325.2, states (b):

“If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the district engineer, and the applicant ...such state has 60 days from receipt of EPA's notice to determine if the proposed discharge will affect the quality of its waters so as to violate any water quality requirement in such state, to notify EPA and the district engineer in writing of its objection to permit issuance, and to request a public hearing.”

As your second EPA letter of October 3, 2019, pointed out, referring to the first EPA letter of September 12, 2019:

The letter outlined the EPA's concerns and recommendations about the project's potential impacts on freshwater wetlands located in the project area and potential secondary impacts to the adjacent Okefenokee NWR (see enclosed letter).

To date, the EPA has received no additional information from the Corps to address these concerns. Based on the limited information made available, pursuant to Part IV, paragraph (3)(b) of the 1992 Clean Water Act Section 404(q) Memorandum of Agreement between the EPA and the Department of the Army, the EPA finds that the proposed project will have a substantial and unacceptable

impact on aquatic resources of national importance.

That “*substantial and unacceptable impact on aquatic resources of national importance*” extends into the state of Florida. As U.S. Congressman Al Lawson of Florida’s Congressional District 5 noted in his comment letter of February 13, 2020, part of the Okefenokee NWR is in Baker County, Florida, and that NWR adjoins the Osceola National Forest and the Osceola Wildlife Management Area. <http://wwals.net/?p=51590> Various Florida Statutes regarding water quality apply to all three of those areas. In addition, the Okefenokee NWR is of great economic importance to the state of Florida. Congressman Lawson added:

If approved, the project would destroy portions of Trail Ridge, which acts as a geomorphological dam, ensuring clean water is stored within the Okefenokee. The U.S. Fish and Wildlife Service fears that mining operations on Trail Ridge could affect the hydrological integrity of the swamp and potentially impair the entire 438,000-acre Okefenokee ecosystem.

The Okefenokee Swamp is the headwaters of the St. Marys River, which forms the eastern border between Georgia and Florida, with half of its watershed in Florida. The Swamp is the headwaters of the Suwannee River, which flows through Florida to the Gulf of Mexico and is the subject of Florida’s State Song. The Suwannee is an Outstanding Florida Water, a legal status which requires proving that a project will not adversely affect it.

https://floridadep.gov/sites/default/files/OFW%20factsheet_0.pdf

As S. William Clark III, MD, noted in his comment letter of August 22, 2019, on behalf of the Okefenokee Swamp Park (OSP) at the headwaters of the Suwannee River near Waycross, Georgia, any change in water level or contamination of the Okefenokee Swamp by the proposed mine would affect the whole Swamp, “*even as the result of uncommon and unpredictable weather occurrences, such as hurricanes over deforested areas with exposed toxic heavy minerals....*” <http://wwals.net/?p=50052> Part of the Okefenokee Swamp is in Florida, and anything that affects the Swamp affects the Suwannee River, which flows through Florida, as well as the St. Marys River, which forms part of the border between Florida and Georgia.

Florida has already imposed legal sanctions on the mining practices of the current Applicant, Twin Pines Minerals (TPM), in a Consent Order by the Florida Department of Environmental Protection (FDEP) against Chemours and TPM for a range of violations at four titanium mines on Trail Ridge in north Florida.

<http://wwals.net/pictures/2018-03-23--fdep-warning-chemours/>

Those north Florida mines have already polluted Alligator Creek and the New River, which flow into the Santa Fe River and thence to the Suwannee River. FDEP needs an opportunity to review and comment on the present mining Application by TPM, regarding potential further contamination of the Suwannee River Basin.

In the WWALS comment letter of September 12, 2019, we spelled out potential effects of TPM’s proposed water withdrawals on the Floridan Aquifer, from which most of south Georgia and north Florida drink, and use for agriculture and industry.

<http://wwals.net/?p=50140> In that letter we also noted research by Prof. Todd Rasmussen of the University of Georgia that indicates that the Okefenokee Swamp interchanges water

with the Floridan Aquifer.¹ The North Florida Regional Water Supply Plan,² approved by Florida's Suwannee River Water Management District and St. Johns River Water Management District, includes a North Florida-Southeast Georgia (NFSEG) regional groundwater flow model,³ which clearly shows that water withdrawals in Georgia affect Florida. This is yet another reason this mining Application affects the state of Florida.

The current 219-page Application and the hundreds of pages of appendices include several reports that describe simulation modeling of surface and groundwater. To date these modules have not been peer-reviewed, nor have they been reviewed by any Florida state agency. They need to be reviewed by the state of Florida.

A cursory review of the Application reveals little, if any, mention of the Suwannee River, whose headwaters is the Okefenokee Swamp, nor of the four titanium mines in north Florida for which Twin Pines Minerals along with Chemours is under a Florida Consent Order for a range of violations, nor of the hydrological effects of the phosphate mine in Hamilton County, Florida, downstream on the Suwannee River. The present Application does not appear to include any test wells nor river monitoring for the Suwannee or St. Marys Rivers. The Application also lacks a Reclamation Plan. All of these issues, and no doubt others that will be revealed through further examination, require review and comment by the state of Florida.

These and other issues that are discovered should be discussed in public hearings in south Georgia and north Florida. The Application claims to be for a "reduced mining area" yet the acreage is approximately 86% of that from the previous Application. The Applicant claims that "reduction" is a significant change in scope of the project. Any significant change in scope is grounds for public hearings. Thus the Applicant's claim of "reduction" is yet another reason to hold public hearings. The state of Florida needs an opportunity to call for such public hearings in Florida.

Therefore we request EPA regarding permit application SAS-2018-0054 to determine that the mining activities of the subject Application may affect the quality of the waters of the state of Florida and to notify the state of Florida, the district engineer, and the applicant that Florida *"has 60 days from receipt of EPA's notice to determine if the proposed discharge will affect the quality of its waters so as to violate any water quality requirement in such state, to notify EPA and the district engineer in writing of its objection to permit issuance, and to request a public hearing."*

Thank you for your consideration.

For the rivers and the aquifer,

John S. Quarterman
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¹ Kitchens, S and Rasmussen, TC. Hydraulic Evidence for Vertical Flow From Okefenokee Swamp To The Underlying Floridan Aquifer In Southeast Georgia. Proceedings of the 1995 Georgia Water Resources Conference, held April 11 and 12, 1995, at The University of Georgia, Kathryn J. Hatcher, Editor, Carl Vinson Institute of Government, The University of Georgia, Athens, Georgia. <https://smartech.gatech.edu/handle/1853/44003>

² North Florida Regional Water Supply Plan, North Florida Regional Water Supply Partnership, accessed 5 September 2019, <https://northfloridawater.com/watersupplyplan/index.html>

³ North Florida-Southeast Georgia (NFSEG) regional groundwater flow model, North Florida Regional Water Supply Partnership, accessed 5 September 2019, <https://northfloridawater.com/groundwaterflowmodel.html>