



ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive SE
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

Oct 03, 2025

Mr. David Bennett, Chairman
Bulloch County Board of Commissioners
115 N. Main Street
Statesboro, GA 30458
Email: dbennett@bullochcounty.net

RE: Proposed Consent Order
Gateway Pond House Mine – Permit No. GAG100035
Bulloch County

Dear Mr. Bennett,

Please find enclosed a proposed Consent Order concerning violations of the Georgia Rules for Water Quality Control, Chapter 391-3-6 and the Georgia Water Quality Control Act of 1964, O.C.G.A. § 12.5.20 et seq. The contents of this Order are based upon available information and review of documentation related to the Gateway Pond House Mine located at Gateway Pond House Drive, Statesboro, Georgia. The alleged violations are detailed in the Order.

The Division is offering an amicable disposition of the allegations in accordance with the attached proposed Order. The Order delineates the terms by which you may return to compliance. If you desire to settle the issue in this fashion, please return the signed Order within fifteen (15) days of receipt of this letter to:

Environmental Protection Division
Coastal District
1050 Canal Road
Brunswick, GA 31525

Please be advised there will be a public notice and 30-day public comment period for the Order in accordance with Georgia Rule 391-3-.01-Public Participation in Enforcement of Environmental Statutes". The notice will be posted by the Division following receipt of the signed Order. Upon execution, a copy of the executed Order will be mailed to you.

Should you have any further questions or comments concerning this proposed Order, or desire a meeting to discuss this Order, please contact Beth Stevenson in the Coastal District at (912) 247-4865.

Sincerely,

Jeffrey W. Cown
Director

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Bulloch County Board of Commissioners)	ORDER NO. EPD-WP-
Gateway Pond House Mine)	
115 N. Main Street)	
Statesboro, GA 30458)	
Bulloch County)	
)	
)	
Respondent.)	

CONSENT ORDER

Authority

WHEREAS, Bulloch County Board of Commissioners (the “Respondent”) operates a surface mining facility named Gateway Pond House Mine located at Gateway Pond House Drive, Statesboro, Georgia, 30458 (hereafter the “Facility”) in Bulloch County, Georgia; and

WHEREAS, the Director (the “Director”) of the Environmental Protection Division of the Georgia Department of Natural Resources (“EPD”) administers and enforces the Georgia Water Quality Control Act of 1964, O.C.G.A. § 12.5.20 *et seq.* (the “Water Quality Act”);

WHEREAS, EPD administers and enforces the Rules for Water Quality Control, GA. COMP. R. AND REGS. 391-3-6, as amended (the “Water Quality Rules”), which were promulgated and are in effect pursuant to the Water Quality Act; and

WHEREAS, the Water Quality Act and the Water Quality Rules make it unlawful to discharge pollutants into waters of the state except in accordance with a permit issued by the Director pursuant to the Water Quality Act and Water Quality Rules; and

WHEREAS, the Georgia Administrative Procedures Act at O.C.G.A. § 50-13-18(b) provides that permits only may be administratively extended past their expiration date if the permittee “has made timely and sufficient application for renewal”; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-5-52 provides that any person violating any provision of the Water Quality Act or any permit condition or limitation issued or established pursuant to the Water Quality Act, Water Quality Rules, or negligently or willfully failing or refusing to comply with any final order of the Director shall be liable for a civil penalty not to exceed \$50,000 per day for each day during which such violation continues provided; and

Background

WHEREAS, the Director of EPD issued National Pollutant Discharge Elimination System (“NPDES”) Permit No. GAG100000 (“Permit”) on July 14, 2020; and

WHEREAS, the Respondent obtained coverage under the Permit on September 1, 2020; and

WHEREAS, the Permit authorizes the Respondent to discharge process generated wastewater

according to effluent limitations, monitoring requirements, and other conditions set forth in the Permit; and

WHEREAS, Part III.B.10 of the Permit requires the Respondent to submit an application to renew the Permit at least 180 days before the expiration date of the Permit; and

WHEREAS, the Respondent failed to submit a timely permit application to EPD to renew the Permit, which is a violation of the Permit; and

WHEREAS, the Permit expires on August 31, 2025, and any discharges taking place after the expiration of the Permit are unpermitted discharges; and

WHEREAS, the Respondent submitted a permit application to EPD to renew the Permit on March 20, 2025; and

WHEREAS, the Water Quality Act at O.C.G.A. § 12-5-29(a) makes it unlawful to use any water of the State to dispose of sewage or other wastes except in such a manner as to conform to and comply with the Water Quality Act, Water Quality Rules, and orders and permit established under the Water Quality Act; and

WHEREAS, the Water Quality Act at O.C.G.A § 12-5-30(a) and (b) make it unlawful to discharge pollutants from a point source facility or nonpoint source facility, respectively, into waters of the state without a permit.

Alleged Violations

WHEREAS, the Respondent's failure to submit a timely application to EPD at least 180 days prior to the expiration date of the Permit is a violation of the Permit, Part III.B.10; and

WHEREAS, the Respondent's operation of the Facility after the expiration date of the Permit would constitute an unlawful discharge of pollutants into the waters of the state; and

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows:

1. Within thirty (30) days of the effective date of this Order, the Respondent shall pay to the Georgia Department of Natural Resources \$250.00 to resolve the violations described above. Payment in the form of a certified check or money order to the Georgia Department of Natural Resources shall be submitted to the EPD's Coastal District at 1050 Canal Road, Brunswick, GA 31525.
2. Upon the execution by the Director of this Consent Order, the Respondent is authorized to discharge treated wastewater under the conditions of the Permit. For the duration of the authorization described in this Condition, the Respondent shall comply with all the terms, conditions and limitations of the Permit.

3. This Order may be terminated at such time that the Director makes a determination regarding the permit application dated March 20, 2025, and that determination is final and effective.
4. Authorization to discharge wastewater described in Condition No. 2 may be terminated if the Respondent does not comply with the requirements outlined in Condition No. 1 above. EPD shall notify the Respondent in writing that such authorization has been terminated.

Deadlines

Time is of the essence in this Consent Order. Compliance with any deadline that falls on a Saturday, Sunday or state recognized holiday shall be by the next business day.

Addresses

All notices, correspondence, etc., from the Director and EPD to Respondent relating to this Consent Order shall be sent to:

Mr. David Bennett, Chairman
Bulloch County Board of Commissioners
115 N. Main Street
Statesboro, GA 30458
dbennett@bullochcounty.net

Respondent shall submit address changes to EPD in written notice sent by certified mail; such notice shall include this Order number.

All correspondence from Respondent to EPD relating to this Consent Order shall be sent to:

Mrs. Beth Stevenson, District Manager
Environmental Protection Division
1050 Canal Road
Brunswick, GA 31525-6856
Beth.stevenson@dnr.ga.gov

Public Notice

This Consent Order may be subject to public notice and comment.

Required Submissions

Upon the submission of any reports, plans, schedules or other information required by any Condition(s) of this Consent Order, EPD shall review the submission to determine its completeness. If EPD determines that the submission is complete, EPD shall notify Respondent in writing that the submission is approved.

If EPD determines that the submission is incomplete, it shall provide Respondent with written notice of the deficiencies. Respondent shall have 15 days from issuance of EPD's notice of deficiency to submit a corrected submission.

All submissions required by this Consent Order are, upon approval by EPD, incorporated by reference into, and made part of, this Consent Order. Any noncompliance with an approved submission shall be deemed noncompliance with this Consent Order.

Approval by EPD of any submission required by this Consent Order is not an agency determination that compliance with any state laws, regulations and/or permits, licenses, etc., will thereby be achieved, but is strictly limited to the completeness of the technical aspects of the submission with regards to the requirements of this Consent Order.

Force Majeure

Failure of Respondent to complete the requirement(s) of any Condition(s), other than payment obligations, by the deadline(s) specified therein may be excused by EPD if 1) Respondent's failure was caused by a force majeure event, and 2) Respondent complies with all notification requirements in this section. Respondent shall have the burden of proving to EPD that it was rendered unable, in whole or part, by the force majeure event to meet the deadline(s).

The term "force majeure event" as used herein shall be limited to the following: an act of war (whether declared or not), including an invasion, act of foreign enemies, or terrorism; a strike, lockout, or other labor or industrial blockade or embargo which is not attributable to any unreasonable action or inaction on the part of Respondent; public riot; specific incidents of exceptional adverse weather conditions or natural disasters such as a hurricane, flood, or earthquake; a fire or explosion affecting the Respondent's operations; failure to secure timely and necessary federal, state, or local approvals or permits, provided approvals or permits have been timely and diligently sought; and any other occurrence caused by unforeseeable circumstances beyond the reasonable control of Respondent, as determined by EPD in its sole discretion.

Within two (2) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall notify EPD verbally or in writing. Within seven (7) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall submit written notice to EPD of the force majeure event, the possible effects and the anticipated length (if known) of any delay. EPD shall review the submission and negotiate with Respondent regarding the length of the proposed extension of deadlines, if any. The Respondent shall exercise due diligence and adopt all reasonable measures to avoid or minimize any delay.

Effect of Order

Respondent consents and the Director executes this Consent Order solely for the purpose of addressing the alleged violations set forth herein. This Consent Order does not relieve Respondent of any obligations or requirements of any statute, rules, permit, or other matter administered by EPD except as specifically authorized herein, which authorization shall be strictly construed. This Consent Order is not a finding, determination, or adjudication of a violation of any state laws, rules, standards and/or requirements, nor does Respondent by consenting to this Consent Order make any admission with respect to any factual allegation contained in this Consent Order or to any liability to any third party.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

Further Enforcement

Failure by Respondent to comply with any provision of this Consent Order may result in further enforcement action. Issuance of this Consent Order does not waive the Director's right to use the violation(s) alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

Finality

For the purpose of enforcement, this Consent Order constitutes a final order of the Director in accordance with applicable Georgia law. By agreement of the parties, this Consent Order shall be final and effective immediately upon execution by the Director, shall not be appealable, and Respondent does hereby waive all administrative proceedings and judicial hearings on the terms and conditions of this Consent Order.

Electronic Signatures

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 *et seq.*

It is so ORDERED and CONSENTED TO on the following date _____.

For the Georgia Environmental Protection Division:

By: _____
Jeffrey W. Cown, Director

For Respondent:

By: _____

Printed

Name: _____

Title: _____