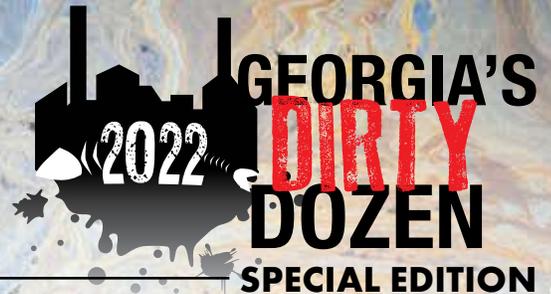


Celebrating the Clean Water Act's Impact on **GEORGIA'S WATER**



OGEECHEE-CANOOCHEE RIVERKEEPER V. KING AMERICA FINISHING

Historic Fish Kill Leads To Millions of Dollars in Investments to Protect Ogeechee River

INTRODUCTION

It has been more than a decade since some 38,000 fish went belly up in the Ogeechee River downstream from the King America Finishing (KAF) textile plant in Screven County, but for many residents along the Ogeechee the horror of that incident still haunts. After discovering the dead fish along the banks of the river by her home, Connie Shreve posted "Poisoned River" posters at the nearby public boat ramp warning off would-be anglers and boaters. In the months that followed, those that recreated on the river began going elsewhere, and many have still not returned. "My business went from 90 to nothing. The whole world changed on the river," said Shreve, noting that her canoe/kayak rental business has declined by about 80 percent over pre-fish kill highs. While the impact of negative publicity over the fish kill lingers in Ogeechee River communities, the Clean Water Act provided local advocates with the power to hold both the textile plant and Georgia's Environmental Protection Division (EPD) accountable. Advocacy efforts and legal action taken by Ogeechee Riverkeeper led to nearly \$6 million in investments to protect the river, most of which would not have been made had the enforcement of clean water laws been left solely to state regulators.

THE WATER BODY

The 245-mile long Ogeechee River is one of Georgia's last remaining free-flowing rivers. A blackwater beauty, it flows through Eastern Georgia, draining a 5,540 square-mile basin that encompasses wetlands, forests, farms, and scores of towns and cities. Within that basin, thousands of Georgians rely on the river and its tributaries for fish to feed their families, and the underlying aquifer for their drinking water. The Ogeechee also supports diverse wildlife, offers countless recreational opportunities, supplies water for agricultural and industrial uses, and carries off wastewater. Notably, it is home to several protected species, including the endangered Atlantic and shortnose sturgeons which spawn in its tea-colored water during the winter and early spring.



The impacts of the 2011 fish kill still haunt Ogeechee River communities. Those that recreated on the river went elsewhere to fish and boat, and even a decade later, some have not returned. Connie Shreve, a local canoe/kayak outfitter, said her business has declined about 80 percent over pre-fish kill highs.

THE CASE

Though EPD identified the cause of the 2011 Ogeechee River fish kill as a likely bacterial infection, during the agency's investigation they discovered that KAF had for five years been illegally discharging toxic chemicals into the river after starting a new flame-retardant textile production line in 2006. No dead fish were found upstream of the plant.

When EPD issued a weak penalty of \$1 million (in this case, EPD could have legally fined the company \$90 million) and allowed the company to continue operating its flame retardant products line, Ogeechee-Canochee Riverkeeper took legal action under the citizen suit provision of the Clean Water Act.

The suit was settled in a 2014 consent decree after KAF agreed to pay \$300,000 on top of the initial \$1 million fine to fund environmental and river restoration projects on the Ogeechee. The company also agreed to make a \$2.5 million contribution to the riverkeeper, spent an estimated \$3 million upgrading the textile plant's wastewater system and was subject to a state pollution control permit that made the company's discharge what EPD called "the most highly regulated in the state."

In subsequent years, however, KAF, which was purchased by Milliken & Company in 2014, and Ogeechee Riverkeeper continued to clash.

Milliken habitually violated its state permit regulating how much and what kind of pollutants it could discharge to the river. Over a period of seven years preceding 2020, the company violated its permit 35 times, resulting in fines totaling \$350,000.

The presence of per- and polyfluoroalkyl substances, known as PFAS, which are used in producing flame retardant textiles, further frustrated matters. Ogeechee Riverkeeper conducted tests of the company's effluent and fish in the river, finding evidence of PFAS in both. Called "forever chemicals" because they persist in the environment for years, they are linked to multiple negative health impacts in humans.



Ogeechee Riverkeeper's Clean Water Act citizen lawsuit against King America Finishing, a Screven County textile plant, was prompted by a 2011 fish kill in which some 38,000 fish died in the Ogeechee River downstream from the plant. The legal action ultimately resulted in \$6 million in investments to protect the river, most of which would not have been made without the riverkeeper's advocacy.



River and fish tissue testing conducted by Ogeechee Riverkeeper revealed that King America Finishing was discharging PFAS into the river. Linked to negative health impacts in humans, the manmade "forever chemicals" were used in production of fire retardant fabric at the plant. Earlier this year, Milliken, which purchased the King America Finishing facility, announced that it would eliminate PFAS from its products and close its Screven County facility.

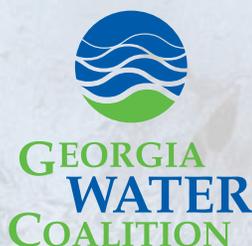
Despite this evidence, EPD never forced the company to test the river's fish for PFAS as required in the 2014 consent decree.

Finally, in 2020, at Milliken's request and over Ogeechee Riverkeeper's objections, EPD weakened some provisions of the company's pollution control permit.

Though frustrated by EPD's acquiescence to industry, Ogeechee Riverkeeper's years of advocacy, emboldened by the power of the Clean Water Act, have not been in vain.

In February, Milliken committed to eliminating all PFAS-containing materials from its products by the end of this year, and in July the company announced it would shutter its Screven County plant by early 2023, putting an end to the only major point source of pollution on the 245-mile mainstem of the Ogeechee.

Meanwhile, the grassroots organization that was originally formed because of a Clean Water Act lawsuit on the Canoochee (see page 14 of this report) continues its work to protect the 5,540 square-mile watershed and restore the faith of Ogeechee River communities in their beloved river. "We're here for the long haul," said Damon Mullis, Ogeechee Riverkeeper.



FOR MORE INFORMATION

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