

PFAS/Clean Water Act Citizen Suit Enforcement: Coosa River Basin Initiative and Georgia Municipality Enter into Consent Decree



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The Coosa River Basin Initiative (“Initiative”) and City of Calhoun, Georgia (“Calhoun”) entered into a Consent Decree (“CD”) addressing alleged violations of the Clean Water Act. See Civil Action No. 4:24-cv-00068-WMR.

Calhoun is described as a Georgia municipality that owns and operates a Water Pollution Control Plant (“WPCP”) pursuant to the terms and conditions of a National Pollutant Discharge Elimination System (“NPDES”) Permit.

The Initiative was represented in the litigation by the Southern Environmental Law Center.

The WPCP generates sludge/biosolids (“biosolids”) as a byproduct of wastewater treatment operations.

The CD provides that the Calhoun WPCP services significant industrial users which include carpet-manufacturing and related facilities. Such facilities are stated to have discharged per-and polyfluoroalkyl substances (“PFAS”) in industrial wastewater to the WPCP. The discharge is stated to have been unknown to Calhoun until relatively recently.

The Calhoun WPCP is stated to utilize conventional wastewater treatment that is unable to remove PFAS from wastewater. PFAS is stated to have accumulated in and contaminated biosolids generated by the WPCP. Further, the WPCP is stated to have disposed or arranged for the disposal of biosolids containing PFAS contaminants through land application at disposal sites identified in the city’s NPDES permit applications.

SELC on behalf of the Initiative filed a Complaint against Calhoun and Moss Land Company, LLC (described as an owner of real property identified as Sludge Field 11) in the United States District Court for the Northern District of Georgia. The Complaint alleged that Calhoun’s disposal of the PFAS-contaminated biosolids at a particular sludge field resulted in the unpermitted and ongoing discharge of dangerously high levels of PFAS to the Coosawattee River in violation of Section 301 of the Clean Water Act. Violations of the NPDES Permit and Section 7002(a)(1)(b) of the Resource Conservation and Recovery Act were also alleged.

Calhoun denies all such allegations and alleged violations and admits no liability, fault, or wrongdoing arising out of the Initiative’s allegations in the litigation. Further, the City contends that it has met all existing standards for the land application of WPCP biosolids.

The CD provides certain injunctive relief such as:

- Third party monitor (administering and certifying Calhoun's compliance with the terms and conditions of the CD).
- Cessation of land application of Calhoun WPCP biosolids.
- Implementation of drinking water treatment upgrades/modification.
- Recovery or relief from third parties (requiring Calhoun to pursue relief from PFAS manufacturers and chemical applicators in a lawsuit).
- PFAS WPCP investigation (sampling and investigation protocol of sampling analysis of WPCP biosolids, domestic and non-domestic wastewater influent).
- Calhoun WPCP pretreatment program compliance implementation (imposing Best Management Practices for discharges of PFAS to the Calhoun WPCP from its significant industrial users).
- Residential well remedial actions.

A copy of the CD can be downloaded [here](#).