

This is not just an issue for Valdosta, or Lowndes County, or Georgia. Florida has even more sinkholes and springs than south Georgia, and underground water also moves sideways all over the Floridan Aquifer, as has been known since at least the 1980s. See Appendix B.

More recent USGS research also finds salt water moving in layers among the fresh water, including the “Apalachicola salinity feature” all the way from the Gulf of Mexico to Lowndes County, Georgia, with a special additional “brackish Valdosta feature”; see Appendix C.

If natural river water and sea salt can move underground for many miles, there is no reason to expect that sewage or chicken manure or coal ash or pipeline leakage or drilling fluids or fracking waste could not do the same.

The section on the Proposed Definition has a discussion on what would be excluded, in III.H.

III.H.1. paragraph 1:

*In paragraph (b) of the proposal, the agencies propose eleven exclusions from the definition of “waters of the United States.” Specifically, under this proposal, any water not enumerated in paragraphs (a)(1) through (6) would not be a water of the United States. The proposed rule would exclude groundwater, including groundwater drained through subsurface drainage systems. This proposed rule would exclude ephemeral surface features and diffuse stormwater run-off such as directional sheet flow over upland.*

The main change to U.S. statutes would be this additional exclusion from Waters of the United States, as 33 CFR 328.3(b)(2):

*Groundwater, including groundwater drained through subsurface drainage systems;*

Yet directional sheet flow over upland can, for example, overflow a wastewater treatment system, such as happened with Valdosta, Georgia’s, old (now-closed) Withlacoochee Wastewater Treatment Plant (WWTP) in 2009 and 2013, sending untreated sewage into the Withlacoochee River; see Appendix D. Then and in more recent years, owners of wells near that same river find E. coli in their well water that may be timed with sewage or other contaminants coming downstream.

The agencies seem to realize the Proposed Rule lacks clarity regarding groundwater, when they ask:

III.H.4. ...seeking comment, second paragraph:

*Further, the agencies seek comment on the clarity of the groundwater exclusion in proposed paragraph (b)(2) and ask commenters to consider whether the exclusion could instead read, “groundwater, including diffuse or shallow subsurface flow and groundwater drained through subsurface drainage systems.” The agencies recognize that unique groundwater situations such as shallow aquifers and tile drainage systems exist around the country and welcome comments on the parameters of the groundwater exclusion and any implementation issues that may arise.*