

March 27, 2026

Electronic Submission via Email

Veronica Craw, Chief
Watershed Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
EPDComments@dnr.ga.gov

Re: NPDES permit issuance – Equinix, Inc. – AT10x (Henry County)

Dear Chief Craw:

Thank you for the opportunity to submit comments on the draft NPDES permit for the Equinix AT10x data center campus, which is proposing to discharge non-contact cooling water into Clear Creek in Henry County. We are submitting these comments on behalf of Flint Riverkeeper, Conserve Henry, and Walnut Creek Watershed Coalition.

Request for Public Hearing and Comments

As you know, Clear Creek is a small tributary of the Flint River. We have several concerns about this facility's discharge, as well as questions about the quality and quantity of that discharge. Neither the permit application nor the draft permit adequately answers those questions. Thus, commenters formally requests a public hearing on this draft permit to get more information.

For instance, it appears from the facility's antidegradation analysis that the wastewater would be discharged into a "natural drainage path" and/or a "larger flood and wetlands area" before entering Clear Creek.¹ It is unclear if this wetlands area would consist of constructed wetlands or if the applicant is proposing to discharge wastewater directly into natural wetlands abutting Clear Creek. Given that the draft permit does not mention a constructed wetlands treatment system, we assume these are natural wetlands that deserve protection. The applicant cannot rely on natural wetlands to perform wastewater treatment for its discharge, and EPD should not assume any treatment by wetlands when determining effluent limitations for the creek. If the applicant has submitted drawings or maps showing exactly where the wastewater would enter the creek or wetlands, those documents are not available on GEOS. We would like more information about where exactly the outfall would be located and whether the discharge would impact wetlands—and what kind of wetlands—before a final permit is approved. Having this information would enable us to provide more helpful comments.

¹ Thomas & Hutton, Antidegradation Report, Equinix, Inc. At10x Datacenter Campus Cooling Water Discharge, p. 8 (Feb. 2025).

Another primary concern is the amount of discharge that would enter Clear Creek. The proposed discharge would account for a significant portion of the stream's flow under normal conditions and an overwhelming majority of the stream's flow under low-flow conditions. Moreover, we expect peak discharges from the data center campus during late summer months when temperatures are high, instream flows are typically low, and the local environment is already stressed. And because it appears that the discharge will contain more minerals and metals and will have a higher temperature and pH than background conditions, we are concerned that the discharge will have negative effects on Clear Creek, both in the short and long term.

Importantly, we do not know exactly which pollutants² and what concentrations of pollutants the discharge will contain, and EPD has not conducted a Reasonable Potential Analysis to determine if effluent limitations are needed. Although the NPDES Permit Writer's Manual generally allows the agency to defer the RPA analysis if data is not immediately available, we question that approach here given the size of the receiving stream. If the discharge were going into a substantially larger river, where pollution could be diluted better, that approach may make more sense. But here, where wastewater will likely become the stream's main flow during the summer, EPD should take a more measured approach and require the applicant to submit detailed information about the character of its discharge now, based on models or actual data from similarly sized data centers with similar equipment and chemical additives. Put simply, waiting to see if the discharge will negatively impact the stream, rather than imposing permit conditions that proactively protect it, is irresponsible.

Should EPD choose to maintain this wait-and-see approach, we request more frequent monitoring instead of just monthly grab samples. The discharge should be sampled every two weeks, and the applicant should submit the Section IV (Effluent Characteristics) of EPA Form 2E for outfall 001 after one year of collecting data. One year of continuous flow monitoring and at least 24 samples for other constituents should be sufficient to give EPD the data it needs to conduct an RPA and determine whether additional effluent limitations are necessary.

To conclude, we also request a public hearing given the substantial interest and public concern over data center construction and operation throughout Georgia, plus our concerns about the immediate receiving waters/wetlands. Our understanding is that most data centers are sending their wastewater to publicly owned treatment works rather than discharging it directly to local waterways. The public and the local resource would therefore benefit from everyone learning more about the risks and/or benefits of direct discharges into state waters from large data center campuses, particularly when the receiving water is a small stream like Clear Creek.

² The permit applicant should identify exactly which chemicals or other materials that will be added to cooling water and any other pollutants that may come into contact with the cooling water. We specifically request that EPD ask the applicant whether any type of PFAS will be used in the data center campus that could come into contact with the cooling water. We have been unable to get a straight answer from data center developers about whether their facilities will use PFAS, but we know they have pushed back strongly against local ordinances that would require disclosure of that information.

Thank you again for considering these comments and request for a public hearing. If you have any questions or wish to discuss these comments further, please reach out to the undersigned at 404-521-9900 or alipscomb@selc.org.

Sincerely,

/s/ April Lipscomb
April Lipscomb
Senior Attorney

cc: Gordon Rogers, Flint Riverkeeper
Connie Snow, Conserve Henry
Mark LaRue, Walnut Creek Watershed Coalition