

WHEREAS, TPM is still under a Florida Consent Order for a range of infractions at Chemours mine sites in north Florida, including letting wastewater escape, not doing required water quality testing, and not doing required reporting, and;

WHEREAS, the president of TPM was one of the proponents of two biomass plants in north Georgia, which caused the state of Georgia to pass a law to stop them from burning railroad ties and causing air and water pollution, and;

WHEREAS, the Franklin County biomass plant caused a massive fish kill, and;

WHEREAS, the Franklin County Commission, which originally supported the biomass plant in its county, since declared it a public nuisance and opened a lawsuit against it, and;

WHEREAS, in October 2020 the U.S. Army Corps of Engineers abandoned oversight of the mine site and of TPM's permit application to the Corps, took it up again in 2022, and was ordered by a court in 2022 to lay that oversight down again, with the ultimate resolution in another court case, and;

WHEREAS, in August, 2021, a U.S. District Court remanded and vacated a 2020 change to the Clean Water Act that was the basis of the Army Corps' decision to abandon oversight of the TPM mine site, specifically the Court found "fundamental, substantive flaws that cannot be cured without revising or replacing the NWPR's definition" in the Environmental Protection Agency's ("EPA") and U.S. Army Corps of Engineers' ("Corps") 2020 Navigable Waters Protection Rule ("NWPR") redefining jurisdictional "Waters of the United States" ("WOTUS") under the Clean Water Act ("CWA"), and;

WHEREAS, EPA and the Army Corps have halted implementation of the 2020 Navigable Waters Protection Rule (NWPR) upon which the Army Corps decision to abdicate oversight of the TPM mine site was based, and;

WHEREAS, in December 2022 the EPA and the Army Corps finalized a version of WOTUS that does not include the 2020 NWPR, thus removing the Army Corps reason for abandoning oversight of the mine site, and;

WHEREAS, the Georgia Environmental Protection Division (GA-EPD) has five permit applications from TPM related to the proposed mine, for which GA-EPD is attempting to do the kind of extensive review that the Army Corps usually does, and;

WHEREAS, the current TPM permit applications are for a demonstration site, yet they own hundreds more acres they plan to mine ever-closer to the Okefenokee Swamp, as the U.S. Fish and Wildlife Service wrote in 2019, "The initial project location is the farthest that mining activity would be from the Okefenokee National Wildlife Refuge (NWR) boundary and the Okefenokee Swamp. Any additional mining that occurs within the 12,000-acre permit area