

Four Rivers filed suit over pipeline in April

PERMIT Continued from page 1

Administrator LaWanda Pemberton of the latest developments in a July 11 email.

Thompson advised that GP recently shared a “draft” wastewater permit application amendment with FDEP proposing to move its wastewater discharge point back to its previous location just upstream of the US-19/98 Fenholloway Bridge “due to the potential that the pipeline may no longer be available.”

In an April 4 complaint, initially filed in circuit court — but later moved to U.S. federal court in the Northern District of Florida on May 2 — Four Rivers is seeking a jury trial, monetary damages and injunctive relief for what it alleges is “trespass” and “unjust enrichment” by Foley Cellulose LLC (GP and Koch, LLC).

Citing wording in a 2010 easement agreement first signed by predecessors of both GP (Procter & Gamble/Buckeye) and Four Rivers (Foley Timber & Lands), granting the local pulp mill use of an easement across Four Rivers’ property for the 15.3-mile effluent pipeline, the lawsuit alleges Foley Cellulose is continuing the “unlawful and unauthorized use of the underground pipeline across approximately 9.3 miles of Four Rivers’ land.”

“The Easement Agreement expressly limited the use of the pipeline easement solely and exclusively to the transport and discharge of the wastewater generated by the Foley Mill...and further expressly provided that in no event shall the pipeline easement be used to transport any other liquids or materials,” the Four Rivers suit states.

The lawsuit is currently “stayed” after Judge Mark E. Walker granted GP’s motion to pause proceedings pending resolution by arbitration on June 12. A status report and new deadlines are due by Aug. 7, according to a July 9 court filing.

In a June 27 email sent to FDEP on behalf of GP, Tetra Tech Principal Engineer Greg Council submitted a draft amendment to a Feb. 20, 2024 permit application requesting FDEP review and renew GP’s “Industrial Wastewater Facility Permit” for the Foley Cellulose site.

“In this draft application, we propose to move the location of the outfall back to its original location on the Fenholloway River adjacent to the former mill property,” Council wrote.

According to the narrative in the 2025 permit renewal application, the FDEP permit provides GP authorization to “discharge treated wastewater to the Fenholloway River under the National Pollutant Discharge Elimination System (NPDES).”

According to Council, the Foley Mill has ceased manufacturing operations, but “will not permanently close until all required decommissioning and remediation work is complete.”

“However, because manufacturing operations have ceased, wastewater flow generated by the Foley Mill (which includes site stormwater) has been significantly decreased, and water quality is improved,” the GP application states.

Under “justification for outfall move,” GP states the Foley Mill “no longer produces process wastewater, but continues to generate some non-process wastewater.”

“Though the wastewater treatment system (WWTS) remains in operation, the primary flows received are: 1) stormwater from the plant area and the adjacent solid waste management area (SWMA), and 2) groundwater pumped from the Upper Floridan Aquifer (UFA).”

“The WWTS was designed for a flow of 50 million gallons per day (MGD), but actual flows now average less than 10 MGD. The system was also designed for influent water with elevated pH and biological content (among other characteristics) that result from pulp manufacturing processes. The manufacturing processes that required greater flow and affected water quality are no longer in operation.”

“In 2021, Foley Cellulose relocated the wastewater outfall from its historic location (D-001) on the Fenholloway River adjacent to the mill to a location much farther downstream of the mill (D-002) near the mouth of the river where the streamflow is greater and the ambient water is characteristic of marine waters,” the application states.

GP states the move was required by a 2019 FDEP permit renewal and an accompanying 2019 administrative order.

“The outfall relocation to D-002 required the construction of a 15-mile pipeline for wastewater effluent with a subaqueous diffuser at the new discharge location.”

“Given that the



The 15.3-mile Fenholloway Pipeline was completed in 2020 by GP at a cost of \$65 million and transports treated wastewater effluent from the Foley Mill Site near U.S. Hwy. 19 to a discharge point near Peterson’s Landing 1.5 miles from the mouth of the Fenholloway River.

manufacturing operations at the mill have ceased, the WWTS effluent (now consisting of stormwater and groundwater unaffected by manufacturing processes) may be discharged at D-001.

According to GP’s application, returning the discharge point to near the plant “will restore flows in this section of the Fenholloway River and will not detrimentally affect water quality.”

Explaining the necessity of the outfall move, GP’s permit application states the 15-mile effluent pipeline constructed by Foley Cellulose in 2018-21 is largely located on property owned by others.

“Easement agreements were obtained to facilitate construction and operation of the pipeline across these properties. One property owner that granted an easement to Foley Cellulose for this purpose is now alleging that its easement is terminated, Foley Cellulose can no longer use the pipeline and must remove the pipeline.”

“These allegations are the basis for an arbitration and a lawsuit (Florida Northern District Court Case 4:25-cv-00210) that the property owner filed against Foley Cellulose demanding that Foley Cellulose cease use of the pipeline.”

“While Foley Cellulose contests the merits of the property owner’s claims, in the event the court or arbitration panel orders Foley Cellulose to cease use of the pipeline and remove the pipeline, Foley Cellulose will have no permitted location to discharge wastewater generated by the Foley Mill.”

Under the “Environmental Stewardship” section of the application, GP states,

“Though the wastewater flows are significantly diminished following cessation of plant manufacturing operations, and the influent water quality is currently good, the WWTS continues to be operated, and effluent water continues to be monitored, to ensure that discharges meet applicable water-quality criteria.”

According to GP, the wastewater treatment system is expected to continue operation throughout the demolition process and as data is gathered for environmental closure of the plant area.

“This continued WWTS operation provides assurance that water quality standards will be met in the Fenholloway River after the outfall is moved back to the D-001 location.”

“While no longer needed for production, a reduced amount of groundwater is being withdrawn to ensure water is available for fire suppression, if needed, and to provide a water supply for eventual demolition activities (e.g. washing of building materials).”

“Continued pumping of groundwater also ensures WWTS infrastructure remains active and operational. Foley Cellulose plans to continue pumping groundwater to provide flexibility until permanent plant closure and eventual demolition activities,” GP states, adding, “This pumped groundwater is processed with stormwater through the WWTS.”

In its permit renewal application, GP includes monitoring data from the past year (May 2024 through April 2025) “for parameters that are monitored regularly, but with other data taken from its prior

application.”

“Please note that some of the analytical data listed on Form 2CS in the attachment were taken from the 2024 permit renewal application and reflect conditions prior to cessation of manufacturing operations at the Foley facility. However, values for parameters that are regularly monitored in effluent were updated to reflect measured conditions over the past year, and facility staff recently collected samples that will be analyzed for all parameters on Form 2CS. The updated analytical data will be provided to FDEP in an application amendment after they are received,” Tetra Tech engineer Greg Council states in his email.

In his update to the county, Thompson advised Pemberton that GP’s permit application indicates the Foley Mill anticipates “discharging approximately 5 million gallons per day (MGD) on average.”

In a conversation with FDEP on July 17, Thompson asked if GP planned to finalize its permit application or if it would “wait until a decision was made on the legal cases with Four Rivers.”

After the FDEP representative stated he did not know, Thompson requested he and Pemberton be notified when FDEP issued a “Notice of Draft Permit” or “Notice of Intent to Issue a Permit.”

“Whether they move forward with this application or not, the content provides insight into their plans, specifically a 4 MGD withdrawal from Production Well No. 2 for fire suppression and cleaning operations during demolition and continued disposal of materials to the onsite solid waste disposal

area,” Thompson advised.

In a follow-up email on July 18, Thompson summarized, “GP has a number of regulatory hurdles to overcome to move the discharge back to the old site. It appears the only reason they would want to move it back if they are forced to stop using the pipeline.”

Thompson added that he expressed his concern to FDEP that there was no mention of an update to the groundwater monitoring plan in the draft permit, adding, “Given the length of time mill operations have been reduced or ceased, an updated groundwater monitoring plan should have been developed and implemented.”

After a follow-up call with FDEP on July 18, Thompson advised FDEP would send GP a request for additional information regarding an updated groundwater monitoring plan and give GP 60 days to respond, adding, “FDEP wants to proceed with processing the renewal and not letting it sit idle as it has these past 18 months.”

In response to questions from Pemberton, Thompson stated, “If GP meets all the environmental criteria back at the old discharge site, then normally FDEP would approve a move. The county’s support or opposition may make a difference, as local government support is a factor.”

“In my opinion, I do not think it will impact the marketability of the site, as long as the pipeline is still in place and a future owner/user could negotiate for its use. The removal of the pipeline is the step that may impact future marketability,” Thompson added.

Rudd: Historical designation could lead to steep renovation costs

ROCK BUILDING Continued from page 1

said she would like more information indicating “that we know for sure as a district, we don’t have any other use for that building.”

And if we as a district know that, and that’s what’s been presented to us, then I’m open to looking at other options.”

“If no one is interested in it, then I didn’t want to be shoving it down everybody’s throat. But if you do have some interest

in it and you would like to hear more about it, I would love to put that together. (Superintendent of Schools) Reggie (Wentworth) has given me the go-ahead already,” Mathis said.

School Board Member Bonnie Sue Agner asked if it would help with any grant funding for renovations to the historic site.”

“There are some perks to it, but there are also some limitations on what we could do. So, there are pros and cons. If you do

have interest in hearing more about it, I would be happy to bring it back for a presentation. I can even contact and maybe have somebody here from the state. I don’t know if I can get them here, but I know I can put the presentation together myself and a package together to bring to you,” Mathis said.

“I’m game. The more we know about something, the better,” Agner said.

“I have had another local entity express interest in using part of the building

for some office they may put in there, so there are some things going on,” Superintendent of Schools Reggie Wentworth said.

Director of Instruction Jill Rudd did caution the board that having the site declared a historic landmark could open the door to steep renovation costs.

As an example, she cited an incident in Wakulla County where the district declared one of its schools a historic landmark, but

eventually passed the building over to the city there because the district could not afford the expense of renovations and restoration.

The “Old Rock Building” was built in 1938 by the Public Works Administration (PWA), a “New Deal” program during the Great Depression that focused on providing employment and stimulating the economy through public works projects.

It housed elementary

classes and, later, the school district’s Head Start program.

Most recently, it was home to Bulldog Educational Enterprise (a thrift store operated by students) and the Special Needs Adult Program (SNAP).

In June, Wentworth asked the board to declare the site as “surplus” and list it for sale, stating it would save the district approximately \$97,000 per year in operational, maintenance and insurance costs.

LEGALS

(Continued from page 9)

highest and best bidder for cash, conducted in person on the East steps of the Taylor County Courthouse at 108 North Jefferson Street, Perry, FL 32348, on October 28, 2025 at 11:00 a.m. the following described real property as set forth in the Final Judgment:

Legal: COMMENCE AT THE NE CORNER OF THE NE 1/4 OF SW 1/4, SECTION 26, TOWNSHIP 4 SOUTH, RANGE 7 EAST; THENCE RUN WEST 887.53 FEET; THENCE RUN SOUTH 00 DEGREES 43' WEST, 30 FEET TO THE SOUTH R/W LINE OF A STREET; THENCE CONTINUE SOUTH 00 DEGREES 43' WEST, 399.1 FEET TO A POINT OF BEGINNING; THENCE RUN EAST 88.53 FEET; THENCE RUN SOUTH 00 DEGREES 43'

WEST, 164.1 FEET; THENCE RUN WEST 88.53 FEET; THENCE RUN NORTH 00 DEGREES 43' EAST, 164.1 FEET TO POINT OF BEGINNING AND IS LOCATED IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 7 EAST, IN TAYLOR COUNTY, FLORIDA.
TOGETHER WITH A 2023 CLAYTON 66X16 MODEL MANUFACTURED HOME BEARING SERIAL NO.: WHC027605GA.
NOTICE IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN THE DATE THAT THE CLERK REPORTS THE FUNDS AS UNCLAIMED. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER THE FUNDS ARE REPORTED AS UNCLAIMED, ONLY THE OWNER OF RECORD AS OF

THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.
Dated this 30th day of July, 2025.
Clerk of Circuit Court
By: Shana Neal
As Deputy Clerk
NOTICE
“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 173 NE Hernando Avenue, Room 408, Lake City, Florida 32055; adamaH@jud3.flcourts.org; (386)758-2163, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice

impaired can 711.”
IN THE CIRCUIT COURT FOR TAYLOR COUNTY, FLORIDA
FILE NO. 2025-CP-0068
PROBATE DIVISION
IN RE: ESTATE OF: LE’KISHA ANN FRANKLIN MORGAN, Deceased.
NOTICE TO CREDITORS
The administration of the estate of Le’kisha Ann Franklin Morgan, deceased, whose date of death was April 7, 2025, is pending in the Circuit Court for Taylor County, Florida, Probate Division, the address of which is 108 North Jefferson St, Perry, Florida 32347. The names and addresses of the personal representative and the personal representative’s attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent’s estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.
All other creditors of the decedent and other persons having claims or demands against decedent’s estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.
ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION

733.702 WILL BE FOREVER BARRED.
NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT’S DATE OF DEATH IS BARRED.
The date of first publication of this notice is August 1, 2025.
Attorney for Personal Representative
Andrew R. Boyer, Esq.
Florida Bar Number: 35409
BOYER & BOYER PA
46 N Washington Blvd, Ste 21
Sarasota, FL 34236
Telephone: (941) 365-2304
Fax: (941) 364-9896
Personal Representative
Shelishia Franklin
c/o BOYER & BOYER, PA
46 N Washington Blvd, Ste 21
Sarasota, FL 34236