

**St. Marys EarthKeepers  
Presentation read by Rick Frey, Chairman of EarthKeepers' RiverWatch Committee  
March 4, 2103**

A couple of months ago a matter was brought to my attention. An observer noticed a huge number of heavily-laden trucks traveling repeatedly along the roads leading to a section of roadway in close proximity to the tributaries of the St. Marys River.

Countless emails, hours of research and many phone calls later, this is what has come to light so far:

On June 29, 2011, Jacksonville Electric Authority (JEA) submitted a letter to the Georgia Environmental Protection Department (EPD) requesting a one-time variance from Georgia's Solid Waste Management Act requirements. JEA wanted to test the safety and effectiveness of the use of EZBase (a coal ash product) as a roadway construction material. (They have mountains of toxic coal ash and hope to find a way to get rid of it).

On September 12, 2011, JEA submitted a revised Sampling and Analysis Plan – including quarterly tests for the following “target analytes”: aluminum, antimony, arsenic, barium, boron, cadmium, chromium, copper, iron, manganese, mercury, nickel, selenium, vanadium, sodium, sulfate, chloride, fluoride, and pH.

The GaEPD granted the variance in May, 2012 and JEA proceeded to apply EZBase to approximately five miles of road on Rayonier's property in Charlton County alongside the tributaries of the St. Marys River. (It should be noted that the test wells and sample tests are being funded by the JEA itself).

Meanwhile, in the course of digging through the layers of regulation and documentation, I discovered that EZBase has been applied at several locations in St. Marys and throughout Camden County:

Osprey Cove Golf Course (where it was subsequently removed as a condition of sale. A resident informs me that the paths were crumbling and people were complaining of headaches and respiratory issues),

The Cumberland Harbour fire department parking lot,

Hammock Cove (adjacent to Park Place apartments),

The Reserve at Park Place,

Bridge Pointe residential development,

Gilligan's Island,

Alvah Brazell Rd. N.,

the cities of Kingsland and Woodbine.

All areas have been confirmed by city and county staff. It is expected that further inquiries will reveal that many more areas are likewise affected.

Environmental concerns include the potential to contaminate the soil, surface water, or groundwater and the possibility of fugitive dust emissions from the EZBase road. The Florida Department of Environmental Protection (DEP) has expressed concerns about vanadium contamination in particular.

In Florida, approval of EZBase as a final top surface is limited by certain conditions. Quarterly monitoring of toxic analytes is required for a minimum of three years; only certain parties are allowed to apply EZBase; EZBase will not be stored or used on residential property or

commercial property housing a preK-12 school or daycare, and JEA must maintain buffers between EZBase application and groundwater, surface water, wetlands, and potable water wells.

And yet it has been applied without supervision, restrictions or testing in residential areas of GA.

*Again – no variances were granted in any of the cases mentioned. No variance has ever been granted in Georgia other than the recent one for the Rayonier property test site.*

EZBase contains a legion of toxins. In high concentrations, these metals may cause birth defects, lung disease, nervous system disorders and a battalion of other serious health problems. Indeed, the material is so hazardous that it has to be contained in specially-lined holding areas of landfills and disposal is expensive. (JEA now charges \$50 per truckload delivery. The utility had previously *paid* about \$625 to dispose of that amount). Apparently JEA provided SGC Inc. (involved in some of the development properties listed) with EZBase at no cost.

Late last year the federal EPA stated that there hasn't been enough testing done to determine the safety of coal ash byproducts and are considering whether or not to classify coal ash as a hazardous waste.

*So to sum this up: the JEA applied for a one-time variance to test (on the Rayonier property near the St. Marys River in southern Georgia) the safety of a highly questionable and unproven coal ash product and yet the utility has been marketing to, and supplying, developers and property managers here and elsewhere with the material for several years. Without the knowledge of, or permission from, the GaEPD.*

This issue impacts our economy, our property values, our health and our environment. As is usually the case, there are more questions than answers at this time. Certainly there is one man who fervently wishes that he'd never heard of EZBase: Steve Johnson.

Over two years ago, he consented to the no-charge delivery of 16 tons of coal ash material (marketed as EZBase) and applied it to the roads on his 30-acre property in Middleburg, Florida. Now his land is worthless and he fears for the health of his family. 2010 soil samples indicated that the arsenic levels on Mr. Johnson's property were 4 times the acceptable state level while the vanadium content exceeded 75 times the state standards for safety.

JEA began marketing EZBase in 2006. Between 2006 and 2008, 400,000 tons of EZBase found its way to Georgia – even though the Georgia Department of Transportation de-listed coal ash or “fly ash” products as acceptable road base materials in 2006.

This appears to be a case of acting first and seeking permission later. What this means for the residents of these areas in St. Marys and Camden County is unknown.

On November 19, 2010, Richard Tedder of the Program Administrator for the Florida Department of Environmental Protection wrote:

“In my opinion, the acceptability of EZBase in road applications is based on two considerations – compaction such that the migration of vanadium is minimal and infrequency of human contact with the material.”

From Jeffrey Cown, Georgia DNR: "The use of a material that is defined as a solid waste without authorization by the Director of the Georgia EPD is a direct violation of the rules for Solid Waste Management."

According to a material safety data sheet from the US Department of Labor's Occupational Safety and Health Administration (OSHA) on EZBase, it contains highly "hazardous components."

The data sheet specifically warns that skin or eye contact with EZBase is not recommended, nor is allowing it to become dry and dusty, which makes dangerous contact more likely. Cracking can lead to "fugitive dust" – and rippling of many of the areas where it has been applied in St. Marys is already evident.

I sincerely hope that from now on, the City of St. Marys – and the County - will closely monitor and reject the use of a de-listed, un-tested and potentially un-safe material in public and residential areas (gated communities or not).

*\*Addendum: As a result of this report and the documentation provided to them, St Marys City Council voted (unanimously) to restrict road base materials to only those that are approved by the GDOT for use on state and federal highways (March 4, 2013 St. Marys City Council meeting). This includes all local and private roads (e.g. "gated subdivisions" and private developers). Councilmember James Gant stated that my report and "evidence" were "deeply worrisome" and that "we must protect citizens from untested and potentially unsafe materials." It is to be hoped that Kingsland, Woodbine and Camden County will adopt similar ordinances.*