

**Clean Water Action \* Earthjustice \* Physicians for Social Responsibility  
Southern Alliance for Clean Energy \* St. Johns Riverkeeper  
Waterkeeper Alliance**

*By Email:* Keyesfleming.gwendolyn@Epa.gov

March 29, 2013

Gwen Keyes-Fleming  
Regional Administrator  
USEPA Region 4  
61 Forsyth Street, S.W.  
Mail Code: 9T25  
Atlanta, GA 30303-8960

**Re: Request to conduct Leaching Environmental Assessment Framework (LEAF) on EZBase**

Dear Regional Administrator Keyes-Fleming:

The undersigned public health and environmental groups write to request the immediate testing of EZBase, a hazardous substance currently used in Florida and Georgia as fill material and road base. EZBase is produced by the Jacksonville Electric Authority (JEA) from fly ash and bottom ash generated from the combustion of coal. Although the waste is promoted as clean fill, there is evidence that EZBase can leach harmful chemicals to the environment. Consequently, the widespread use of EZBase near residential areas, schools, camps and water sources may pose significant health and environmental hazards in many locations throughout Florida and Georgia.

Over the last decade, however, large amounts of EZBase have been used as fill and road base on numerous locations in Georgia and Florida. Reportedly, during the 12 months from 2011 to 2012, JEA told the Florida Department of Environmental Protection it distributed about 232,000 tons in Florida, including over 40,000 tons at Camp Blanding. In 2010, the St. Johns River Water Management District used EZBase as fill in wetlands there.

Use of EZBase in or near wetlands, however, has caused documented contamination in northeast Florida. For example, JEA offered 16,000 tons of EZBase free of charge to Clay County, Florida homeowner Steve Johnson to use as road base around his residential property on Blackwater Creek on the condition that the property would be available for use as a model site to demonstrate the use of EZBase.

After application of EZBase on every road on his 30 acres of land, Mr. Johnson was visited by the Florida Department of Environmental Protection (FDEP). FDEP ordered removal of the EZBase due to its high levels of toxic contaminants and its placement on Blackwater Creek, a

protected wetland system that connects to a major drinking water source. JEA was ordered to remove only the EZBase immediately adjacent to the wetlands, but left the majority of the toxic substance for Mr. Johnson to remove on his own or keep on the property and live with the impacts. Mr. Johnson later sent samples of EZBase from his property to a certified lab, where levels of arsenic, chromium, mercury, and vanadium were detected above the state and federal maximum contaminant levels.

Yet, despite the threat of contamination from the placement of EZBase, this material has never been appropriately tested. To date, the waste has been tested with the Toxicity Characteristic Leaching Procedure (TCLP), which the US EPA has determined is not an accurate leach test for coal combustion waste. In this situation, where coal combustion waste is used “beneficially” in areas that are accessible to the public and near water resources, the precedent is for EPA to test the material using the best available science, which is the newly approved Leaching Environmental Assessment Framework (LEAF).

In fact, last year investigators from EPA Region 2 tested a similar coal combustion waste “product” called “Agremax,” which, like EZBase, is used as fill and road base throughout Puerto Rico. EPA used the LEAF test to determine the extent to which Agremax could leach toxic heavy metals and other hazardous substances into the environment.

EPA’s LEAF test revealed that that numerous hazardous substances, including arsenic, boron, cadmium, chloride, chromium, fluoride, lead, lithium, molybdenum, selenium, sulfate, and thallium can leach from the waste at high levels and contaminate the local environment. Levels of arsenic, chloride, chromium and molybdenum in the leachate were particularly high. In fact, the LEAF test demonstrated that harmful chemicals, including heavy metals, are likely to leach from Agremax into groundwater and other water bodies at levels that far exceed current health-based standards for drinking water. A copy of EPA’s report is attached to this letter as Attachment 1.

Thus it is critical for EPA Region 4 to test EZBase to determine whether it presents a similar threat to health and the environment. We request that such testing occur immediately in light of the many areas where the waste has already been placed in Florida and Georgia and the many proposals for placement at additional sites in both states. We have attached a list of the sites where EZBase has been deposited, but this list does not in any way represent complete accounting. (Attachment 2)

If you or your staff would like to discuss this request in more detail, please contact Lisa Evans, Senior Administrative Counsel, Earthjustice, (781) 631-4119, [levans@earthjustice.org](mailto:levans@earthjustice.org) and Angelique Giraud, Energy Community Organizer, Clean Water Action, (561) 672-7638, [agiraud@cleanwater.org](mailto:agiraud@cleanwater.org).

We thank you in advance for your prompt attention to this matter, and we look forward to your response.

Respectfully,

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**Clean Water Action**

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cc: Deputy Regional Administrator Stanley Meiburg, U.S. Environmental Protection Agency  
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