



Advocating responsible decisions to sustain the quality of life in coastal Georgia.

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April 5, 2016

Commander
U.S. Army Corps of Engineers
Savannah District
Attention John W. Derinzy
100 W. Oglethorpe Ave.
Savannah, GA 31401-3604

Permit application of Central Virginia Properties of Spartanburg, S.C

On behalf of the members, advisors, board-members, and staff of the Center for a Sustainable Coast, I am submitting the following objections to the referenced application. These comments supplement my previous statement submitted to you on February 2, 2016.

1. The volume of waste to be transferred using facilities to be built under the proposed permit will substantially expand the area of landfill needed to dispose of it. Yet the application makes no reference to the consequences of such expansion – which would entail disturbance and destruction of additional freshwater wetlands. It's our understanding that the amount of toxic coal ash to be processed could readily be in the hundreds of thousands of tons, possibly more. Such an enormous volume of waste would compound adverse impacts on surrounding wetlands as a direct result of the rail-transfer station, but the application neglects assessment of such impacts. For this reason alone the permit should be denied.
2. It is known that coal-ash dust is prone to escape and uncontrolled dispersion by wind and other disturbances while being transported and off-loaded, but the permit application is conspicuously deficient in commenting on this important issue. Lacking such analysis and any reliable remedy for preventing dispersion of this toxic material should prevent approval of the permit. Similarly, the application fails to describe an acceptable process for cleaning toxic materials from rail cars and properly collecting and containing related residues.
3. The permit neglects proper assessment of heavy metals and radioactive materials in the coal ash, including the consequences of leaked, spilled, or 'fugitive' dispersion of it. While some possible remedies could be provided by EPA-approved methods for 'pre-treatment' of the waste before shipping, no such solutions are discussed or proposed. The permit should be denied for failure to explore and evaluate such methods.
4. Risks and damages to endangered species caused by the handling and transfer of the toxic coal ash are not addressed in the application. Under federal law such impacts must be thoroughly evaluated. This negligence should disqualify approval of the permit.



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5. The application fails to properly evaluate reasonable alternatives for the rail facilities, which is especially egregious because the toxic materials being transferred could readily contaminate drinking water and important fisheries habitat, including areas down-gradient and downstream. These resources include “waters of the U.S.” that have specific protection requirements under state and federal law that are not honored by this application. The permit should be rejected on the basis of such deficiencies.

We hope that you will seriously consider our substantial, legally defensible objections to this deficient permit for the well-justified reasons explained above and deny it.

As evident from our comments, much more information is needed to determine if and how risks to the public can be prevented before any such permit is considered. It is our recommendation that, prior to any such permitting, additional federal legislation be prepared that provides assurances for reliable treatment, control, and enforcement standards that will prevent, or at least minimize, serious risks to public interests caused by coal ash disposal.

If you have questions about our assertions and concerns, please respond accordingly.

Respectfully,

David Kyler
Executive Director