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Hazlehurst Old City Landfill
Uniform Environmental Covenant
Revised – January 2024

After Recording Return to:
Clerk
City of Hazlehurst
86 S. Cromartie Street
Hazlehurst, Georgia 31539

CROSS-REFERENCE:

County: _____
Deed Book: _____
Page(s): _____

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 et seq., as may be amended from time to time (hereinafter "Act"). This Environmental Covenant is entered into by the entities executing this Environmental Covenant and subjects the property identified below to the activity and/or use limitations and other requirements. This Environmental Covenant further grants such other rights in favor of EPD and the City of Hazlehurst as set forth herein.

Fee Simple Owner(s)/Grantor(s):

City of Hazlehurst
86 S. Cromartie Street
Hazlehurst, Georgia 31539

**Grantee/Holder with the
power to enforce:**

City of Hazlehurst
86 S. Cromartie Street
Hazlehurst, Georgia 31539

**Grantee/Entity with
express power to enforce:**

State of Georgia
Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Property Subject

The property subject to this Environmental Covenant is a tract of approximately 0.61 acres of real property located at Amanda Thomas Road, Hazlehurst, Jeff Davis County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on July 12, 2012 to City of Hazlehurst; such conveyance is recorded in Deed Book 404, Page 851, of the Jeff Davis County deed records. The Property is located in Land Lot 549 of the 2nd District of Jeff Davis County, Georgia.

The tax parcel of the Property is 0048 003E of Jeff Davis County, Georgia.

A legal description of the Property is attached as Exhibit A and a map of the Property is attached as Exhibit B.

Environmental Covenant Runs with the Land and is Perpetual

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon City of Hazlehurst and all successors, assigns and transferees of any interest in the Property or any portion thereof.

Administrative Records

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Property that arise under corrective action performed and/or being performed at the Old City Landfill site. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Land Protection Branch
2 Martin Luther King Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Notice: This Property is adjacent to property that has been listed on the State's Hazardous Site Inventory at HSI # 10304 (the Old City Landfill site) and was included in the corrective action performed on the Old City Landfill site. Contact the Property owner or the Georgia Environmental Protection Division for further information concerning this Property and the Old City Landfill site. This notice is provided in compliance with the Georgia Hazardous Site Response Act.

Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

- A. Real Property. The Property shall be used only as non-residential property as defined in Rule 391-3-19.02(2)(r). Use of the Property as residential property, as defined in Rule 391-3-19.02(2)(r), is prohibited.
- B. Groundwater. The use or extraction of groundwater at the Property is prohibited, except for extraction of groundwater for remedial purposes, which is allowed only with EPD approval.
- C. Monitoring and Maintenance Plan. The Property is subject to the Monitoring and Maintenance Plan attached as Exhibit C.

Other Requirements. The Property is subject to the following additional requirements.

- A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this

Environmental Covenant (and any amendments thereto) is recorded and a copy of this Environmental Covenant (and any amendments thereto).

- B. Notice to EPD of Future Conveyances. Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD and Feed Resources. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property, a survey map showing the boundaries of the real property conveyed. Each instrument shall also include notice of prior landfill operations, the date the landfill operations commenced and terminated, if known, a legal description of the actual location of the landfill (lateral extent of waste), and a description of the type of materials that have been deposited in the landfill per O.C.G.A. §v44-5-48.
- C. Notice of Change of Use. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

Rights of Access and Enforcement

Authorized representatives of EPD and Feed Resources, LLC shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or to take samples.

This Environmental Covenant shall be enforceable by EPD and the City of Hazlehurst, and other parties as provided in the Act. If it is determined that a party will share any responsibility to maintain the activity and use limitations and the Monitoring & Maintenance Plan, then that party with such responsibility will be listed as a party to sign and execute this Environmental Covenant. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

No Interest in Real Property in EPD

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

Recording of Environmental Covenant and Service on Other Persons

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, City of Hazlehurst shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, City of Hazlehurst shall

provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

Representations and Warranties by Grantor(s). City of Hazlehurst represents and warrants that all of the following are true and correct:

- A. City of Hazlehurst holds fee simple title to the Property.
- B. City of Hazlehurst has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of City of Hazlehurst that will alter this representation and warranty.
- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of City of Hazlehurst nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which City of Hazlehurst is a party or by which City of Hazlehurst may be bound.
- D. There are no persons with existing interests other than fee simple in the Property, with the exception of Feed Resources, LLC, which has a non-possessory interest in the Property by virtue of its ownership of the adjacent parcel that has been listed on the HSI (#10304);
- E. This Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, City of Hazlehurst served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive
SE Suite 1058 East Tower
Atlanta, GA 30334

With a copy to:

City of Hazlehurst
38 S. Cromartie Street
Hazlehurst, Georgia 31539

EPD's Environmental Covenants Registry

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD's registry for environmental covenants.

Severability

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

Effective Date

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).

Grantor

CITY OF HAZLEHURST

John Ramay
(Signature)
JOHN RAMAY, MAYOR

Signed in the presence of:

Sherry millette
Unofficial Witness (signature)

Sherry millette
Unofficial Witness (print name)

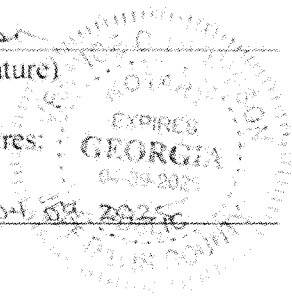
State of Georgia
County of Jeff Davis

This instrument was signed or attested before
me this 31 day of March, 2025, by

Personally Known
 Produced Identification

Kimberly W. Henshaw
Notary Public (Signature)

My Commission Expires: 04-09-2025
(NOTARY SEAL) 04-09-2025



Grantee

CITY OF HAZLEHURST

John A Ramay
(Signature)
JOHN RAMAY, MAYOR

Signed in the presence of:

Sherron Mellette
Unofficial Witness (signature)

Sherron Mellette
Unofficial Witness (print name)

State of Georgia
County of Jeff Davis

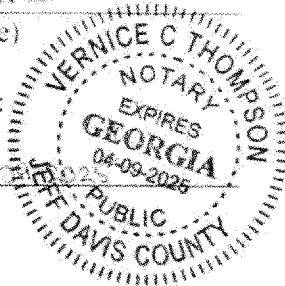
This instrument was signed or attested before
me this 23rd day of March, 2025, by

Personally Known
 Produced Identification

Vernice C Thompson
Notary Public (Signature)

My Commission Expires:

(NOTARY SEAL) 04-09-2025



For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 24th day of November, 2025 :

Jeffrey W. Cown
(Signature)

Jeffrey W. Cown
Director, Environmental Protection Division

Signed in the presence of:

Lanetta Ferrell
Unofficial Witness (signature)

LANETTA FERRELL
Unofficial Witness (print name)

State of Georgia
County of Fulton

This instrument was signed or attested before
me this 24 day of Nov, 2025, by
[]

Personally Known
 Produced Identification

Dawn T. Donaldson
Notary Public (Signature)

My Commission Expires: November 5th, 2029

(NOTARY SEAL)

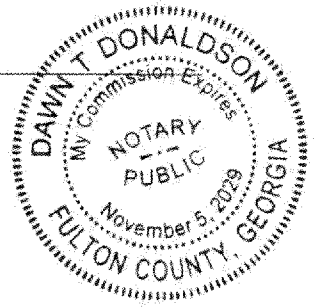


Exhibit A
Legal Description of Property

All that tract or parcel of land lying and being in Land Lot 549 of the Second Land District in Jeff Davis County, Georgia containing 0.612 acres of land and being more particularly described as follows: Commencing at a PK nail in the apparent centerline intersection of pavement of Co. Rd. No. 241 and Co. Rd. No. 240; THENCE North 36 degrees 07 minutes 26 seconds West for a distance of 1,184.14 feet to a point on the east right-of-way (40' width) of Co. Rd. No. 240, this being the Point of Beginning of this parcel; THENCE North 25 degrees 19 minutes 27 seconds West for a distance of 51.82 feet along said Co. Rd. No. 240 right-of-way to a point; THENCE North 79 degrees 53 minutes 12 seconds East for a distance of 539.20 feet to a point in the run of a branch; THENCE South 11 degrees 25 minutes 58 seconds East for a distance of 50.01 feet along the run of a branch to a point; THENCE South 79 degrees 53 minutes 12 seconds West for a distance of 526.76 feet to the Point of Beginning of this Parcel.

This is the same and identical property FOUR-S TIMBERLANDS, .L.P. (formerly known as COOK & COMPANY, LP) a Georgia Limited Liability Company conveyed to the City of Hazlehurst by Quit Claim deed recorded in Deed Book 404, Page 851 in the Office of the Clerk of Superior Court of Jeff Davis County, Georgia which said deed and its record thereof are by reference incorporated herein for descriptive and all other legal purposes.

Exhibit B
Map of Property



**Hazlehurst Old City Landfill
Monitoring and Maintenance Plan
Revised – January 2023**

This Monitoring and Maintenance Plan presents the methods and procedures to maintain and ensure the integrity of the engineering and institutional controls at the Hazlehurst Old City Landfill in Hazlehurst, Georgia. In addition, a permanent marker (i.e., weather resistant metal sign) shall be installed and maintained at the access gate to the Property to identify the restricted area.

Section 1 Introduction

The Hazlehurst Old City Landfill site is an 8-acre landfill and surrounding land located approximately 1 mile north of the City of Hazlehurst, Georgia, at the intersection of County Road 240 and County Road 241. The landfill was used between approximately 1951 and 1974 to dispose of a variety of wastes including municipal solid waste and some industrial wastes. The Georgia Environmental Protection Division (GA EPD)-approved Corrective Action Plan (CAP) included meeting Type 5 risk reduction standards (RRS) for the landfill itself, Type 1 RRS for groundwater, and Type 1 RRS for soil and sediment surrounding the landfill property. Type 5 RRS were achieved for the landfill as follows:

- Consolidation of landfill debris piles and scattered trash in the landfill. (Phase 1 construction)
- Properly covering landfill contents with a soil and vegetative cover. (Phase 1 construction)
- Consolidation on the landfill of affected soil and sediment exceeding Type 1 RRS. (Phase 2 construction)
- Providing institutional controls (fencing, signage, and deed restrictions) to control access to the landfill and to prohibit future residential use of the landfill property.

Groundwater at and in the vicinity of the site complies with Type 1 Risk Reduction Standards (RRS). Therefore, no groundwater monitoring is proposed for the post-closure care period.

In accordance with the CAP, the potential presence of methane was evaluated by conducting a one-time sampling event after completion of the waste consolidation and covering of the landfill. In all, twenty gas monitoring probes were installed, with methane detected in eight probes. Methane concentrations exceeded the lower explosive limit (LEL) for methane in five probes: GMP-8, GMP-15, GMP-17, GMP-18, and GMP-19. The five probes at which methane was found to exceed the LEL were equipped with turbine vents to aid in venting of methane migrating from the landfill area, as were adjacent probes (GMP-7, GMP-8, GMP-9, GMP-14, GMP-15, GMP-16, GMP-17, GMP-18, and GMP-19). These turbine vents are incorporated into the Type 5 corrective actions at the property and will be maintained as long as methane concentrations exceed the LEL.

Hazlehurst Old City Landfill Monitoring and Maintenance Plan Revised – January 2023

An off-site probe, GMP-20, has shown no detectable concentration of methane.

**Hazlehurst Old City Landfill
Monitoring and Maintenance Plan
Revised – January 2023**

This plan presents the methods proposed for conducting future periodic methane monitoring events and long-term monitoring and maintenance of the landfill cover. Figure 1 shows the methane monitoring network, property boundaries, and landfill cover.

Section 2 Monitoring Equipment and Procedures

This section describes the equipment and procedures proposed for assessing the concentration of methane gas in the subsurface at the periphery of the landfill.

2.1 Gas Sampling Equipment

Monitoring at the gas probes consists of taking field measurements of methane, oxygen, temperature, gas pressure, barometric pressure, and barometric trend. Samples are not collected for laboratory analysis from these devices. Equipment and procedures for taking the appropriate measurements are discussed below.

2.1.1 Gas and Oxygen Sensor

A battery-powered GEM2000 portable gas sensor will be utilized for sampling gas monitoring probes in the field for methane and oxygen content. Equivalent instruments may also be used, provided that the field sampling procedures are modified as necessary.

2.1.2 Pressure Gauges

Three magnehelic pressure gauges, with ranges of 0 to 0.25, 0.50, and 2.0 inches of water column (w.c.), will be used to measure differential pressure at the gas probes. The appropriate gauge will be used for the probe pressures encountered. Differential pressure between the gas probe and atmospheric pressure may indicate a lagging subsurface atmospheric pressure response or gas pressure exerted by landfill gas migration. A magnehelic gauge should have positive and negative ports compatible for connecting tubing between the gauge and the gas probe valve. An equivalent instrument may also be used, including a digital manometer, provided it has the required accuracy.

2.2 Monitoring Procedures

Gas probe monitoring will be performed in the field with the portable instruments described above. The following sampling protocol will be followed to monitor the methane and oxygen content at each of the gas probes:

1. For a probe equipped with a turbine vent, the vent will be removed for sampling. The vent is connected to the probe via a coupling. The coupling should be turned with a pipe wrench in a counterclockwise direction for removal. After sampling, the turbine vent cap should be reinstalled by placing the cap/coupling over the probe and threading the coupling onto the probe with a pipe wrench in a clockwise direction.
2. The gas probe valve opening will remain closed to isolate the probe from the atmosphere at all times to minimize dilution with atmospheric air.

**Hazlehurst Old City Landfill
Monitoring and Maintenance Plan
Revised – January 2023**

3. Calibrate the gas monitoring instrument in an area where ambient concentrations of gases of concern are not present. Calibrate the oxygen sensor to 21 percent and set the methane sensor to zero. Check the calibration of the methane sensor using appropriate concentrations of sample gas following the manufacturer's recommended procedures.
4. Measure the pressure prior to gas sampling, being careful not to introduce atmospheric air into the gas probe. Prior to opening the valve, connect the hose on the low side of a magnehelic pressure gauge to the sample, sealing the gas probe. Also prior to opening the valve, hold the magnehelic pressure gauge such that the gauge is on zero. Open the valve and determine if the needle on the pressure gauge moves toward the positive or negative scale. If the needle goes negative (i.e., to the left), close the valve, and then switch the hose on the pressure gauge to the positive side of the gauge, and open the valve after zeroing the gauge. Record the pressure and close the valve.
5. With the gas analysis instrument running and zeroed, and prior to opening the valve, attach the inlet hose of the instrument to the valve. Open the valve, record the highest concentration that the instrument detects, and note if the concentration decreases or remains steady. Sample the gas for a minimum period of 30 seconds and a maximum of 1 minute. After analyzing the gas and prior to removing the hose of the instrument, close the valve.
6. Before proceeding with sampling and analyzing gas in the next probe, let the monitoring instrument purge itself with ambient air such that it reads zero, or until the reading is representative of the atmospheric air.
7. If readings are recorded that differ greatly from other probes on-site, or from previous readings at a specific probe, recalibrate the monitoring instrument and recheck the anomalous gas probe.
8. Record all monitoring data on a field data sheet.

Section 3 Monitoring and Inspection Schedule and Reporting

Methane monitoring is to be performed, at a minimum, quarterly. Three of the four quarterly events each year will include only probes GMP-7 through GMP-9 and GMP-15 through GMP-20; at least once annually, all twenty existing gas monitoring probes will be checked for methane. Results will be submitted on the SMW-19 form (attached) to EPD within 14 days of the event. If results indicate methane has been detected above the lower explosive limit (LEL- greater than 5% by volume) at the perimeter of the established Type 5 area, subsequent monitoring events at GMP-20 should be performed monthly. Monitoring may return to quarterly after methane concentrations below the LEL have been measured, and reported to EPD, for a period of six consecutive months.

If methane is detected and confirmed at levels above the LEL in any of the probes not already targeted for quarterly monitoring, then the monitoring plan will be modified as needed and

**Hazlehurst Old City Landfill
Monitoring and Maintenance Plan
Revised – January 2023**

resubmitted to GA EPD for approval. If it is determined that methane is not a concern in targeted probe in four consecutive monitoring events, the quarterly monitoring list may be amended and resubmitted to the GA EPD for approval. If methane is detected above the LEL in any of the perimeter monitoring probes or in the off-site probe, GMP-20, the responsible party will notify GA EPD within seven days of the exceedance and will coordinate with EPD on the development of any additional measures that may be required, including but not limited to further monitoring and/or methane mitigation. Once all gas monitoring probes have achieved four consecutive quarters below the LEL for methane, the Grantor (the Hazlehurst Old City Landfill Site PRP Group) will submit a request to the GA EPD for approval to abandon the monitoring probes with bentonite and cement grout.

Inspection of the soil cover (cap) by the Grantor will occur annually by no later than October 31st of each year. The inspection will note any observation of significant erosion or growth of trees or shrubs within the cap perimeter. When necessary to preserve the integrity of the cap, the cap will be mowed or bush-hogged.

Results of methane monitoring will be reported to the GA EPD quarterly. Results of the cap inspection will be reported annually to the GA EPD.

Section 4 Maintenance Schedule

Maintenance of the probes and cap will be completed at least annually and sooner if significant damage to the cap, probes, or fence is noted. The landfill cap design criteria were as follows:

- Following the consolidation of excavated sediment, SB-6 area soil, and trash from the stream bank within the temporary sediment basins, the sediment basins were regraded to a uniform slope and covered with a minimum of two feet of soil with a final grade to provide positive drainage via sheet flow to the east.
- Following the completion of the construction activities, all disturbed land was re-seeded for erosion control.
- A final record survey was conducted and compared to the survey of the consolidated landfill material to demonstrate that the design specifications for a 2-foot minimum cover thickness and slopes between 3 and 33 percent were met.

The annual inspection of the fence, methane probes, and cap will include:

- Inspection of the integrity of probes and turbine vents (ensuring that each turbine spins freely);
- Inspection of the fence integrity;
- Inspection for subsidence of the cap, as evidenced by ponding of surface water;

**Hazlehurst Old City Landfill
Monitoring and Maintenance Plan
Revised – January 2023**

- Inspection of the perimeter for evidence of significant erosion or slope failure;
- Notation of trees or shrubs within the capped area; and
- Notation of burrows or holes within the cap.

If the annual inspection identifies issues with the fence, cap, or methane probes, the Grantor will be notified and corrective measures taken. Inspection results will be included in the annual report to GA EPD.

