

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., S.E., Suite 1462 East, Atlanta, Georgia 30334

Chris Clark, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Land Protection Branch

Mark Smith, Branch Chief

Reply To:

Response and Remediation Program
2 Martin Luther King, Jr. Drive, S.E.
Suite 1462, East Tower
Atlanta, Georgia 30334-9000
Office 404/657-8600 Fax 404-657-0807

October 15, 2010

VIA E-MAIL AND REGULAR MAIL

Ethicon, Inc.
c/o Mr. Guy C. Rechteris
655 Ethicon Circle
Cornelia, Georgia 30531

Re: Voluntary Investigation and Remediation Plan and Application, August 24, 2010
Comment Letter
Ethicon Inc. Property, HSI Site No. 10793
655 Ethicon Circle, Cornelia, Habersham County, Georgia
Tax Parcel 085A 009

Dear Mr. Rechteris:

The Georgia Environmental Protection Division (EPD) has reviewed the August 24, 2010 Voluntary Investigation and Remediation Plan (VIRP) submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). EPD has noted the following:

1. The VIRP does not discuss whether indoor vapor intrusion is a potential exposure pathway at the Property. The first semi-annual status report must provide an indoor vapor intrusion pathway evaluation. EPD recommends using the Johnson & Ettinger Model which is the preferred model according to the Environmental Protection Agency *Office of Solid Waste and Emergency Response (OSWER) Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance)* dated November 2002.
2. The first semi-annual status report must include a revised cost estimate that includes the cost of preparing a Compliance Status Report as required by Section 12-8-107(e) of the Act.
3. Please note that a "point of demonstration well" and groundwater "point of exposure" must be identified in the first semi-annual status report in accordance with Section 12-8-108(4) of the Act. The VIRP states, "semi-annual monitoring will be performed for a period of two (2) years or as determined by the Director and to be agreed upon by Ethicon." Note that EPD reserves all rights regarding the required length and frequency of groundwater monitoring to demonstrate compliance with standards specified in the Act.
4. The VIRP states that groundwater modeling is not necessary given the extensive groundwater quality data showing reducing concentrations. Please note that groundwater modeling is necessary to demonstrate compliance with site-specific cleanup standards at the established downgradient point of exposure. In accordance with Section 12-8-108 of the Act, compliance with site-specific cleanup standards may be determined on the basis of any fate and transport model recognized by the United States Environmental Protection Agency or United States Geological Survey. Groundwater modeling must be submitted in the first semi-annual status report.

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5. Section 4.4 of the VIRP states that, "Upon completion of the corrective action, a Compliance Status Report (CSR) will be prepared (if required) by Ethicon confirming the consistency of the corrective action with the provisions, purposes, standards, and policies of the VIRP." Please note that a Compliance Status Report is required in accordance with Section 12-8-107(e) of the Act. Also note that the Compliance Status Report should include an updated well survey.
6. Section 4.1 of the VIRP states that, "The removal, destruction, or alteration of the concrete floor in the site building in such a way as to make any of the underlying impacted soil accessible will be prohibited, unless such controls are replaced in a manner as to constitute a functionally equivalent engineering control." Please note that this language is unnecessary since impacted soil has not been found beneath the building; However, Ethicon may voluntarily elect to retain the language as a conservative measure.

Ethicon, Inc. (Ethicon) must address these comments to EPD's satisfaction in order to demonstrate compliance with the provisions, purposes, standards and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted by Ethicon. However, failure of EPD to respond to a submittal within any timeframe does not relieve Ethicon from complying with the provisions, purposes, standards and policies of the Act.

If you have any questions, please contact Carrie Williams, P.G. at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Evan Clark, P.E., ARCADIS

File: HSI 10793

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