

**JOHN M. STUCKEY, Jr.**

**Attorney At Law**

1441 Welcome Road

Newnan, Georgia 30263

Telephone: Office: (404) 848-1500; Cell:(678) 378-5233

Fax: (770) 253-6692 Email: [jstuckey@jstuckey.com](mailto:jstuckey@jstuckey.com)

April 11, 2011

**BY HAND DELIVERY TO:**

Alexandra Y. Cleary, Program Manager  
Response & Remediation Program  
Land Protection Branch  
2 Martin Luther King Jr. Drive, SE, Suite 1462  
Atlanta, Georgia 30334

**RE: Withdrawal of Voluntary Investigation and Remediation Plan Application  
Former D&H Farms Facility (fka Production Anodizing) (HSI 10311), 1460  
Industrial Blvd., Adel, Cook County, Georgia ("Site"), filed January 20, 2011 by  
First National Bank of Nassau County and Request For Refund of \$5000.00  
Application Fee.**

Dear Ms. Cleary:

As you are aware, I am legal counsel for the First National Bank of Nassau County ("FNBNC" and/or "Bank" and/or "Applicant") and am advising the Bank with regard to pursuing VRP Compliance Certification on groundwater at the Site as a condition precedent to filing for a Brownfields Limitation of Liability ("BLOL") as a Bona Fide Prospective Purchaser ("BFPP") under the terms and conditions of a Deed To Secure Debt which it holds on the property.

As you are further aware, FNBNC conducted an AAI Site Investigation/Site Assessment ("SI/SA") at the Site in anticipation of seeking a BLOL that could be passed on to subsequent purchasers of the Site thereby restoring the property's marketability and allowing its' revitalization and return to productive use. When limited groundwater contamination was discovered, FNBNC filed a Chapter 391-3-19 Release Notification (November 24, 2010) and took steps as required by law to secure the Site while conducting additional groundwater investigations and formulating remedial designs in anticipation of pursuing a VRP Compliance Certification. On January 20, 2011, the Bank paid the required \$5000.00 fee and filed a VRP Application.

The purpose of this letter is to confirm my understanding (based on discussions had at our meeting Thursday, April 7<sup>th</sup>) that [a] EPD will not recognize the validity of fate and transport data on groundwater contamination at

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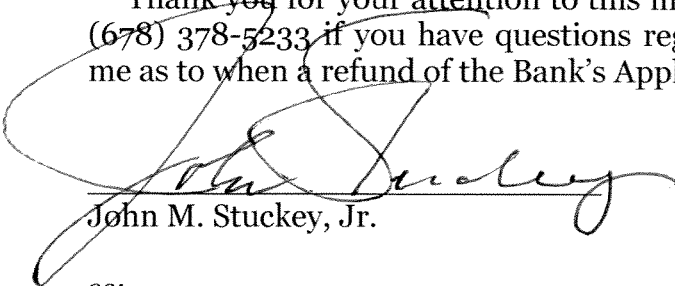
the referenced facility developed by the Applicant's project consultant, Environmental Consulting & Technology, Inc. ("ECT"), employing the Bioscreen-AT model developed by USEPA to project remediation of groundwater contamination through natural attenuation ("RNA"); and, consequently, that [b] EPD does not concur with ECT'S conclusion, based on such modeling data, that "*there are no receptors or exposure (real or hypothetical) that will be impacted by migration of the COC's*"; and, consequently, that [c] EPD would require a multi-year groundwater monitoring program at the Site as part of any approved remediation plan under the provisions of the State's Voluntary Remediation Program Act ("VRP").

The Bank has already expended funds in excess of \$50,000.00 on SI activities and preparation of the subject VRP filing. Its' environmental consultants advise that very conservative assumptions and data were employed in producing the above described RNA projections; which, again, were developed by application of an EPA approved model. The apparent *ad hoc* rejection of these scientifically sound modeling results raises concern as to whether the Agency has set policies and procedure for approving groundwater modeling results of any type unless such results are confirmed by multi-year validation sampling - a requirement which would leave this property in regulatory limbo and absolutely unmarketable.

In consequence of [a], [b] and [c] above, FNBNC is withdrawing its' VRP Application on the Site and requesting a refund of it's \$5000.00 Program application fee. Notice is also given herewith that the Bank is terminating and discontinuing it's efforts to accomplish remediation and redevelopment of the site as a BFP under the State's Hazardous Site Reuse And Redevelopment Act.

Further, since the Site has been abandoned by its' owner and is currently subject to a Chapter 391-3-19 Release Notification, the Bank is forwarding to EPD - *via* UPS - keys to the main gate of the fence surrounding the property, and, by copy hereof, is notifying the local authorities and elected officials that the State will henceforth assume responsibility for security and remedial actions at the Site.

Thank you for your attention to this matter. I can be reached by cell phone at (678) 378-5233 if you have questions regarding this matter. Please also advise me as to when a refund of the Bank's Application fee will be available.



John M. Stuckey, Jr.

cc:  
Cook County Sheriff's Office  
1000 County Farm Road  
Adel, GA 31620-7914

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Adel Police Department  
204 East 3rd Street  
Adel, GA 31620

Cook County Economic Development Commission  
106 South Hutchinson Ave.  
Adel, GA 31620

Representative Penny Houston  
245 State Capitol  
Atlanta, GA 30334

Senator Greg Goggans  
421-C State Capitol  
Atlanta, GA 30334