

Georgia Department of Natural Resources

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

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

Mark Williams, Commissioner
Environmental Protection Division
Judson H. Turner, Director
Land Protection Branch
Mark Smith, Branch Chief

April 12, 2012

COPY

VIA E-MAIL AND REGULAR MAIL

Mohawk Industries, Inc.
c/o Denise Wood
405 Virgil Drive
Dalton, Georgia 30722

Re: Voluntary Investigation and Remediation Plan and Application, December 14, 2011
Diamond Rug and Carpet Mills-Eton Plant Property, HSI Site No. 10534
4140 US Highway 411, Eton, Murray County, Georgia
Tax Parcel 0064A 090

Dear Ms. Wood:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated December 14, 2011 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). The VIRP was submitted in lieu of a Corrective Action Plan required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Additional site investigation including well installation to define the extent of the volatile organic compound (VOC) plume and conduct a survey to identify potential receptors for exposure pathway analysis
- Fate and Transport modeling of the projected movement of the contaminant plume and long term monitoring, if applicable
- Use of institutional controls [Uniform Environmental Covenant] to restrict exposure to site contamination

Therefore, EPD is accepting Mohawk Industries, Inc. (Mohawk Industries) as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property, provided Mohawk Industries implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

4140 Highway 411
Eton, Murray County, Georgia
Tax Parcel 0064A 090

Within six months of detecting regulated substance(s) on a non-qualifying property, the participant must apply to EPD to include the affected property as a qualifying property under the Act or notify EPD the non-qualifying property is not included under the Act.

Schedule:

The schedule proposed in the VIRP is significantly shorter than allowed by the checklist. EPD encourages Mohawk Industries to adhere to its schedule as proposed in the VIRP, but has included minimum requirements as follows:

- Semiannual progress reports are to be submitted to EPD. Each progress report must describe all actions taken since the last submittal, and include certification by the professional engineer/geologist specified in the VIRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.
 - October 12 and April 12 through October 12, 2016.

In addition to the information required above, the following must be included in the specific progress reports discussed below.

- April 12, 2013 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property:
 - April 12, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - October 12, 2014 semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan and provide a cost estimate for implementation of remediation and associated continuing actions. EPD recommends that the participant finalize approval of cleanup standards for all regulated substances prior to this submittal.
- Compliance status report including certifications:
 - April 12, 2017

Conditions:

1. EPD requests the submittal of a financial assurance instrument for the amount of \$72,000.00 by no later than May 30, 2012. Model financial assurance instruments can be found at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. Mohawk Industries must address EPD's comment letter dated April 12, 2012 and any other comment letters addressing the investigation and remediation pursuant to the Act to the satisfaction of the Director that it is consistent with the provisions, purposes, standards and policies of the Act.
3. Within ninety (90) days of Mohawk Industries' notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Mohawk Industries must submit a corrective action plan that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.

4. Mohawk Industries must pay all outstanding fees within sixty (60) days of receipt of an invoice for any costs to the division in reviewing the application or subsequent document that exceeds the initial application fee.
5. Because Mohawk Industries is performing corrective action at the qualifying property in accordance with an approved voluntary remediation plan, EPD is hereby reclassifying it from Class II to Class V and designating it as needing corrective action as provided for in §12-8-107(b) of the Act.

Within 45 days of this letter, you are required to file an affidavit stating that your property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. This affidavit is to be filed with the clerk of the Superior Court of Murray County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Mohawk Industries must also place the following notice in any deed, mortgage, deed to secure debt, lease, rental agreement or other instrument given or caused to be given by the property owner which creates an interest in or grants a use of the property:

"This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection Division for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act and the Voluntary Remediation Program Act."

Within 30 days of recording the affidavit, please send a copy of the receipt of the recorded affidavit to the Response and Remediation Program, Georgia Environmental Protection Division, 2 Martin Luther King Jr. Drive, SE, Suite 1462, Atlanta, GA 30334.

EPD requires that Mohawk Industries and the professional engineer/geologist specified in the VIRP oversee the implementation of the VIRP in accordance with the provisions, purposes, standards and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted by Mohawk Industries. However, failure of EPD to respond to a submittal within any timeframe does not relieve Mohawk Industries from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Mohawk Industries fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

EPD's approval of the VIRP extends only to those technical aspects of the document that expressly require EPD approval under applicable rules and statutes. This approval is not an endorsement by EPD that it accepts as conclusive any representations made in the document. Nor does EPD guarantee or warrant that the document is free of errors or omissions. EPD may later withdraw approval of this document, in whole or in part, if EPD determines that withdrawal is necessary to ensure compliance with the applicable rules and statutes.

Mohawk Industries, Inc. December 14, 2011 VIRP, HSI #10534
April 12, 2012
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If you have any questions, please contact Ms. Antonia Beavers of the Response and Remediation Program at (404) 657-0487.

Sincerely,



David Brownlee
Acting Program Manager
Response and Remediation Program

c: ✓ Aladdin Manufacturing, Ernest Young LLP
✓ Gaia Tech, David Buchalter, P.E.

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