

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

Chris Clark, Commissioner
Environmental Protection Division
F. Allen Barnes, Director
Land Protection Branch
Mark Smith, Branch Chief

June 4, 2010

VIA E-MAIL AND REGULAR MAIL

FILE COPY

Trinity Industries, Inc.
c/o Mr. Richard T. Barrett
2525 Stemmons Freeway
Dallas, Texas 75207

Re: Voluntary Remediation Plan and Application, April 22, 2010
Manchester Tank Property, HSI Site No. 10765
811 West Avenue, Cedartown, Polk County, Georgia
Tax Parcel 024-014

Dear Mr. Barrett:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Remediation Plan (VRP) dated April 22, 2010 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) for the referenced property. The VRP has been submitted in lieu of a response to EPD's February 26, 2010 letter required pursuant to the Georgia Rules for Hazardous Site Response (the Rules). EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Chemical Oxidation via Ozone injection for treatment of VOC's in groundwater which exceed Type 3 / 4 risk reduction standards

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

Qualifying property:

811 West Avenue
Cedartown, Polk county, Georgia
Tax Parcel 024-014

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:

- 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 VRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.

- December 1 and June 1 through December 1, 2014.

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

- June 1, 2011 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property;
 - June 1, 2012 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - December 1, 2012 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. If the participant proposes changes to the approved clean up standards presented in EPD's February 26, 2010 letter we recommend that these changes are finalized prior to this submittal.
- Compliance status report (CSR) including certifications:
 - June 1, 2015

Conditions:

1. EPD requests the submittal of a cost estimate for full implementation of the VRP through CSR submittal and a financial assurance instrument in that amount by no later than August 2, 2010. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. Trinity must address EPD's notice of deficiencies dated June 4, 2010 and any other notice of deficiencies 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 Trinity's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Trinity 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. Trinity 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 Trinity 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 Polk County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Trinity 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 Trinity and the professional engineer/geologist specified in the VRP oversee the implementation of the VRP 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 Trinity. However, failure of EPD to respond to a submittal within any timeframe does not relieve Trinity from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Trinity 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 VRP 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.

If you have any questions, please contact Greg S. Gilmore at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Greg D. Hall, P.G., Bullock Environmental

File: 10765

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