

# Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., S.E., Suite 1066 East, Atlanta, Georgia 30334

**Reply To:**  
Response and Remediation Program  
2 Martin Luther King, Jr. Drive, S.E.  
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Atlanta, Georgia 30334-9000  
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Mark Williams, Commissioner  
Environmental Protection Division  
Judson H. Turner, Director  
Land Protection Branch  
Keith M. Bentley, Chief

July 31, 2012

**MAILED**

8-1

## VIA EMAIL & REGULAR MAIL

Legacy Vulcan Corporation  
c/o Mr. Carleton Degges  
1200 Urban Center Drive  
Birmingham, Alabama 35242  
205-298-3063

Re: January 2012 Voluntary Remediation Plan Application  
Former Vulcan Performance Chemicals, HSI #10770  
Dalton, Whitfield County, GA  
Tax Parcel ID 13-044-09-000

Dear Mr. Degges:

The Georgia Environmental Protection Division (EPD) has received the January 2012 Voluntary Remediation Program (VRP) application that has been submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) O.C.G.A. 12-8-100. EPD acknowledges that this VRP application was submitted in lieu of a Corrective Action Plan (CAP) Addendum and Revised Compliance Status Report required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your VRP application, which specifies corrective action consisting of the following:

- Conduct additional groundwater monitoring activities on a semi-annual basis as part of a monitored natural attenuation (MNA) corrective action.
- Propose a site-specific risk-based risk reduction standard (RRS) for lead in groundwater.

Therefore, EPD is accepting Legacy Vulcan Corp. (Vulcan) as a participant as defined in the Act for the following qualifying property provided Avery implements the VRP application in compliance with the following schedule and conditions:

Qualifying property:

Former Vulcan Performance Chemical Site  
134 Phelps Road  
Dalton, Whitfield County, Georgia 30720  
Tax Parcel ID 13-044-09-000

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 that 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 application along with a monthly summary of hours invoiced and description of services provided since the last submittal.
  - January 31 and July 31 through January 31, 2017

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

- July 31, 2013, semiannual progress report must demonstrate complete horizontal delineation on the qualifying property and include the proposed site-specific RRS, Point of Demonstration well and associated Point of Exposure; and
  - July 31, 2014 semiannual progress report must demonstrate complete horizontal and vertical delineation on all impacted properties; and
  - January 31, 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 participant finalize approval of cleanup standards for all regulated substances prior to this submittal.
- Compliance status report including certifications by no later than:
    - July 31, 2017

Conditions:

- 1) EPD requests the submittal of a cost estimate to complete the work proposed in the VRP application through the CSR submittal and a financial assurance instrument in that amount by no later than September 31, 2012. Model financial assurance instruments can be located at [http://www.gaepd.org/Files\\_PDF/forms/hwb/HSIModel.pdf](http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf).
- 2) Vulcan must address EPD's comments dated July 31, 2012, and any other comments 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 Vulcan's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Vulcan must submit the required Corrective Action Plan Addendum or a compliance status report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.

- 4) Vulcan 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 the exceeds the initial application fee.

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

Should you have any question or concerns regarding this site, please contact Mr. Kevin Collins of the Response and Remediation Program at (404) 463-0530.

Sincerely,



David Brownlee  
Acting Program Manager  
Response and Remediation Program

c: Daniel McDonnell, Haley & Aldrich, Inc.  
Douglas E. Cloud, Mowrey, Meezan, Coddington, & Cloud LLP  
James Grantham, Harcros Chemicals, Inc.

File: VRP Application 1063742872 – Former Vulcan Performance Chemicals Site #10770