

Georgia Department of Natural Resources

Environmental Protection Division

2 Martin Luther King, Jr. Dr., SE, Suite 1154, Atlanta, Georgia 30334-9000

Judson H. Turner, Director

Land Protection Branch

Keith M. Bentley, Branch Chief

Reply To:

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

January 31, 2013

COPY

VIA E-MAIL AND U.S. MAIL

CSX Real Property, Inc.
c/o Mr. Samuel Ross, P.E.
Manager Environmental Remediation
6737 Southport Drive South, Suite 100
Jacksonville, FL 32216

Re: Voluntary Investigation and Remediation Plan (VIRP) and Application, June 7, 2012
CSX Real Property, Inc., Hutchinson Island, HSI #10101
Savannah, Chatham County, Georgia 30312
(Tax Parcel No. 1-0436-01-017)

Dear Mr. Ross:

The Georgia Environmental Protection Division (EPD) has reviewed the June 7, 2012 Voluntary Investigation and Remediation Plan (VIRP), submitted pursuant to the Georgia Voluntary Remediation Program Act (the VRP Act) for the subject parcel, which are listed on the Georgia Hazardous Sites Inventory (HSI) as HSI 10101. Said VIRP was submitted in *lieu* of a Groundwater Monitoring/Progress Report required by the corrective action plan (CAP) that was approved April 27, 2006. The CAP was submitted pursuant to the requirements of Administrative Orders EPD-HSR-234 issued to Chevron Products Company, EPD-HSR-235 issued to Powell Duffryn Terminals, Inc., and EPD-HSR-232 issued to CSX Transportation, Inc.

EPD is approving your VIRP/VRP Application, which specifies corrective action consisting of the following:

- Additional site investigation(s) to establish the horizontal delineation of regulated substances in groundwater that exceed approved Type 1 RRS;
- Install POD wells and conduct further groundwater and sampling of the canal;
- Conduct groundwater fate-and-transport modeling to derive site-specific cleanup standards and and/or to demonstrate no impact to receptors;
- Provide a remediation plan and provide a preliminary cost estimate for implementation of remediation and associated continuing actions as necessary to meet site-specific cleanup standards;
- Implementation of institutional controls which will include implementation of an environmental covenant that conforms with O.C.G.A. §44-16-1, *et seq*, the Georgia Uniform Environmental Covenants Act for the qualifying property, which will restrict the future uses of the qualifying property for the purpose of certifying compliance with site-specific cleanup standards [O.C.G.A. §12-8-107(h) of the Act].

Therefore, EPD is accepting CSX Real Property as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided CSX Real Property implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

Hutchinson Island,
Savannah, Chatham County, Georgia
Tax Parcel No. 1-0436-01-017

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 VIRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.
 - Every January 31 and July 31 through January 31, 2018.

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

- January 31, 2014 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property.
- January 31, 2015 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties.
- July 31, 2015 semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan (including proposed site-specific cleanup standards, if necessary) and provide a preliminary cost estimate for implementation of remediation and associated continuing actions.
- Compliance Status Report including certifications must be submitted by January 31, 2018:
 - By January 31, 2018, a copy of a proposed environmental covenant, as required, for the qualifying property must be submitted; along with a list of property abutters, their mailing information, and tax parcel identification numbers and a title report; for execution by the Director with this submittal.

Conditions:

1. CSX Real Property is currently maintaining financial assurance through the use of the annual financial test meeting the requirements to demonstrate financial assurance under the Response and Remediation Program. The annual financial assurance package was last submitted March 30, 2012 for corrective action at the site in the amount of \$864,000. The financial assurance will have to be updated to include the anticipated cost of corrective measures to be conducted pursuant to the VIRP.
2. CSX Real Property must address EPD's notice of deficiencies dated January 31, 2013 and any other subsequent 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 CSX Real Property's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, CSX Real Property must submit a compliance status report (CSR) that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
4. CSX Real Property 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 documents that exceed the initial application fee.
5. Since CSX Real Property is performing corrective action at the qualifying property in accordance with an approved VIRP, the qualifying property will continue to be classified as Class V and designated 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, if not previously filed, 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 Chatham County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

CSX Real Property must also place the following notice, or revise previous notices recorded pursuant to the Georgia Hazardous Site Response Rules, Chapter 391-3-19-.08, 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 or revision to 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 CSX Real Property 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 CSX Real Property. However, failure of EPD to respond to a submittal within any timeframe does not relieve CSX Real Property from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should CSX Real Property 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.

If you have any questions, please contact either Carolyn L. Daniels, P.G. or Larry Kloet at (404) 657-8600.

Sincerely,



Charles D. Williams
Program Manager
Response and Remediation Program

File: HSI# 10101

c: Stephen Foley, PG, AMEC
Pat Harrison, AMEC
Henry Wood, SAIC
Powell Duffryn Terminals, Inc., Registered Agent Mark Sprague
Peter Kasbohm, Chevron
Ed Hallman
Mark Sprosty, SEDA