

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.
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
Keith M. Bentley, Chief

May 30, 2013

Colonial Terminals, Inc.
c/o Mr. Jim Baker
Manager, Environmental,
Compliance
Colonial Terminals, Inc.
Post Office Box 576
Savannah, GA 31402

Exxon-Mobil Corp
c/o Mr. Mike Skinner
Michael J. Skinner Consulting,
LLC
230 Kings Highway East, #300
Haddonfield, NJ 08033

Estech, Inc.
c/o Mr. Thomas C. McGowan
McGrath, North, Mullin & Kratz,
PC LLO
Suite 3700 First National Tower
1601 Dodge Street
Omaha, NB 6810

VIA EMAIL & REGULAR MAIL

Re: November 2012 Voluntary Remediation Program Application
Colonial Terminals Plant #2 (HSI # 10098)
Savannah, Chatham County, Georgia
Tax Parcel ID #: 1-0549-01-002, 1-0549-01-002A, 1-0550-02-004

Dear Messrs. Baker, Skinner, and McGowan:

The Georgia Environmental Protection Division (EPD) has received the November 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 Revised Corrective Action Plan (CAP) and 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:

- Continued annual groundwater monitoring for two years.
- Institutional controls through the enactment of unified environmental covenants.

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

Qualifying property:

Colonial Terminals Plant #2
373 North Lathrop Avenue
Savannah, Chatham County, Georgia 31402
Tax Parcel ID #: 1-0549-01-002, 1-0549-01-002A, 1-0550-02-004

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.

Conditions:

Because Colonial is performing corrective action at the qualifying property in accordance with an approved VRP corrective action 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 Chatham County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Colonial 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.

The Act requires that Colonial, 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 Colonial. However, failure of EPD to respond to a submittal within any timeframe does not relieve Colonial from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Colonial 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.

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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,



Charles D. Williams
Program Manager
Response and Remediation Program

c: Mr. Hunter Sartain, ERM (hard copy and by Fax)
Kimberly Duttlinger, Estech

File: VRP Application 7729114252 – Colonial Terminals Plant #2 Site #10098

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