

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
Keith M. Bentley, Branch Chief

June 28, 2012

VIA ELECTRONIC AND REGULAR MAIL

Ashland, Inc.
c/o Mr. Mike Dever
5200 Blazer Parkway, Suite DA-5
Dublin, Ohio 43017

Re: Voluntary Investigation and Remediation Plan and Application, January 12, 2012
Tara Shopping Center, HSI Site No. 10798
8564 Tara Boulevard, Jonesboro, Georgia (Clayton County)
Tax Parcel ID 13242D B001

Dear Mr. Dever:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated April 12, 2012 and the "Evaluation of the Applicability of PCE WQS and the Proposed Alternative Approach – Technical White Paper" (White Paper) received on June 19, 2012. The VIRP was submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) in lieu of a Corrective Action Plan (CAP) 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:

- Installation of additional groundwater monitoring wells and soil borings to complete soil and groundwater delineation;
- Full evaluation of potential exposure pathways for groundwater, soil, vapor intrusion and surface water;
- Source area remediation to meet a Type 5 Risk Reduction Standards (RRS) for soil and groundwater with active remediation to include one of the following technologies:
 - In-situ Electrical Resistive Heating (ERH);
 - Soil excavation and off-site disposal; or
 - In-situ Solidification/Stabilization (S/S) using large diameter auger.
- Designation of a Point of Exposure and Point of Demonstration and appropriate fate and transport modeling of impacted groundwater;
- Execution of a Uniform Environmental Covenant (UEC) on the source property to restrict exposure to contaminated media;
- Selection of a remedy for groundwater downgradient of the source area following completion of monitored natural attenuation (MNA) sampling and fate and transport modeling;
- Actively address surface water exceedences in excess of Georgia In Stream Water Quality Standard (ISWQS) or alternate surface water quality standard accepted by EPD.

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

Qualifying property:

8564 Tara Boulevard
Jonesboro, Clayton County, Georgia
Tax Parcel ID 13242D B001

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 Ashland 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 in accordance with the schedule below. 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.
 - December 28th and June 28th through December 28, 2016.

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

- June 28, 2013 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property;
 - June 28, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and
 - December 28, 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 due by:
 - June 28, 2017

Conditions:

1. EPD received a performance bond from Ashland on March 14, 2012 in the amount of \$872,922 for costs associated with the groundwater CAP approved on June 26, 2009. Since Ashland is no longer implementing corrective action activities in accordance with the approved CAP, Ashland must submit an updated cost estimate and financial assurance instrument by December 31, 2012. The revised cost estimate should be for the full implementation of the VIRP through the final CSR submittal.
2. Ashland must address EPD's comment letter dated June 28, 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 Ashland's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Ashland 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. Ashland 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. On November 25, 2008 EPD reclassified the Site from a Class II to a Class V and directed Tara Retail Holdings, LLC (Tara) to file the deed notice affidavit specified in Section 12-8-97(c) of the Hazardous Waste Management Act. To date, Tara has not provided EPD with a copy of the receipt of the recorded affidavit. Ashland must coordinate with Tara to ensure that the deed notice specified below is filed within 45 days of this letter. This affidavit is to be filed with the clerk of the Superior Court of Clayton County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

"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, Tara or Ashland must 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.

6. Once EPD's Watershed Protection Branch makes a determination on the proposed alternative surface water value for PCE, or determines that higher standards will be promulgated in the short term (next year) which are applicable to the project, Ashland agrees to identify and implement corrective action measures to eliminate any exceedences of the EPD accepted surface water clean up value.

EPD requires that Ashland 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 Ashland. However, failure of EPD to respond to a submittal within any timeframe does not relieve Ashland from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Ashland 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 Mr. Greg Gilmore of the Response and Remediation Program at (404) 657-0487.

Sincerely,



David Brownlee
Acting Program Manager
Response and Remediation Program

c: Eric Nathan, Tara Retail Holdings, Inc. (via electronic mail)
File: HSI No. 10798