

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., SE, Suite 1154, Atlanta, Georgia 30334-9000
Mark Williams, Commissioner
Environmental Protection Division
F. Allen Barnes, Director
Land Protection Branch
Mark Smith, Branch Chief
Phone: 404/657-8600 FAX: 404/657-0807

July 22, 2011

VIA E-MAIL AND REGULAR MAIL

BWAY Corporation
c/o Mr. Steve Diaz, EHS Manager
1601 Valdosta Highway
Homerville, GA 31634

Re: Voluntary Investigation and Remediation Plan and Application (April 12, 2010),
Revised Milestone Schedule dated November 10, 2010; Additional Response to
August 23, 2010 EPD Notice of Deficiency for VRP Application/VIRP dated December 10, 2010;
and Revised VIRP dated January 25, 2011
BWAY Drum Site (Tax Parcel No. 063-026)
NW Quadrant, Intersection of Charley Smith Road (a.k.a., Woodlake Road) and
U.S. Highway 84
Homerville, Clinch County, Georgia

Dear Mr. Diaz:

The Georgia Environmental Protection Division (EPD) has reviewed the April 12, 2010 Voluntary Investigation and Remediation Plan (VIRP) and the subsequent submittals dated November 10, 2010, December 10, 2010, January 25, 2011, and June 10, 2011 pursuant to the Georgia Voluntary Remediation Program Act (the Act) for the subject property, which is listed on the Georgia Hazardous Sites Inventory as HSI 10731. The initial VIRP was submitted in lieu of a Corrective Action Effectiveness Report or Revised Corrective Action Plan (CAP) requested in EPD's letter dated October 21, 2009 pursuant to the Hazardous Site Response Act. The subsequent November 10, 2010, December 10, 2010, January 25, 2011, and June 10, 2011 submittals were in response to EPD's August 23, 2010 letter listing several deficiencies within the initial VIRP.

EPD is approving your VIRP and subsequent revisions, which specifies corrective action consisting of the following:

- Additional site investigation(s) to establish the horizontal and vertical delineation of regulated substances in groundwater that exceed approved Type 1 RRS;
- Revision of the Conceptual Site Model and Exposure Pathway Assessment based on the results of above-referenced investigation(s);
- Fate and transport modeling of groundwater impacted by regulated substances to show that no human or environmental receptors will be impacted by this release and to establish site-specific groundwater cleanup standards; and
- 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 BWAY Corporation as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided BWAY Corporation implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

NW Quadrant, Intersection of Charley Smith Road (*a.k.a.*, Woodlake Road) and U.S. Highway 84
Homerville, Clinch County, Georgia
Tax Parcel No. 063-026

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 22 and July 22 through January 22, 2016.

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

- July 22, 2012 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property.
 - July 22, 2013 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties.
 - January 22, 2014 semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan (including proposed site-specific cleanup standards) and provide a preliminary cost estimate for implementation of remediation and associated continuing actions. EPD recommends that separation/parceling of that portion of the qualifying property that BWAY Corporation does not intend to include in the required environmental covenant be completed prior to this submittal. In addition, EPD recommends that the participant finalize approval of cleanup standards for all regulated substances not previously detected at the site (*i.e.*, regulated metabolites from the injection of magnesium sulfate into groundwater in the past) prior to this submittal.
- Compliance Status Report including certifications:
 - July 22, 2016. A copy of the proposed environmental covenant 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. EPD requests the submittal of a financial assurance instrument for the amount of \$120,000 by no later than September 22, 2011. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. BWAY Corporation must address EPD's notice of deficiencies dated July 21, 2011 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 BWAY Corporation's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, BWAY Corporation must submit a compliance status report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
4. BWAY Corporation 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.
5. Because BWAY Corporation is performing corrective action at the qualifying property in accordance with an approved VIRP, 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 Clinch County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

BWAY Corporation 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 BWAY Corporation and the professional engineer/geologist specified in the VIRP oversee the implementation of the VIRP dated January 25, 2011 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 BWAY Corporation. However, failure of EPD to respond to a submittal within any timeframe does not relieve BWAY Corporation from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should BWAY Corporation 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 referenced 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 Carolyn L. Daniels, P.G. of the Response and Remediation Program at (404) 657-8600.

Sincerely,

A handwritten signature in black ink that reads "Mark Smith". The signature is written in a cursive, flowing style with a large initial "M" and a long, sweeping underline.

Mark Smith, Chief
Land Protection Branch

File: HSI# 10731

c: Shanna Thompson, Environmental Resources Management
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