

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
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Suite 1462, East Tower
Atlanta, Georgia 30334-9000
Office 404/657-8600 Fax 404-657-0807

Chris Clark, Commissioner
Environmental Protection Division
F. Allen Barnes, Director
Land Protection Branch
Mark Smith, Branch Chief

May 17, 2010

VIA E-MAIL AND REGULAR MAIL

COPY

Sara Lee Corporation and Rathon Corporation
c/o Mr. Harvey M. Sheldon, Esq.
Hinshaw & Culbertson
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601

Re: Voluntary Remediation Plan and Application, March 1, 2010
Diversey-Olympic Manufacturing (Former), HSI Site No. 10435
3051 Olympic Industrial Drive, Smyrna, Cobb County, Georgia
Tax Parcel ID 17096200150

Dear Mr. Sheldon:

The Georgia Environmental Protection Division (EPD) has reviewed the March 1, 2010, Voluntary Remediation Plan (VRP) submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of full implementation of a previously approved corrective action plan required pursuant to the Georgia Rules for Hazardous Site Response for the above referenced site. EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Soil concentrations above the non-residential standards are expected to naturally attenuate to below the cleanup standards; and
- Two (2) rounds of in-situ chemical oxidation of volatile organic compound impacted groundwater and fate and transport modeling.

Therefore, EPD is accepting Sara Lee Corporation and Rathon Corporation as joint participants as defined in the Voluntary Remediation Program Act for the following qualifying property provided Sara Lee Corporation and Rathon Corporation implements the VRP in compliance with the following schedule and conditions:

Qualifying property:

3051 Olympic Industrial Drive
Smyrna, Cobb County, Georgia
Tax Parcel ID 17096200150

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 VRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.
 - November 17 and May 17 through November 17, 2014.

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

- May 17, 2011 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property:
 - May 17, 2012 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - November 17, 2012 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 substance prior to this submittal.
- Compliance status report including certifications:
 - May 17, 2015

Conditions:

1. EPD requests the submittal of a financial assurance instrument for the amount of \$650,000 by no later than July 9, 2010. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. Sara Lee and Rathon must address EPD's notice of deficiencies dated May 17, 2010 and any other 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 Sara Lee's and Rathon's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Sara Lee and Rathon 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. Sara Lee and Rathon 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 Sara Lee Corporation and Rathon Corporation and the professional engineer/geologist specified in the VRP oversee the implementation of the VRP 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 Sara Lee Corporation and Rathon Corporation. However, failure of EPD to respond to a submittal within any timeframe does not relieve Sara Lee Corporation and Rathon Corporation from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Sara Lee Corporation and Rathon 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 VRP 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.

In a letter dated September 25, 2006, EPD notified the property owner of the qualifying property that the property had been designated as needing corrective action and to file the required affidavit. As of the date of this letter, a copy of that affidavit has not been provided to EPD in violation of §12-8-97(c) of the Hazardous Site Response Act. A separate letter is being sent to the property owner, Jodaco, Inc. requiring the affidavit required under §12-8-97(c) of the Hazardous Site Response Act be submitted to EPD. If the affidavit is not filed, EPD reserves the right to terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

If you have any questions, please contact Allan Nix of the Response and Remediation Program at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Trish Reifenberger, Brown & Caldwell
Karl Forrest, Fine & Block for Jodaco, Inc.
Henry Sawyer, Olympic Associates LLC

File: HSI Site Number 10435