

# 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

July 25, 2012

**COPY**

Legion Industries, Inc.  
c/o Mr. Charles A. Brown  
373 Huntsville Road  
Dallas, Pennsylvania 18612

Re: Voluntary Remediation Program application, January 26, 2012  
Legion Industries, Inc., HSI Site No. 10614  
Waynesboro, Burke County, Georgia  
Tax Parcel ID No. 073 022

Dear Mr. Brown:

The Georgia Environmental Protection Division (EPD) has reviewed the January 26, 2012 Voluntary Remediation Plan Application submitted by AMEC pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of a compliance status report (CSR) required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your voluntary investigation and remediation plan (VIRP), which specifies additional site investigation and corrective action consisting of the following:

- Excavation and disposal of all soils exceeding appropriate risk reduction standards;
- Installation of additional groundwater monitoring wells on-site, as well as further evaluation to develop and implement a final remedy for groundwater; and
- Upon completion of groundwater delineation, all structures within the groundwater contamination plume will be evaluated for potential exposure via vapor intrusion.

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

**Qualifying property:**

370 Mills Road  
Waynesboro, Burke County, Georgia  
Tax Parcel ID: 073 022

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 25th and July 25th through January 25, 2017.

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

- July 25, 2013 semiannual progress report must demonstrate horizontal delineation on the qualifying property;
  - July 25, 2014 semiannual progress report must demonstrate complete horizontal delineation; and
  - January 25, 2016 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 (CSR) including certifications:
    - July 25, 2017.

**Conditions:**

1. EPD requires the submittal of a cost estimate for full implementation of the VIRP through CSR submittal and a financial assurance instrument in that amount by no later than September 14, 2012. Model financial assurance instruments can be located at <http://www.gaepd.org/Files/PDF/forms/hwb/HSIModel.pdf>.
2. Within ninety (90) days of Legion Industries, Inc.'s notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Legion Industries, Inc. must submit a compliance status report that complies with requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
3. Legion Industries, Inc. 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 exceed the initial application fee.
4. Legion Industries, Inc. must address EPD's July 25, 2012 comment letter regarding the VIRP application.
5. Because Legion Industries, Inc. is performing corrective action at the qualifying property in accordance with an approved voluntary remediation 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 Burke County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Legion Industries, Inc. 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."

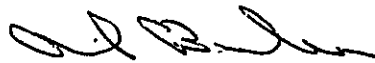
Within 30 days of recording the affidavit, a copy of the receipt of the recorded affidavit must be sent to the Response and Remediation Program, Georgia Environmental Protection Division, 2 Martin Luther King Jr. Drive, SE, Suite 1462, Atlanta, GA 30334.

EPD requires that Legion Industries, Inc. 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 Legion Industries, Inc. However, failure of EPD to respond to a submittal within any timeframe does not relieve Legion Industries, Inc. from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Legion Industries, Inc. 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 Jessica McCarron of the Response and Remediation Program at (404) 657-0485.

Sincerely,



David Brownlee  
Acting Program Manager  
Response & Remediation Program

cc: Charles T. Ferry, AMEC

File: 106141  
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