

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., S.E., Suite 1462 East, Atlanta, Georgia 30334

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

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

April 28, 2011

VIA E-MAIL AND REGULAR MAIL

COPY

Drexel Chemical Company
c/o Mr. Mike Shankle, Technical Director
P.O. Box 13327
1700 Channel Avenue
Memphis, Tennessee 38113

Re: Voluntary Investigation and Remediation Plan and Application, February 8, 2011
Goldkist Chemical Blending Site, HSI Site No. 10228
120 Cape Road, Cordele, Crisp County
Tax Parcel ID No. 040 031

Dear Mr. Shankle:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated February 8, 2011 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). The VIRP was submitted in lieu of a Corrective Action Plan 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:

- Excavation of volatile organic compound (VOC), chlorinated pesticide and organophosphorus pesticide contaminated soils in the former surface impoundments and the rail car unloading area and vicinity;
- Monitor groundwater and potentially conduct additional corrective action to maintain compliance with VRP requirements; and
- Continue to evaluate off-property ecologically sensitive environments and perform corrective action as appropriate.

Therefore, EPD is accepting Drexel Chemical Company (Drexel) as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property, provided Drexel implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

120 Cape Road
Cordele, Crisp County, Georgia
Tax Parcel ID No. 040 031

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.

- October 28 and April 28 through October 28, 2015.

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

- April 28, 2012 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property.
 - April 28, 2013 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - October 28, 2013 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:
 - April 28, 2016

Conditions:

1. The United States Environmental Protection Agency has been provided a copy of this application and, without waiving any of its enforcement or other tools and without providing a no action assurance, has agreed to continue to allow EPD to oversee this cleanup provided the corrective actions in this VIIRP application are implemented as described. Significant variation to the proposed corrective actions at this site must be coordinated through EPD and approved by EPA.
2. EPD requires the submittal of a cost estimate for full implementation of the VIIRP through CSR submittal and a financial assurance instrument for that amount by no later than June 28, 2011. Model financial assurance instruments can be located at <http://www.gaepd.org/Files/PDF/forms/hwb/HSIModel.pdf>.
3. Drexel must address EPD's comment letter dated April 28, 2011 and any other comment letter 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.
4. Within ninety (90) days of Drexel's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Drexel must submit a corrective action plan that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
5. Drexel 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.
6. Drexel must continue investigation and remediation of off-property contamination pursuant to the Hazardous Site Response Act (HSRA) and its associated Rules until those impacted properties are enrolled in the Voluntary Remediation Program. Furthermore, Drexel must remain in compliance with HSRA and its associated Rules; otherwise, Drexel may not be eligible as a participant in the Voluntary Remediation Program.
7. Because Drexel 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 Crisp County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Drexel 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 Drexel 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 Drexel. However, failure of EPD to respond to a submittal within any timeframe does not relieve Drexel from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Drexel 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 John Maddox at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

C: Kirk Kessler, P.G. Environmental Planning Specialists, Inc.
File: 10228

S:\RD\RIVE\UMaddox\HSI\Drexel-Gold\Kist\VRP\model_vrp_application_approval_letter.doc