

Georgia Department of Natural Resources

Environmental Protection Division

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

2 Martin Luther King, Jr. Dr., S.E., Suite 1462 East, Atlanta, Georgia 30334
Judson H. Turner, Director
Land Protection Branch
Keith M. Bentley, Chief

FILE COPY

November 2, 2012

VIA E-MAIL AND REGULAR MAIL

Georgia Ports Authority
c/o Mr. Christopher B. Novack, P.E.
Director of Engineering & Facilities Maintenance
P.O. Box 2406
Savannah, Georgia 31402

Re: Voluntary Investigation and Remediation Plan (VIRP) and Application, July 25, 2012
Georgia Ports Authority-Bainbridge Terminal, HSI Site No. 10071
1321 Spring Creek Road
Land Lot 373, Parcels: 20, 21A, and portion of Parcel 19

Dear Mr. Novack:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated July 25, 2012 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). The VIRP was submitted in lieu of a revised 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:

- A previous excavation of impacted soils on the northern portion of the property,
- Monitored Natural Attenuation for groundwater to meet Type 4 risk reduction standards, with attenuation enhancement, fate and transport modeling and/or use restrictions, as necessary,
- Further removal of a limited amount of contaminated soil within the area of concern (AOC) 3 (along the drainage ditch/swale area),
- Execution of an environmental covenant pursuant to the Georgia Uniform Environmental Covenants Act,
- Management of contaminated soils that includes installing security fencing around AOC 1 and maintenance of a concrete/asphalt cover in AOC 2.

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

Qualifying property:

Georgia Ports Authority-Bainbridge-Terminal
1321 Spring Creek Road
Savannah, Decatur, Georgia
Land Lot 373, Parcels: 20, 21A, and portion of Parcel 19

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.
 - May 2 and November 2 through May 2, 2017

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

- November 2, 2013 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property:
 - November 2, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - May 2, 2015 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:
 - November 2, 2017

Conditions:

1. EPD requires the submittal of a cost estimate and a financial assurance instrument to complete the work proposed in the VIRP no later than January 2, 2013. Model financial assurance instruments are available on EPD's webpage at http://www.qaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. Georgia Ports Authority must address EPD's comment letter dated November 2, 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 Georgia Ports Authority's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Georgia Ports Authority 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. Georgia Ports Authority 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. Because Georgia Ports Authority 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 Decatur County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Georgia Ports Authority 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."

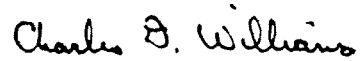
Within 30 days of recording the affidavit, please send a copy of the receipt of the recorded affidavit to the Response and Remediation Program, Georgia Environmental Protection Division, 2 Martin Luther King Jr. Drive, SE, Suite 1462, Atlanta, GA 30334.

EPD requires that Georgia Ports Authority 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 Georgia Ports Authority. However, failure of EPD to respond to a submittal within any timeframe does not relieve Georgia Ports Authority from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Georgia Ports Authority 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 Montague M^cPherson at (404) 657-8600.

Sincerely,



Charles D. Williams
Program Manager
Response and Remediation Program

c: Raj Mahadevaiah – Environmental International Corporation

File: HSI number 10071

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