

Georgia Department of Natural Resources

Environmental Protection Division

2 Martin Luther King Jr. Drive, Suite 1456, Atlanta, Georgia 30334

Judson H. Turner, Director

(404) 656-4713

AUG 6 2014

VIA E-MAIL AND REGULAR MAIL

Lafarge Road Marking, Inc.
c/o Joe McCarthy, President
Lafarge
13450 Sunrise Valley Drive
Suite 220
Herndon, Virginia 20171

Re: Consent Order No. EPD-VRP-009
Lafarge Road Marking Property, HSI Site No. 10004
2675 North Martin Street, East Point, Fulton County, Georgia
Tax Parcel 14 0156 LL0236

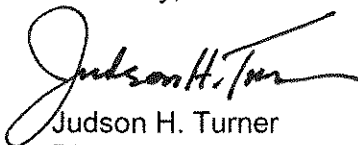
Dear Mr. McCarthy:

An executed copy of Consent Order EPD-VRP-009 is enclosed. Consent Order EPD-HW-562 is now superseded in its entirety and replaced by the attached Order. We did not receive comments during the 30-day public comment period; therefore, the order was executed as proposed. As specified in the Order, Lafarge Road Marking, Inc. is accepted as a participant and the above-referenced property is now enrolled in the Voluntary Investigation and Remediation Program (VIRP). The voluntary remediation plan specifies corrective action consisting of the following:

- Soil – Excavation of shallow impacted soil, operation of a soil vapor extraction (SVE) system, and possible use of engineering and institutional controls.
- Groundwater – Operation of an air sparging/SVE/multi-phase extraction system, operation of a groundwater extraction system, ongoing groundwater monitoring, and possible use of fate and transport modeling.

Please implement the VIRP Application and Plan in accordance with the schedule and specifications contained therein and within the Order, and subject to the comments in our March 14, 2014 letter. EPD anticipates receipt of the first semiannual VIRP Progress Report by April 1, 2015. Please note that all documents more than 25 pages in length should be submitted as one paper copy and two compact disc (CD) copies with the documents in searchable (i.e., tagged) Portable Document Format (PDF). If you have any questions regarding this matter, please contact Jason Metzger of the Response and Remediation Program at (404) 657-8610.

Sincerely,



Judson H. Turner
Director

Encl: Consent Order EPD-VRP-009
c: Adam G. Sowatzka, King & Spalding (w/ attachment)
David Wilderman, ARCADIS (via email)
File: HSI 10004

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE:)
Lafarge Road Marking, Inc.)
13450 Sunrise Valley Drive, Suite 220) Consent Order No. EPD-VRP- 009
Herndon, Virginia)
)
)
RESPONDENT)

CONSENT ORDER

WHEREAS, Lafarge Road Marking, Inc. (formerly Linear Dynamics, Inc., formerly Prismo Safety Corporation, and hereinafter "Respondent") is a former owner of certain real property on which Respondent formerly operated a facility for the research and manufacture of paint for road marking, located at 2675 North Martin Street, East Point, Fulton County, Georgia, comprising approximately 5.4 acres and identified as Tax Parcel 14 0156 LL0236 (hereinafter the "Property"); and

WHEREAS, Respondent operated a tank farm on the Property that consisted of 13 underground tanks ranging in capacity from 1,000 to 10,000 gallons; and

WHEREAS, Respondent closed the Property on October 24, 1984; and

WHEREAS, other than one tank containing gasoline, the remaining tanks on the Property contained various solvents necessary for the manufacture of paints, which included: toluene; hexane; heptane; xylene; m ethyl-isobutyl-ketone; methyl-ethyl-ketone; 1,1,1-trichloroethane; methylene chloride; mineral spirits; and methyl alcohol; and

WHEREAS, during a March 1987 tank removal, it was discovered that certain tanks on the Property had developed leaks and had released regulated substances into the environment; and

WHEREAS, Respondent hired contractors to perform environmental assessments on the Property that revealed both soil and groundwater were contaminated with regulated substances (the "Release"); and

WHEREAS, Respondent developed a conceptual Corrective Action Plan that included capture and recovery of contaminated groundwater and that was approved by the Georgia Environmental Protection Division (hereinafter "EPD"); and

WHEREAS, the substances found to have been released on the Property are hazardous wastes or hazardous constituents under the Georgia Hazardous Waste Management Act, O.C.G. A. Section 12-8-60 et M., as amended (hereinafter "HWM Act"); and



WHEREAS, on March 30, 1990, the Respondent (as Linear Dynamics, Inc.) and EPD entered into Consent Order No. EPD-HW-562 under the HWM Act requiring Respondent to implement corrective action with respect to the Property; and

WHEREAS, on March 11, 1998 the aforesaid Consent Order was amended to provide a revised schedule for corrective action for soil and groundwater at the Property and to address additional Hazardous Waste Management Units; and

WHEREAS, the Respondent has continued to implement corrective action on the Property in accordance with plans approved by EPD; and

WHEREAS, on May 24, 2010, the Respondent submitted to EPD an application, including a Voluntary Investigation and Remediation Plan (hereinafter the "VIRP"), for enrollment of the Property into the Georgia Voluntary Remediation Program (hereinafter the "VRP"), established under the Georgia Voluntary Remediation Program Act, O.C.G.A. Section 12-8-100 et seq., as amended (hereinafter "VRP Act"); and

WHEREAS, on August 15, 2013, the Respondent submitted to EPD an updated VIRP for the Property; and

WHEREAS, EPD has determined that the Property is eligible for enrollment into the VRP; and

WHEREAS, the Respondent and EPD desire to enable Respondent's participation in the VRP with respect to the Property; and

NOW, THEREFORE, it is hereby ORDERED by the Director and CONSENTED to by the Respondent, as follows:

1. As of the Effective Date of this Order, Consent Order EPD-HW-562 is superseded in its entirety and replaced with this Order, and as this Order may be amended from time to time upon written agreement of EPD and Respondent.
2. Upon the Effective Date of this Order, Respondent's VRP application and VIRP dated August 15, 2013 are approved and the Property shall be deemed enrolled in the VRP as of the Effective Date of this Order by the Director.
3. Under the VRP, and subject to any relevant modifications thereto, the Respondent must comply with the following schedule for delineation and remediation of the Release, submission of a compliance status report, and submission of financial assurance as required by EPD under the VRP Act, subject to modifications and extensions granted in writing by EPD, such modifications and extensions not to be unreasonably denied:
 - a. The Respondent must submit progress reports to EPD semi-annually, or at such longer interval as EPD may approve, pursuant to Section 12-8-107(b) of the VRP Act, as amended, with the first report being due sixty (60) days following the end of the sixth full month after the Effective Date of this Order.



- b. Within the first twelve (12) months after the Effective Date of this Order, the Respondent shall complete horizontal delineation of the Release and associated constituents of concern on property where access is available as of the date of execution of this Order.
- c. Within twenty four (24) months after the Effective Date of this Order, the Respondent shall complete horizontal delineation of the Release and associated constituents of concern extending onto property for which access was not available as of the Effective Date of this Order.
- d. Within six (6) months after completion of Condition 3.c, if regulated substances are detected on a non-qualifying property, Respondent shall either (1) apply to EPD to include such property as a qualifying property under the VRP Act, if Respondent wants to include such property as a qualifying property under the VRP Act, or (2) notify EPD that such property is not included as a qualifying property under the VRP Act.
- e. Within thirty (30) months after the Effective Date of this Order, the Respondent shall update the conceptual site model to include vertical delineation, finalize the VIRP and provide a cost estimate for implementation of remediation and associated continuing actions.
- f. Within sixty (60) months after the Effective Date of this Order, or other later date approved by the Director, e.g., if the Director concurs that completion of corrective action cannot feasibly be achieved within sixty (60) months after the date of execution of this Order, the Respondent shall submit the compliance status report, including the requisite certifications, required under the VRP Act.
- g. Within sixty (60) days after the Effective Date of this Order, the Respondent shall submit a cost estimate to EPD to complete the work proposed in the VRP application through submittal of the compliance status report. This estimate shall include the costs as determined by the registered professional geologist or engineer referenced in paragraph 4 herein below.
- h. Within ninety (90) days after the Effective Date of this Order, the Respondent shall provide EPD a financial assurance mechanism to reflect all costs identified in the cost estimate in Condition g. The financial assurance mechanism shall be submitted and maintained on such forms as specified by EPD and shall be subject to EPD's approval. The written cost estimate shall be reviewed at least annually by the Respondent to ensure that the amount of the financial assurance mechanism is sufficient to ensure performance of the activities described in the VIRP. If the cost estimate indicates the amount of the financial assurance mechanism is not sufficient to ensure performance of the activities described in the VIRP, the Respondent shall notify EPD within thirty (30) days. Further, if the cost estimate is lowered, the amount of financial assurance may also be lowered, subject to review and approval by EPD, which will not be unreasonably delayed or withheld.



- i. Within sixty (60) days after Respondent's receipt from EPD of an invoice for any costs to EPD in reviewing the VRP application and subsequent documents that exceed the initial application fee, Respondent shall reimburse EPD for such costs.
4. The Respondent and one or more registered professional geologists or engineers shall be responsible to oversee the implementation of the VIRP in accordance with the provisions, purposes, standards, and policies of the VRP Act. EPD may, at its sole discretion, review and comment on documents submitted by the Respondent. However, failure of EPD to respond to a submittal within any timeframe does not relieve the Respondent from complying with the specified schedule and the provisions, purposes, standards and policies of the VRP Act and Order.
5. The Respondent shall address any comment letters addressing the investigation and remediation pursuant to the VRP Act to the satisfaction of the Director that the response is consistent with the provisions, purposes, standards, and policies of the VRP Act.
6. 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 the VIRP in whole or in part, if EPD reasonably determines that withdrawal is necessary to ensure compliance with applicable statutes and rules.
7. This Order shall terminate if and as of the date the Director concurs under Section 12-8-107(e) of the VRP Act, as amended, with the Respondent's certification that the Property complies with applicable cleanup standards.
8. Enrollment of the property in the VRP shall terminate (hereinafter the "Termination Date") sixty (60) days after either the Director or the Respondent provides written notification to the other party that enrollment of the Property in the VRP is being terminated, as provided in Section 12-8-107(d) of the VRP Act, as amended. As of the Termination Date, the Property and other properties affected by the Release shall be subject to the risk reduction standards promulgated at Section 391-3-19-.07 of the Rules for Hazardous Site Response, or such alternate standards as may be approved by the Director. The Respondent shall take those actions necessary to ensure compliance with these standards within a schedule approved by the Director, and shall submit periodic status reports in such format as required by the Director.
9. Unless otherwise provided in this Order, the following notice provisions shall apply:
 - a. Notifications, submissions or other communications required by this Order, shall be made in writing and addressed as follows:

As to the Respondent:

Mr. Joe McCarthy, President
Lafarge Road Marking, Inc.



c/o Lafarge
13450 Sunrise Valley Drive
Suite 220
Herndon, Virginia 20171

With a copy to:

Adam G. Sowatzka
King & Spalding
1180 Peachtree Street, N.E.
Atlanta, GA 30309-3521

As to EPD:

Program Manager
Environmental Protection Division - Land Protection Branch
Response and Remediation Program
2 Martin Luther King Jr. Boulevard, Suite 1054
Atlanta, Georgia 30334

- b. Either party may, by written notice to the other party, change its designated representatives for receipt of notice or its notice address.
 - c. For purposes of the VRP deliverables referenced in Condition 3 hereof, EPD's receipt of a deliverable by the specified milestone due date via U.S. Mail, courier or hand delivery, or EPD's receipt of an electronic transmittal of a copy of the deliverable by the specified milestone due date confirming that the deliverable has been sent via U.S. Mail, courier or hand delivery, shall constitute timely submission of the deliverable under the VRP.
10. The individual signing this Order for the Respondent is duly authorized to enter into and bind the Respondent to the terms of the Order.

For purposes of enforcement under any applicable State Law, this Order shall be construed as and shall have the same force and effect as a final Order of the Director pursuant to the HWM Act, as amended, and the VRP Act, as amended.

This Consent Order shall be signed first by the Respondent and then executed by the Director of EPD. The Effective Date of this Order shall be the date signed by the Director of EPD.

[SIGNATURES ARE TO APPEAR ON THE FOLLOWING PAGE]



It is so ORDERED, CONSENTED, AND AGREED to this 6th day of Aug, 2014 (to be filled in by the Director upon his signature)

**FOR THE RESPONDENT,
LAFARGE ROAD MARKING, INC.**

**FOR THE ENVIRONMENTAL
PROTECTION DIVISION**

By: Joe McCarthy
(Signature)

JOE MCCARTHY
(Printed Name)

TITLE: President

DATE: 6/18/14

Judson H. Turner

Judson H. Turner, Director
Environmental Protection Division
Department of Natural Resources
State of Georgia