

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive, SE, Suite 1462 East, Atlanta, Georgia 30334

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes., Director

Land Protection Branch

404-657-8600

October 4, 2011

COPY

VIA E-MAIL AND REGULAR MAIL

Trust for Benefit of Brenda Heisey and
Rheem Manufacturing
c/o Ms. Hollister Hill
Troutman Sanders, LLP
600 Peachtree Street, NE, Suite 5200
Atlanta, Georgia 30305

Re: Voluntary Remediation Plan and Application dated December 13, 2010
139 Brampton Road (former Rheem Manufacturing), HSI Site No. 10208
Savannah, Chatham County, Georgia
Tax Parcel ID#1-0720-01-002

Dear Ms. Hill:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Remediation Plan (VRP) application dated December 13, 2010 that was submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) for the referenced property. The VRP has been submitted in lieu of a Compliance Status Report and Corrective Action Plan as required pursuant to the Georgia Rules for Hazardous Site Response (the Rules). EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Excavation and disposal of all soils that exceed applicable risk reduction standards (RRS).
- Additional delineation of volatile organic compounds (VOCs) in groundwater.
- Establishment of a "point of demonstration" groundwater monitoring well along with fate and transport modeling.
- After delineation of the VOCs in groundwater, all structures within the groundwater contamination plume will be evaluated for potential exposure via vapor intrusion.

Therefore, EPD is accepting the Trust for Benefit of Brenda Heisey (Trust) and Rheem Manufacturing (Rheem) as participants as defined in the Voluntary Remediation Program Act for the following qualifying property provided that the Trust and Rheem implement the VRP in compliance with the following schedule and conditions:

Qualifying property:

139 Brampton Road
Savannah, Chatham County, Georgia
Tax Parcel ID#1-0720-01-002

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. Consequently,

please note that current information indicates that site related contaminants have been detected on the adjacent properties belonging to McDonald Ventures and Norfolk-Southern. Therefore, please ensure that the first semiannual progress report includes a description of these properties as additional qualifying properties, along with supporting site figures that illustrate the extent of these properties, or notify EPD that the McDonald Ventures Property and/or the Norfolk-Southern Property will not be 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.
 - April 30th and September 30th through April 30, 2016

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

- September 30, 2012 semiannual progress report must include the vapor intrusion, and groundwater pathway evaluation for the qualifying properties;
 - September 30, 2013 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - April 30, 2014 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:
 - September 30, 2016

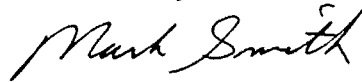
Conditions:

- 1) EPD requests the submittal of a cost estimate to complete the work proposed in the VRP through the CSR submittal and a financial assurance instrument in that amount by no later than November 30, 2011. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
- 2) The Trust and Rheem must address EPD's comments dated October 4, 2011 and any other comments 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 the Trust and Rheem's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, the Trust and Rheem must submit a compliance status report that meets the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
- 4) The Trust and Rheem 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 documents that exceeds the initial application fee.

EPD requires that the Trust and Rheem along with 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 the Trust and Rheem. However, failure of EPD to respond to a submittal within any timeframe does not relieve the Trust and Rheem from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should the Trust and Rheem 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. Should you have any question or concerns, please contact Mr. Bill Williams of the Response and Remediation Program at (404) 657-7126.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Charles Ferry, MACTEC

File: HSI # 10208