

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

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

October 15, 2010

VIA E-MAIL AND REGULAR MAIL

Ethicon, Inc.
c/o Mr. Guy C. Rechteris
655 Ethicon Circle
Cornelia, Georgia 30531

Re: Voluntary Investigation and Remediation Plan and Application, August 24, 2010
Ethicon, Inc. Property, HSI Site No. 10793
655 Ethicon Circle, Cornelia, Habersham County
Tax Parcel 085A 009

Dear Mr. Rechteris

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated August 24, 2010 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of an Annual Groundwater Corrective Action Plan Report required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your VIRP, which specifies corrective action consisting of the following:

- Semi-Annual Groundwater Monitoring; and
- Execution of a Uniform Environmental Covenant to restrict groundwater use.

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

Qualifying property:

655 Ethicon Circle
Cornelia, Habersham County, Georgia
Tax Parcel 085A 009

Schedule:

The schedule proposed in the VIRP is significantly shorter than allowed by the checklist. We encourage Ethicon to adhere to its schedule as proposed in the VIRP, but have included minimum requirements, as follows:

- Semiannual status reports are to be submitted to EPD. Each status 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 April 15th and October 15th through October 15, 2015.
- The April 15, 2013 semiannual progress report must 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 substance prior to this submittal.

- A compliance status report, including certifications, must be submitted by October 15, 2015.

Conditions:

1. Ethicon must maintain financial assurance in the amount of the estimated cost of implementing the VIRP, and an updated cost estimate and financial assurance document should be submitted annually with the October 15th semi-annual progress report. On September 28, 2010, EPD received an update to the Surety Bond (No. 82141160) in the amount of \$540,000, submitted under the terms of the previous corrective action plan approval. The Bond is hereby approved, as the amount exceeds the anticipated costs of implementing the VIRP, and must remain in effect until alternate financial assurance has been approved by EPD.
2. Ethicon must address EPD's comment letter dated October 15, 2010 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 Ethicon's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Ethicon, Inc. 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. Ethicon 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 the exceeds the initial application fee.

EPD requires that Ethicon 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 Ethicon. However, failure of EPD to respond to a submittal within any timeframe does not relieve Ethicon from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Ethicon 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 Carrie Williams, P.G. at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

File: HSI No. 10793

c: Evan Clark, P.E., ARCADIS

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