

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

Hazardous Waste Management Branch

404-657-8600

March 10, 2011

VIA E-MAIL AND REGULAR MAIL

COPY

Thermo King Corporation
c/o Mr. David A. Kolb, ESH and Facility Manager
1430 Highway 24 East
Louisville, Georgia 30434

Re: Addendum to Voluntary Remediation Program Application, December 22, 2010
Thermo King Corporation Site, HSI Site No. 10702
Louisville, Jefferson County, Georgia
Tax Parcel 0090-024

Dear Mr. Kolb:

The Georgia Environmental Protection Division (EPD) has reviewed the December 22, 2010 Addendum to Voluntary Remediation Program Application [now referred to as the Voluntary Investigation and Remediation Plan (VIRP)] submitted by MACTEC Engineering & Consulting, Inc. pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of a corrective action plan (CAP) 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 additional site assessment and corrective action consisting of the following:

- Execution of a Uniform Environmental Covenant to restrict exposure to contaminated soil and groundwater;
- Maintenance of existing concrete caps to prevent exposure to contaminated soil;
- Installation of an engineering control consisting of a physical barrier/rip rap blanket to preclude the surface expression of VOC impacted seep water;
- Surface water and groundwater monitoring;
- Continued fate and transport modeling of VOC impacted groundwater to illustrate no human or environmental receptors will be impacted by this release.

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

Qualifying property:

1430 Highway 24 East
Louisville, Jefferson County, Georgia
Tax Parcel ID: 0090 024

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.
 - Every September 10th and March 10th through September 10, 2015.
- A compliance status report (CSR) including certifications must be submitted by March 10, 2016.

Conditions:

1. EPD requests the submittal of a financial assurance instrument for the amount of \$396,237 by no later than May 10, 2011. Model financial assurance instruments can be located at <http://www.gaepd.org/Files/PDF/forms/hwb/HSIModel.pdf>.
2. Thermo King must address EPD's March 10, 2011 comment letter addressing the remediation pursuant to the Act to the satisfaction of the Director that is consistent with the provisions, purposes, standards, and policies of the Act.
3. Within ninety (90) days of Thermo King's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Thermo King must submit a corrective action plan that proposes actions to bring the site into compliance with the risk reduction standards in the Rules for Hazardous Site Response.
4. Thermo King 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 exceed the initial application fee.
5. Because Thermo King 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 Jefferson County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Thermo King 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

Mr. David A. Kolb
Thermo King Corporation
March 10, 2011
Page 3

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 Thermo King 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 Thermo King. However, failure of EPD to respond to a submittal within any timeframe does not relieve Thermo King from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Thermo King 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 Kristen Ritter Rivera of the Response and Remediation Program at (404) 657-8600.

Sincerely,

A handwritten signature in black ink that reads "Mark Smith". The signature is written in a cursive, flowing style.

Mark Smith, Chief
Land Protection Branch

c: David Sordi, Ingersoll Rand
Greg Wrenn, MACTEC
File: 10702