



ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

SEP 20 2016

VIA U.S. MAIL AND EMAIL

Hood Packaging Corporation
c/o Mr. John Smith, Vice President
25 Woodgreen Place
Madison, MS 39110

Re: Consent Order No. EPD-VRP-013
Southern Bag Corporation, HSI Site No. 10089
910 River Street, Valdosta, Lowndes County, Georgia
Tax Parcels: 0019A 026, 0119B 003, 0119A 027, & 0119B 004

Dear Mr. Smith:

An executed copy of Consent Order EPD-VRP-013 (Order) is enclosed. We did not receive comments during the 30-day public comment period; therefore, the Order was executed as proposed. Once Items 1 and 3 of the Order are completed, Hood Packaging Corporation will become a participant in the Voluntary Remediation Program (VRP), the above-referenced property will become enrolled in the VRP, and Consent Order EPD-HSR-063 will be held in abeyance as provided by the enclosed Order.

Because Hood Packaging Corporation is performing corrective action at the qualifying property in accordance with an approved voluntary remediation plan, The Georgia Environmental Protection Division (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 Georgia Voluntary Remediation Program Act (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 Lowndes County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

Hood Packaging Corporation 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:

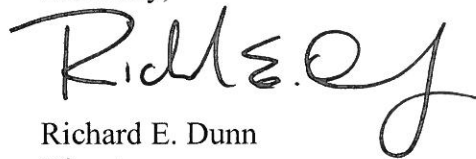
"This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection 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 1054, Atlanta, GA 30334.

EPD requires that Hood Packaging Corporation and the professional engineer/geologist specified in the Voluntary Investigation and Remediation Plan (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 Hood Packaging Corporation. However, failure of EPD to respond to a submittal within any timeframe does not relieve Hood Packaging Corporation from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Hood Packaging Corporation fail to comply with the specified schedule, EPD may terminate enrollment of the participant and the qualifying property from the VRP.

Please implement the VIRP in accordance with the schedule and specifications contained therein and within the Order, and subject to the comments in our VIRP review letter. EPD anticipates receipt of the first semiannual VRP Progress Report within 7 months of the date of this letter. If you have any questions regarding this matter, please contact Robin Futch, P.G. of the Response and Remediation Program at (404) 657-8686.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dunn", with a stylized flourish at the end.

Richard E. Dunn
Director

Encl: Consent Order EPD-VRP-013

c: Doug Cloud, Kazmarek Mowrey Cloud Laseter LLP (w/ attachment)
Martin Rollins, H. M. Rollins Company (via email)

File: HSI 10089

STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

HOOD PACKAGING)	
CORPORATION,)	
Petitioner,)	
)	
v.)	Docket No:
)	
JUDSON H. TURNER,)	EPD-VRP-013
DIRECTOR, ENVIRONMENTAL)	
PROTECTION DIVISION,)	
DEPARTMENT OF NATURAL)	
RESOURCES, STATE OF)	
GEORGIA,)	
Respondent.)	
)	

CONSENT ORDER

WHEREAS, JUDSON H. TURNER, the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia ("Director" and "EPD" respectively) alleges the **HOOD PACKAGING CORPORATION**, ("Petitioner") is a responsible party under the Georgia Hazardous Site Response Act ("HSRA") O.C.G.A. 12-8-90 et seq., as amended and the rules promulgated pursuant thereto for releases of regulated substances exceeding a reportable quantity at 910 River Street in Valdosta, Lowndes County, Georgia, Site Number 10089 on the Hazardous Site Inventory; and

WHEREAS, on September 19, 1997 the Director and Petitioner voluntarily

entered into Consent Order No. EPD-HSR-063 covering the releases, investigation, and remediation of such releases at the Site; and

WHEREAS, Consent Order No. EPD-HSR-063 established a schedule for implementing corrective action at the Site, to include the submittal of a Revised Corrective Action Plan (“CAP”) by May 1, 2006; and

WHEREAS, the Petitioner submitted a Revised CAP on April 28, 2006; and

WHEREAS, because of Petitioner’s alleged failure to address the identified deficiencies in the Revised CAP, the Director issued a Notice of Violation invoking the stipulated penalties Conditions, 10(a)(iii) and 10(c), of the Consent Order on September 22, 2006; and

WHEREAS, on October 23, 2006, the Petitioner timely appealed the Notice of Violation and the imposition of stipulated penalties, denying 1) that Petitioner had failed to address the alleged identified deficiencies in the Revised CAP and 2) that the Director had properly invoked the stipulated penalties provision under the Consent Order; and

WHEREAS, Petitioner now requests to become a participant under the Georgia Voluntary Remediation Program Act, (“VRPA”), O.C.G.A. 12-8-100 through 12-8-108 as amended; and

WHEREAS, on October 9, 2014, the Petitioner submitted 1) a Voluntary Investigation and Remediation Plan Application Form and Checklist; 2) a Voluntary Investigation and Remediation Plan; and 3) a check in the amount of \$5,000 made payable to the Georgia Department of Natural Resources for the application fee; and

WHEREAS, under the VRPA, “A participant in the voluntary remediation program must ... [n]ot be in violation of any order, judgment, statute, rule, or regulation subject to the enforcement authority of the director”, O.C.G.A. § 12-8-106(2); and

WHEREAS, any and all alleged violations and penalties of the Petitioner must be resolved before Petitioner may become a participant under the VRPA; and

WHEREAS, the Director and the Petitioner agree that it is in the best interest of all parties to resolve all matters in the manner set forth amicably; and

NOW, THEREFORE, it is hereby **ORDERED** by the Director, pursuant to his authority under O.C.G.A. §§ 12-8-96 and 12-8-107, and **CONSENTED** to by the Petitioner as follows:

1. Within 30 days after the Director’s execution of this Order, the Petitioner shall submit a check payable to **ENVIRONMENTAL PROTECTION DIVISION, STATE OF GEORGIA** in the amount of **\$12,000.00** to settle all outstanding alleged violations and penalties under Consent Order No. EPD-HSR-

063 to the EPD Response and Remediation Program, 2 Martin Luther King Jr. Drive, SE, Suite 1054 East, Atlanta, Georgia 30334-9000; and

2. The Director reserves any and all rights under HSRA to initiate a Civil Penalty Hearing for the violations referenced above if payment of the \$12,000.00 is not submitted within the time set forth above.

3. The Petitioner agrees to withdraw its Petition for Hearing within ten business days of the effective date of this Consent Order. Upon EPD receipt of written notice that the Petition for Hearing has been withdrawn and payment of the \$12,000.00, the outstanding Notice of Violation will be considered withdrawn.

4. The Petitioner's Voluntary Investigation and Remediation Plan has been approved by EPD, contingent upon settlement of the outstanding alleged violations. The EPD's contingent approval of the Voluntary Investigation and Remediation Plan has been provided to the Petitioner and such Plan and approval are by this reference incorporated herein. Once Items 1 and 3 of this Order are accomplished, the qualifying property will become enrolled and considered "voluntary remediation property" under the VRPA and the Petitioner will become a participant under the VRPA, implementing the approved plan in good faith.

5. Once the qualifying property is enrolled under the VRPA and the Petitioner is a participant under the VRPA, Consent Order No. EPD-HSR-063 will be held in abeyance until such time as enrollment of the voluntary remediation property is

terminated under the VRPA.

6. If enrollment of the voluntary remediation property is terminated prior to the Director's written concurrence with a compliance status report and certification of compliance with applicable cleanup standards under the VRPA, then Consent Order No. EPD-HSR-063 shall be reinstated, and the parties shall meet to negotiate in good faith the remaining work to be performed and the deadlines for such work under HSRA.

7. Within 90 days of the Director's written concurrence with a compliance status report and certification of compliance with applicable cleanup standards under the VRPA for all properties that are part of the Hazardous Site Inventory No. 10089 Site under HSRA, the Director shall cause Consent Order No. EPD-HSR-063 to be terminated.

By entering into this Consent Order, the Petitioner does not admit any fact, conclusion of law, or allegation contained in this Order. The Petitioner does not admit liability for any purpose, nor any allegation of negligence, wrongdoing or fault, or any allegation of wrongful conduct under any federal, state or local laws or regulations.

The Petitioner agrees that it is willfully and voluntarily taking the actions set out in the Consent Order to settle the alleged ongoing violations and penalties at this Site. The Petitioner further agrees that the actions to be taken in the Consent

Order are 1) reasonable; 2) not in violation of any constitutional or statutory provisions; 3) not in excess of the statutory authority of the agency; 4) not made upon any unlawful procedure or affected by any other area of law; and 5) not in any way arbitrary or capricious or a result of any abuse of discretion on the part of the Director.

Petitioner hereby agrees, and consents to the jurisdiction and venue of the Superior Court of Fulton County, Georgia, as to any case or controversy involving the Consent Order. The Petitioner hereby waives the right to a jury trial.

By agreement of the parties, this Order shall be considered final and effective immediately, and the Petitioner does hereby waive any right to appeal the terms and conditions of this Order.

This Order shall be signed first by the Petitioner and shall be deemed executed when signed by the Director.

SO ORDERED CONSENTED, and AGREED TO

this 20th day of September 2016.

Hood Packaging Corporation

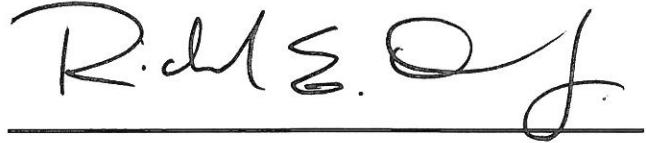
Signature: _____

Name: Robert Morris

President, Hood Packaging

FOR THE PETITIONER

Environmental Protection Division



Richard E. Dunn, Director

FOR THE DIRECTOR