



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
404-657-8600

October 31, 2017

VIA U.S. MAIL and EMAIL

Gerdau Long Steel North America
c/o Mr. Luis A. Nieves, Director Environment
P.O. Box 31328
Tampa, FL 33631

Re: Voluntary Remediation Program Applications, May 5, 2017

SoGreen Former Waste Pile Site

HSI Site Number: 10142

Highland Avenue, Tifton, Tift County, Georgia

Tax Parcel ID#: T045 149; T046 002

Parramore Fertilizer Site

HSI Site Number: 10143

Highland Avenue, Tifton, Tift County, Georgia

Tax Parcel ID#: T046 001; T045 156

Dear Mr. Nieves:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plans (VIRPs) and Voluntary Remediation Program (VRP) Applications dated May 5, 2017, submitted by Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec) on behalf of Gerdau Long Steel North America (Gerdau) for the above referenced parcels pursuant to the Georgia Voluntary Remediation Program Act (the Act). EPD has determined that the properties are eligible for enrollment into the VRP. Transmitted herewith, please find a proposed consent order that, when executed, will supersede the original consent order, Consent Order EPD-HSR-003, Amendment No. 1, under which clean-up of the properties has been regulated. Execution of the proposed consent order will approve the VIRPs and enroll the properties in the VRP.


EPD's comments on the VIRPs are attached. As specified in the proposed consent order, these comments must be addressed to EPD's satisfaction in future progress reports.

Please sign and date the proposed consent order and return it to this office by December 15, 2017. Upon receipt of the signed consent order, EPD will issue a public notice providing for a thirty-day comment period pursuant to Chapter 391-1-3-.01, "Public Participation in Enforcement of Environmental Statutes," prior to execution of the consent order. If EPD does not receive any substantive comments, the order will be executed and the properties will be enrolled in the VRP. EPD will forward a copy of the executed consent order to you.

SoGreen Former Waste Pile Site #10142
Parramore Fertilizer Site #10143
2017 VRP Applications
October 31, 2017
Page 2 of 2

If you have any questions regarding the proposed order or comments, please contact Jason Metzger at 404-657-8606.

Sincerely,



Jeffrey W. Cown, Chief
Land Protection Branch

Encl: Proposed Consent Order
Attachment #1-EPD Comments on SoGreen Site VIRP
Attachment #2-EPD Comments on Parramore Site VIRP

cc: Bob Mowrey - Kazmarek, Mowrey, Cloud, Laseter, (via email)
Gregory Wren - Amec Foster Wheeler (via email)

File: 237-0031 (HSI#10142, #10143 – VRP)

S:\RDRIVE\RMarbury\VRP Sites\10142-10143-Parramore,SoGreen\VRP Approval Letter\Combined\2017-10-31 SoGreen-PFS VRP Approval Letter

ATTACHMENT 2

EPD Comments on the Parramore Site VIRP

October 31, 2017

Parramore Fertilizer Site
HSI Site Number: 10143
Highland Avenue, Tifton, Tift County, Georgia
Tax Parcel ID#: T046 001; T045 156

EPD has the following comments on the Parramore Site Voluntary Investigation Remediation Plan (VIRP) dated May 5, 2017:

1. Please ensure that supporting documentation is provided in the first progress report to demonstrate that horizontal groundwater delineation is complete.
2. Please ensure that a discussion of contaminant fate and transport, including a discussion of free product that has been observed in the source area, is included in the first progress report and that the conceptual site model be updated as appropriate.
3. Section 102-8-108(8) of the VRP Act states that, "compliance with site-specific cleanup standards that require that source material be removed may be satisfied when such material is removed, decontaminated, or otherwise immobilized in the subsurface, to the extent practicable." Considering the presence of free-product and the elevated VOC concentrations in groundwater that continue to be observed in the northern portion of the site, EPD requires that data be provided to demonstrate that sufficient investigations have been completed to determine the extent of free product source material and propose a corrective action to remediate the identified source material to the extent practicable. Please note that verification of the presence of source material through direct observation (i.e., detection of dense non-aqueous phase liquid, DNAPL) is not a limiting criterion for the presence of source material at the site, as it can be assumed that source material/DNAPL is present when the concentration of a chemical in groundwater is greater than 1% of its pure-phase solubility¹.
4. In consideration of the above noted Section 102-8-108(8) requirements, EPD cannot concur that monitored natural attenuation (MNA) is viable remedial strategy at this site without first addressing the above noted issues associated with the source material at the site. In addition, based on the data included in Figures 4A and 4B, the vertical extent of groundwater contamination has not been defined and additional characterization is required to establish the vertical extent of contamination in accordance with 12-8-108(1) of the Act.

¹ US Environmental Protection Agency (USEPA), Solid Waste & Emergency Response. DNAPL Remediation: Selected Projects Approaching Regulatory Closure, EPA 542-R-04-016, December 2004, available for download at: <http://www.epa.gov/tio/download/remed/542r04016.pdf>

5. Section 4.3.1 indicates that five off-site water supply wells were last sampled in 1995. Considering that it has been 22 years since the wells were sampled, please conduct a current well survey to determine if there are any active water supply wells in the vicinity of the site and, if so, sample the wells. In addition, please include a figure that illustrates the distance to the nearest potential human health and ecological receptors (i.e. POE/POD) as required by Item #5 of the VRP Application Form and Checklist.
6. It is noted in the VRP Application that the wood chip layer may contribute to reductive dechlorination in the shallow part of the aquifer; however, please provide additional insight regarding how the wood chip layer may be effective in reductive dechlorination at greater depths (i.e. – within Unit III, below the semi-confining layer).
7. Please update the groundwater sampling approach in Section 5.3.1 of the VIRP to include a list of the specific monitoring wells proposed to be sampled and rationale for the selection of wells to be incorporated into the site related monitoring plan. EPD requests that this information be provided 45 days prior to the first sampling event.
8. The VIRP indicates that one surface water sample will likely be collected to demonstrate that impacted groundwater is not entering the creek. Please provide the specific surface water sampling location that is proposed along with an upstream background sample location. EPD requests that this information be provided 45 days prior to the first sampling event. Depending upon the analytical results, surface water monitoring may need to be incorporated into the above referenced future monitoring plan.
9. The use of composite soil samples proposed for the area averaging discussed in Appendix B is generally not acceptable to EPD; however, because the proposed approach is consistent with previous approved sampling methods used at this site, EPD will accept the use of composites in this case.
10. Please include a milestone schedule, as required by Item #5 of the VRP Application Form and Checklist, as part of each semi-annual progress report.

The above comments must be addressed to EPD's satisfaction in the first progress report submittal, unless otherwise noted, in order to demonstrate compliance with the provisions, purposes, standards, and policies of the Act.

ATTACHMENT 1

EPD Comments on the SoGreen Site VIRP

October 31, 2017

SoGreen Former Waste Pile Site
HSI Site Number: 10142
Highland Avenue, Tifton, Tift County, Georgia
Tax Parcel ID#: T045 149; T046 002

EPD has the following comments on the SoGreen Site Voluntary Investigation Remediation Plan (VIRP) dated May 5, 2017:

1. Section 4.3.1 indicates that five off-site water supply wells were last sampled in 1995. Considering that it has been 22 years since the wells were sampled, please conduct a current well survey to determine if there are any active water supply wells in the vicinity of the site and, if so, sample the wells. In addition, please include a figure that illustrates the distance to the nearest potential human health and ecological receptors (i.e. POE/POD) as required by Item #5 of the VRP Application Form and Checklist.
2. Please update the groundwater sampling approach in Section 5.3.1 of the VIRP to include a list of the specific monitoring wells proposed to be sampled and rationale for the selection of wells to be incorporated into the site related monitoring plan. EPD requests that this information be provided 45 days prior to the first sampling event.
3. The VIRP indicates that one surface water sample will likely be collected to demonstrate that impacted groundwater is not entering the creek. Please provide the specific surface water sampling location that is proposed along with an upstream background sample location. EPD requests that this information be provided 45 days prior to the first sampling event. Depending upon the analytical results, surface water monitoring may need to be incorporated into the above referenced future monitoring plan.
4. The VIRP targets MNA as a presumed remedy and, in Section 5.4.2, it is suggested that MNA may be feasible based on review of data collected between 2011 and 2015. More detail is needed to support a presumptive MNA remedy; including a preliminary screening of anaerobic biodegradation processes in accordance with the procedures outlined in EPA's *Technical Protocol for Evaluating Natural Attenuation of Chlorinated Solvents in Groundwater*. Please note that additional remedial alternatives should be considered and evaluated, in the event that MNA is not deemed to be viable.
5. The use of composite soil samples proposed for the area averaging discussed in Appendix D is generally not acceptable to EPD; however, because the proposed approach is consistent with previous approved sampling methods used at this site, EPD will accept the use of composites in this case.

6. EPD recommended, in correspondence to Gerdau dated June 30, 2016, that groundwater samples be collected from existing piezometers located on the landfill property along with the proposed piezometers to be installed north of the SoGreen site. The VIRP indicates that the new piezometers to be installed will be surveyed and the depth to water gauged and indicates that the piezometers on the landfill property will be sampled if property access is granted. However, it is not indicated that groundwater samples will be collected from the piezometers to be installed north of the SoGreen site. EPD recommends that laboratory analyses be conducted to provide additional insight regarding plume migration.
7. Section 5.3 and Appendix C provide limited information regarding the construction of the proposed piezometers and monitoring wells. The first progress report should include information regarding the proposed well depths, well screen slot size, and well development method. The document should reference that the wells will be installed in accordance with EPA SEDS Region 4 Guidance, *Design and Installation of Monitoring Wells*, SESDGUID-101-R1, January 29, 2013.
8. Please include a milestone schedule, as required by Item #5 of the VRP Application Form and Checklist, as part of each semi-annual progress report.

The above comments must be addressed to EPD's satisfaction in the first progress report submittal, unless otherwise noted, in order to demonstrate compliance with the provisions, purposes, standards, and policies of the Act.

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

IN RE:

/Respondent(s)/

RESPONDENT

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Consent Order No. EPD-VRP-_____

CONSENT ORDER

WHEREAS, the Parramore Fertilizer Site (the "PFS") (HSI No. 10143) is that portion of contiguous property affected by one or more historic releases exceeding a reportable quantity that occurred on the Parramore Parcel (Tax Parcel I.D. No. T046 001) and the Railroad Parcel (T045 156); and

WHEREAS, the SoGreen Waste Pile Site (SoGreen Site) (HSI No. 10142) is that portion of contiguous property affected by one or more historic releases exceeding a reportable quantity that occurred on the SoGreen Parcel (Tax Parcel I.D. No. T054 149) and the Barren Area (Tax Parcel I.D. No. T046 002); and

WHEREAS, releases at the PFS and the SoGreen Site included hazardous substances under the Georgia Hazardous Site Response Act, O.C.G.A. Section 12-8-90 et seq., as amended ("HSRA"); and

WHEREAS, the PFS and SoGreen Sites were listed on the Hazardous Site Inventory on June 29, 1994 as site numbers 10143 and 10142 respectively, and

WHEREAS, Respondent[s] and the Environmental Protection Division (EPD) entered into HSRA Consent Order EPD-HSR-003 on September 8, 1993 (the "Consent Order"), and the Consent Order provided for Respondents to undertake certain work to address the SoGreen Site.

WHEREAS, Respondent[s] and EPD revised the Consent Order obligations on April 15, 1998 with Consent Order EPD-HSR-003 Amendment No. 1 (the resulting amended Consent Order referred to herein as the "Amended Consent Order"), under which Amendment Respondents also agreed to undertake certain work to address the Barren Area portion of the SoGreen Site and the PFS.

WHEREAS, Respondent[s] have horizontally delineated groundwater releases emanating from the PFS in a manner meeting the VRP Act and policies concerning delineation; and

WHEREAS, Respondent[s] removed more than 30,000 tons of soil from the PFS in accordance with a December 16, 1993 order issued by the United States Environmental Protection Agency (EPA), in accordance with remedial standards established in that order; and

WHEREAS, historic correspondence between EPA and Respondent(s) indicates that Respondent[s] completed the performance of the work required under the 1993 order from EPA.

WHEREAS, the remaining work at the PFS under the Amended Consent Order pertains to groundwater remediation and monitoring, including in particular an identified plume of chlorinated volatile organic compounds;

WHEREAS, EPD and Respondent[s] agree that a previously recommended approach to active remediation of PFS groundwater warrants reevaluation;

WHEREAS, with respect to the SoGreen Site, under the Consent Order, Respondent[s], as recited in the Amended Consent Order removed all “visually identifiable K061” materials and all material containing lead, cadmium, or chromium above TCLP values from and installed a clay cap including a synthetic liner over the SoGreen property; and

WHEREAS, the soil in the capped area is subject to Ga. Comp. R. & Regs. 391-3-19-.06(7)(a)(1) and, in accordance therewith and with Ga. Comp. R. & Regs. 391-3-19-.06(7)(b), meets the delineation and cleanup standards applicable to soils under HSRA and the VRP Act upon execution of a Uniform Environmental Covenant (UEC), and

WHEREAS, EPD concurred in 1999 with the conclusion in the Greenwood Cemetery Site Investigation Report (Jan. 7, 1999) that soil contamination on the Barren Area Parcel had been delineated, based on the results of the Barren Area Site Characterization (June 1996) and the Greenwood Cemetery Site Investigation (August 1998); and

WHEREAS, chlorinated organic groundwater contaminants have been detected in groundwater at the SoGreen Parcel proximal to the historic landfill to the northeast of the SoGreen Parcel (the “Landfill Plume”) and the railroad to the west of the SoGreen Parcel (the “Railroad Plume”); and

WHEREAS, Respondent currently has responsibility for the Landfill Plume or Railroad Plume under EPD-HSR-003, as amended, only if those Plumes emanate from the SoGreen Site; and

WHEREAS, on May 8, 2017, the Respondent[s] submitted to EPD an application, including a Voluntary Investigation and Remediation Plan (hereinafter the “VIRP”), for enrollment of the SoGreen Site (i.e., the SoGreen Parcel and Barren Area) as qualifying properties 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 May 8, 2017, the Respondent[s] submitted to EPD an application, including a VIRP, for enrollment of the PFS (i.e., the Parramore Parcel and Railroad Parcel) as qualifying properties into the VRP, established under the VRP Act; and

WHEREAS, the VIRPs set forth plans to address the PFS and SoGreen Sites under the principles and policies of the VRP Act in lieu of the provisions of the Amended Consent Order; and

WHEREAS, EPD has determined that the PFS and SoGreen Site are eligible for enrollment into the VRP; and

WHEREAS, the Respondent[s] and EPD desire to enable Respondent[s]' participation in the VRP with respect to the PFS and SoGreen Site; and

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

1. [As to the Respondent[s]], the Consent Order and Amended Consent Order are hereby terminated and replaced in its entirety by this Order. The date this Order is executed by the Director is the "Effective Date."

2. Upon the Effective Date, Respondent[s]' VRP applications for the PFS and the SoGreen Site and VIRPs for each Site are approved, and the above-referenced PFS and SoGreen properties are hereby separately enrolled in the VRP.

3. Respondent[s] shall comply with the following schedule for submission of the compliance status report for the PFS, subject to modifications and extensions granted in writing by EPD, such modifications and extensions not to be unreasonably denied, and subject to the convention that any due date falling on a Saturday, Sunday, or State of Georgia holiday shall be deemed to fall on the next regular business day:

- a. Respondent[s] shall submit progress reports regarding the PFS 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 due six (6) months after the effective date of this Order.
- b. Within three (3) months of the discovery of regulated substance(s) associated with a release emanating from the PFS on a non-enrolled property, Respondent[s] shall either (1) apply to EPD to include such property as an enrolled property under the VRP Act, if Respondent[s] wants to include such property as a enrolled property under the VRP Act, (2) notify EPD of a plan and timetable to include such property as an enrolled property under the VRP Act, or (3) notify EPD that such property is not included under the VRP Act.
- c. Within twenty four (24) months after the date of execution of this Order, the Respondent shall complete horizontal delineation of the Release in soil

and associated constituents of concern extending onto property, if any, for which access was not available as of the date of execution of this Order.

- d. Within six (6) months of the date of the Effective Date, Respondent[s] shall complete the PFS Soil Sampling Plan included in the PFS VIRP, and Respondent[s] shall include the results of and recommendations based on the sampling in the next progress report that is due no more than 60 days after the receipt of all validated sampling data.
- e. Within 30 months of the date of the Effective Date, the Respondent[s] shall (i) update the PFS groundwater CSM (including vertical delineation); (ii) conclude reevaluation of potential remedial options with respect to the PFS groundwater; (iii) finalize the PFS VIRP, and (iv) provide a cost estimate for implementation of any remaining PFS corrective actions to groundwater and to soil, including without limitation costs of monitoring attenuation of groundwater constituents.
- f. Within 60 months after the date of the Effective Date, or other later date approved in writing by EPD, e.g., if EPD concurs that completion of corrective action cannot feasibly be achieved within 60 months after the date of the Effective Date, the Respondent[s] shall submit the compliance status report concerning PFS, including the requisite certifications, required under the VRP Act.

4. Respondent[s] shall comply with the following schedule for submission of the compliance status report for the SoGreen Site, subject to modifications and extensions granted in writing by EPD, such modifications and extensions not to be unreasonably denied:

- a. Respondent[s] shall submit progress reports regarding the SoGreen Site 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 due six (6) months after the effective date of this Order.
- b. Within three (3) months of the discovery of regulated substance(s) associated with a release emanating from the SoGreen Site on a non-enrolled property, Respondent[s] shall either (1) apply to EPD to include such property as an enrolled property under the VRP Act, if Respondent[s] wants to include such property as a enrolled property under the VRP Act, (2) notify EPD of a plan and timetable to include such property as an enrolled property under the VRP Act, or (3) notify EPD that such property is not included under the VRP Act.
- c. Within fourteen (14) days of the date of the Effective Date, Respondent[s] shall commence its efforts to obtain access from the City of Tifton, Tift County, CSX, and potentially additional parties as needed to implement

the SoGreen Site Hydrology Evaluation as described in the SoGreen Site VIRP.

- d. Within twelve (12) months of the date of the Effective Date, Respondent[s] shall submit a report, within a regularly scheduled progress report or otherwise, to EPD on the SoGreen Site Hydrology Evaluation evaluating whether either the Landfill Plume or the Railroad Plume emanate from the SoGreen Site based on the data collected from properties to which Respondent[s] received access to conduct the Evaluation.
- e. Within six (6) months of the date of the Effective Date, Respondent[s] shall complete the Barren Area Soil Sampling Plan included in the SoGreen VIRP, and Respondent[s] shall include the results of and recommendations based on the sampling in the next progress report that is due no more than 60 days after the receipt of all validated sampling data.
- f. If the data collected within twelve (12) months of the date of the Effective Date do not show that the Landfill Plume and/or Railroad Plume emanate from the SoGreen Site, (1) Respondent[s] shall negotiate in good faith with EPD and any persons identified by EPD as persons who contributed to or are contributing to those releases (within the meaning of HSRA) to participate in addressing the Plume(s) to cleanup standards applicable under the VRP Act and (2) absent such an additional agreement, Respondent[s] shall have no responsibility under this Order for such Plume(s) and shall not be considered by EPD, in relation to such Plume(s), to be a "person who has contributed or who is contributing to a release" within the meaning of O.C.G.A. § 12-8-92(9) unless additional information subsequently developed, provided to, or obtained by EPD demonstrates that Respondents have that status. Further, in that event, Respondent[s] will have fully satisfied their obligations under this Order for the SoGreen Site upon the Director's concurrence with Respondent[s]'s certification that all aspects of the SoGreen Site comply with cleanup standards as applicable under the VRP Act, other than with respect to the Plumes for which Respondent[s] is not responsible by virtue of this Paragraph 4.f.
- g. For SoGreen Site soils and whichever (if either) of the Landfill and/or Railroad Plumes emanate from the SoGreen Site, Respondent[s] shall, by the latter of thirty (30) months of the date of the Effective Date or twelve (12) months after receiving any requisite access rights, (i) complete horizontal and vertical delineation of groundwater (soils having been delineated already), (ii) update the SoGreen Site CSM; (iii) finalize the SoGreen Site VIRP, and (iv) provide a cost estimate for implementation of remaining SoGreen Site corrective actions, if any, to groundwater and soil, including without limitation costs of monitoring attenuation of groundwater constituents.

- h. Within sixty (60) months after the date of the Effective Date, or other later date approved in writing by EPD, e.g., if EPD concurs that completion of corrective action cannot feasibly be achieved within sixty (60) months after the date of the Effective Date, the Respondent[s] shall submit the compliance status report concerning the SoGreen Site soils and whatever aspects of SoGreen Site groundwater for which it has responsibility under Paragraph 4(f), including the requisite certifications, required under the VRP Act.

5. Within sixty (60) days after the date of execution of this Order, the Respondent[s] shall submit a cost estimate to EPD to complete the work proposed in Section 5 of each VIRP. This estimate shall be based upon independent third party costs. Whenever an updated VIRP is submitted to EPD, Respondent[s] shall also submit to EPD an updated cost estimate within sixty (60) days.

6. Within ninety (90) days after the date of execution of this Order, and also within ninety (90) days of any submission of an updated VIRP to EPD, the Respondent[s] shall provide EPD a financial assurance mechanism to reflect all costs identified in the most recent cost estimate available under Condition 5. The financial assurance mechanism shall be submitted and maintained on such forms as specified by EPD and shall be subject to EPD's acceptance. The written cost estimate shall be reviewed at least annually by the Respondent[s] to ensure that the amount of the financial assurance mechanism is sufficient to ensure performance of the activities described in the VIRP most recently submitted to EPD. If the cost estimate indicates the amount of the financial assurance mechanism is not sufficient to ensure performance of those activities, the Respondent shall notify EPD within thirty (30) days.

7. The Respondent[s] and one or more registered professional geologists or engineers shall be responsible to oversee the implementation of the PFS and SoGreen Site VIRPs in accordance with the provisions, purposes, standards, and policies of the VRP Act, as amended. EPD may, at its sole discretion, review and comment on documents submitted by the Respondent[s]. However, failure of EPD to respond to a submittal within any timeframe does not relieve the Respondent[s] from complying with the specified schedule and the provisions, purposes standards and policies of the Act and Order.

8. The Respondent must address EPD's comments dated October 31, 2017 and any comment letters addressing the investigation and remediation pursuant to the VRP Act to the extent such comments are not inconsistent with the terms of this Order, and the Respondent must do so in a manner that satisfies the provisions, purposes, standards, and policies of the VRP Act.

9. EPD's approval of the PFS and/or SoGreen VIRPs 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 PFS and/or SoGreen Site VIRPs in whole or in part if EPD determines that the conditions precedent to its authority to terminate enrollment under O.C.G.A. § 12-8-107(d) are satisfied.

10. For any enrolled property, 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]'s certification that the property complies with applicable VRP cleanup standards. Further, if the Respondent[s] is not responsible for one or both Plumes as described in Paragraph 4.f, the Order shall terminate for the SoGreen Parcel as described in this Paragraph 7 upon the Director's concurrence that the SoGreen Parcel complies with applicable VRP cleanup standards in all respects other than the Plumes for which Respondent[s] is not responsible by virtue of Paragraph 4.f. Upon any termination of this Order for a property under this Paragraph 10, EPD shall also remove the property from the HSI.

11. Enrollment of a property in the VRP and coverage of such property under this Order shall terminate (hereinafter the "Termination Date") sixty (60) days after either the Director or the Respondent[s] provides written notification to the other party that enrollment in the VRP is being terminated, as provided in Section 12-8-107(d) of the VRP Act, for the property. In the event of a termination under this Paragraph, and subject to Respondent[s]'s rights, including under Section 12-8-107(g)(3) of the VRP Act, as of the Termination Date the property that was subject to the termination shall, subject to the operation of Paragraph 4(f), be subject to the terms and conditions of HSRA and the termination shall also be considered a written request for a CSR (and/or in Respondent[s] sole discretion a Corrective Action Plan) under Ga. Comp. R. & Regs. 391-3-19-.06(3) with a requested response date ninety (90) days after the Termination Date.

12. If this Order is terminated or modified for one or more properties under Paragraphs 10, 11 or otherwise, that termination or modification shall have no bearing on the terms, force, or effect of this Order on the properties for which the Order was not terminated or modified.

13. Unless otherwise provided in this Order, as amended, 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[s]:

Luis A. Nieves
Director, Environment
Gerdau Long Steel North America
P.O. Box 31328
Tampa, Florida 33631

with a copy to:

Robert D. Mowrey
Kazmarek Mowrey Cloud Laseter LLP
1230 Peachtree St.
Suite 3600
Atlanta, GA 30075

As to EPD:

Response and Remediation Program
Attn: Program Manager
2 Martin Luther King Jr. Drive
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 deliverables referenced in Paragraphs 3 and 4 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.

14. The individual signing this Order for the Respondent[s] is duly authorized to enter into and bind the Respondent[s] to the terms of the Order.

15. Within sixty (60) days after Respondent[s]'s receipt from EPD of an invoice for any reasonable costs to EPD in reviewing the VRP application and subsequent documents that exceeds the initial VRP application fee, Respondent[s] shall reimburse EPD for such costs, provided the invoice includes a reasonably detailed itemization and justification of those costs.

16. 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 HSRA, as amended, and the VRP Act, as amended. Any deadline included in this Order shall be understood as providing that the subject obligation shall be fulfilled by the time specified herein or by a later specified time determined in writing by EPD. Requests for EPD to use this discretion must be made in writing a minimum of fourteen (14) days prior to the otherwise applicable deadline. EPD shall notify the Respondent[s] of the approval or denial of the request in writing within five (5) days of the request and shall not unreasonably deny the request. If EPD fails to so notify the Respondent[s], the request shall be deemed approved.

17. Force majeure. Failure to complete a condition mandated by this Order or within the time period specified in accordance with Paragraph 13 will be excused and not subject Respondent[s] to enforcement action if the failure is the result of a force majeure event as identified in this Paragraph and Respondent[s] complies with the requirements set forth in this Paragraph. Respondent[s] shall have the burden of proving that it was rendered unable, wholly or in part, by force majeure to carry out its obligations.

- a. The term " force majeure" as used herein shall be limited to the following: Act of God; strike, lockout, or other labor or industrial disturbance not caused by an unfair labor practice by the Respondent[s]; act of the public enemy; war; blockade; public riot; fire; storm; flood; explosion; failure to secure timely and necessary federal, state, or local approvals or permits, provided such approvals or permits have been timely and diligently sought; or other delay caused by unforeseeable circumstances beyond the reasonable control of Respondent[s], its employees, agents, consultants, or contractors. Force Majeure does not include financial inability to perform an obligation required by this Consent Order or a failure to achieve compliance with applicable regulatory permits.
- b. Respondent[s] shall notify the Division verbally within 48 hours (or no later than noon of the next business day if the expiration of the 48 hours occurs on a weekend or holiday) from the time Respondent[s] learns, or in the exercise of reasonable diligence should have learned, of any force majeure circumstances that may reasonably be expected to cause a schedule or performance delay. Within 10 days of such time, Respondent[s] shall submit to the Division a written notice as to the anticipated length (if known) and cause of any delay due to force majeure. Failure to so notify the Division shall constitute a waiver of any claim to force majeure for the period of time between the time such notification was due and when it was actually provided.
- c. The Respondent[s] and the Division agree to negotiate informally and in a good faith attempt to identify and reach resolution on delays resulting from force majeure. In the event that any circumstance or series of circumstances involving force majeure cause the schedule to extend over thirty (30) calendar days, Respondent[s] and the Division shall meet to assess the overall schedule impact and attempt to mitigate same.
- d. If force majeure has occurred, the affected time for performance specified in this Order shall be extended for a period of time equal to the delay resulting from such force majeure. Respondent[s] shall exercise due diligence and adopt reasonable measures to avoid or minimize any delay.

18. By entering into, or taking any action in accordance with, this Order, the Respondent[s] do not admit any fact, conclusion of law, or allegation contained in the Order, including without limitation that any Respondent[s] is a "person who contributed to a release" within the meaning of HSRA for any release at the PFS or SoGreen Site.

Nor does entry of this Order represent or reflect a conclusion by the Director that any Respondent is a "person who contributed to a release or is contributing to a release" within the meaning of HSRA for any release at the PFS or SoGreen Site. The Respondent[s] do not admit liability for any purpose, nor admit any liability or responsibility for the conditions at the Property, any allegation of negligence, wrongdoing, or fault relating to the Property, or any allegation of wrongful conduct relating to the PFS or SoGreen Site under any federal, state, or local laws or regulations.

This Consent Order shall be signed first by the Respondent[s] and shall be deemed executed when signed by the Director of EPD.

It is so ORDERED, CONSENTED, AND AGREED to this ____ day of _____, (to be filled in by the Director upon his signature)

FOR THE RESPONDENT[S]:

By: _____

OFFICE: _____

FOR THE ENVIRONMENTAL
PROTECTION DIVISION:

Richard Dunn, Director
Environmental Protection Division
Department of Natural Resources