

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
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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

COPY

May 17, 2010

VIA E-MAIL AND REGULAR MAIL

Sara Lee Corporation and Rathon Corporation
c/o Mr. Harvey M. Sheldon, Esq.
Hinshaw & Culbertson
222 North LaSalle Street, Suite 300
Chicago, Illinois 60601

Re: Voluntary Remediation Plan and Application, March 1, 2010
Notice of Deficiencies
Diversey-Olympic Manufacturing (Former), HSI Site No. 10435
3051 Olympic Industrial Drive, Smyrna, Cobb County, Georgia
Tax Parcel ID 17096200150

Dear Mr. Sheldon:

The Georgia Environmental Protection Division (EPD) has reviewed the March 1, 2010, Voluntary Remediation Plan (VRP) submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). EPD has noted the following deficiencies:

Non-qualifying properties:

1. Based on the information available to EPD at this time, the horizontal delineation of regulated substances on the qualifying property has been completed; however, horizontal delineation on all impacted properties has not been completed. Specifically, known contamination above site delineation criteria is located on the railroad right of way and property owned by Olympic Associates LLC (tax parcel 17096200140) (see Comment 2). Furthermore, it is likely that contamination above site delineation criteria is located on property owned by Wesley Properties (tax parcel 17096200220) (see Comment 3), Gramercey Pond LLC (tax parcel 17096200110), and CT Holding Properties (tax parcel 17096200130).
2. In a letter dated April 27, 2010, EPD agreed with Olympic Partners, LP that historical operations at the Diversey-Olympic Manufacturing (Former) property are the likely source of the dissolved chemicals in monitoring well MW-9a and MW-9b. In a response dated May 4, 2010, you stated you believe the submittal is seriously flawed and will be submitting a presentation for our review and determination regarding the need for further data. Unless EPD concurs that the source around the manhole is not attributed to historical operations at the Diversey-Olympic Manufacturing (Former) property:
 - a. Please horizontally delineate regulated substances in groundwater southeast and southwest of the MW-9a / MW-9b well nest.

- b. Please horizontally and vertically delineate regulated substances in soil around the sanitary-sewer manhole located approximately 50 northeast of the MW-9a/MW-9b well nest. This area of impacted soil is described in the environmental investigation report of the adjoining warehouse property referenced above.
3. The concentration of regulated substances detected at OW-72 located on the far side of the Wesley Properties' property and OW-74A exceeds the site delineation criteria. Since there are no groundwater monitoring wells between MW-12 (located on the railroad right of way) and OW-72, EPD cannot concur that the contamination detected at OW-72 and OW-74A is attributed to a separate source.
4. Please revise the proposed schedule in the first progress report to include complete delineation of regulated substances on all impacted properties along with a figure depicting proposed well locations. If Sara Lee Corporation and Rathon Corporation do not intend to include these properties in the VRP application, please provide a letter to that effect by no later than October 28, 2010.

Site Delineation Concentrations:

5. The background concentration for zinc listed in Table 4b is 300,000 mg/kg, which is incorrect. The actual value for zinc is 30 mg/kg (USGS Open File Report 81-197). In addition, §12-8-108(1) states the notification concentration cannot be used as the site delineation concentration if it exceeds the Type 1 RRS. Please revise Table 4b accordingly.
6. Please note that manganese is not associated with a release from the property; however, it is being regulated due to the injection of potassium permanganate at the qualifying property.

Cleanup Standards:

7. Please provide the following RRS calculations for review by EPD and insert the calculated values into a revised Table 4b:
 - a. Type 1 risk reduction standards (RRSs) for soil for chlorobenzene, 1,1-dichloroethane, 1,2-dichloroethane, 1,1-dichloroethene, 1,1,2-trichloroethane, and vinyl chloride. While the Type 1 soil RRSs for these regulated substances are presented in Table 4b, they have not been previously approved by EPD.
 - b. Type 1 RRSs for soil for 1,2,4-trichlorobenzene and methylcyclohexane, both of which were detected in soil at the manhole location referenced in Comment 2b above. Also, please provide delineation concentrations for these two regulated substances according to VRP criteria.
8. Based on EPD's review of the VRP, it is unclear as to whether Sara Lee Corporation and Rathon Corporation intend to develop site-specific cleanup standards, or demonstrate incomplete pathways using a "point of exposure." Please clarify the standards to be considered and used in connection with the investigation and remediation of the qualifying property.

Proposed Remediation Plan:

9. Insufficient information has been provided in the VRP for EPD to concur that soil concentrations above the non-residential standards are expected to naturally attenuate to below the RRS in the near future.
10. Insufficient information has been provided in the VRP for EPD to concur that no corrective action is required at 1) MW-2 as MW-A, MW-B, and MW-C, which are located adjacent to MW-2, have not been sampled since 2006 and had detections of regulated substances above the cleanup standards, or 2) MW-12 as this well is located outside the anticipated zone of influence of the oxidant injections. As stated in Comment 3, EPD cannot concur that OW-72, and OW-74A are not part of the contamination associated with the release and therefore, corrective action is required.
11. While Cobb County Code [Sec.122-221(d)(1) Official Code of Cobb County, Georgia] prohibits private wells when public water is available, §12-8-107(h) of the Act states "[a]ny voluntary remediation property or site relying on control, including, but not limited to, groundwater use restrictions for the purposes of certifying compliance with cleanup standards shall execute a covenant restricting such use in conformance with O.C.G.A 44-16-1, et seq., the 'Georgia Uniform Environmental Covenants Act.'"

Fate and Transport Model:

12. Pursuant to §12-8-108(7), compliance with site-specific cleanup standards may be determined on the basis of any fate and transport model recognized by the US EPA or USGS and using the most probable representative values for model parameters as adopted by the board. Please revise the proposed schedule in the first progress report to include submittal of the fate and transport model. Participant must either provide a copy of the model or license for use, or purchasing information (purchase of model will be billed to the participant by EPD) along with a table of all input and output parameters, supporting documentation, and a sensitivity analysis. Regulatory citations must be provided for representative values for model parameters. The model must be validated with an appropriate number of groundwater sampling results over time.

Human and Environmental Receptor Survey:

13. The section addressing the human receptor survey must be expanded to address all uses of groundwater including irrigation within 1000' of the extent of contamination.

Vapor Intrusion:

14. Please provide a vapor-intrusion model or a narrative explaining why one is not necessary. According to the Baseline Human Health Risk Assessment report dated September 2009, vapor intrusion was not evaluated simply because MW-2 and MW-5 were non-detect for volatile organic compounds. However in the October 2009 sampling event, MW-2 detected volatile organic compounds. In addition, volatile organic compounds were detected back in 2006 at MW-A, which is also in close proximity to the building.

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Miscellaneous:

15. Please revise all figures to include property lines and Parcel Tax Identification Numbers.

Sara Lee and Rathon must address these comments to EPD's satisfaction in order to demonstrate compliance with the provisions, purposes, standards, and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted by Sara Lee and Rathon. However, failure of EPD to respond to a submittal within any timeframe does not relieve Sara Lee and Rathon from complying with the provisions, purposes, standards, and policies of the Act.

If you have any questions, please contact Allan Nix of the Response and Remediation Program at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Trish Reifenberger, Brown & Caldwell
Karl Forrest, Fine & Block for Jodaco, Inc.
Henry Sawyer, Olympic Associates LLC

File: HSI Site Number 10435

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