

Georgia Department of Natural Resources

Environmental Protection Division-Land Protection Branch

2 Martin Luther King, Jr. Dr., Suite 1456, Atlanta, Georgia 30334

Judson H. Turner, Director
(404) 656-4713

SEP 4 2014

VIA E-MAIL AND REGULAR MAIL

Metalplate Galvanizing Corp.
c/o Mr. Adam Brown
500 Selig Drive
Atlanta, Georgia 30336

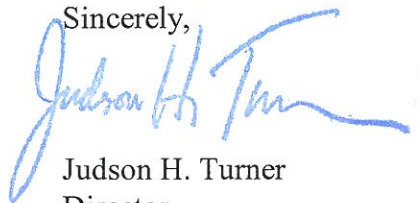
RE: Consent Order No. EPD-VRP-010
Metalplate Galvanizing Facility, HSI # 10204
Atlanta, Fulton County, Georgia

Dear Mr. Brown:

An executed copy of Consent Order EPD-VRP-010 is enclosed. We did not receive comments during the 30-day public comment period; therefore, the order was executed as proposed. The Order enables your continued participation in the Voluntary Investigation and Remediation Program (VIRP) under an extended schedule for corrective action at the site.

Please continue to implement the VIRP Application and Plan in accordance with the revised schedule within the Order. EPD anticipates receipt of the next VIRP Progress Report by February 14, 2015. If you have any questions or concerns, please contact Montague McPherson of the Response and Remediation Program at (404) 657-8600.

Sincerely,



Judson H. Turner
Director

Encl: Consent Order EPD-VRP-010

File: HSI # 10204

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

IN RE:)	
<i>Metalplate Galvanizing, L.P.</i>)	
<i>505 Selig Drive SW</i>)	Consent Order No. EPD-VRP- <u>010</u>
<i>Atlanta, Georgia 30336</i>)	
)	
RESPONDENT)	

CONSENT ORDER

WHEREAS, *Metalplate Galvanizing, L.P.* (hereinafter the "the Respondent") is the current owner of certain real property on which the Respondent operates a galvanizing facility, located at 505 Selig Drive, Atlanta, Georgia, comprised of approximately 10.5 acres and identified as Tax Parcel ID 14F-0082-LL-0346 (hereinafter the "Property"); and

WHEREAS, the Property is part of the Selig Road Site (HSI No. 10204) (hereinafter the "Site"), as defined in the Georgia Hazardous Site Response Act O.C.G.A. Section 12-8-90 et seq., as amended (hereinafter "HSR Act") and the Rules promulgated pursuant thereto (hereinafter "Rules"); and

WHEREAS, there has been a release of zinc and other hazardous wastes or hazardous constituents, as defined in the Georgia Hazardous Waste Management Act, O.C.G.A. Section 12-8-60 et seq., as amended (hereinafter "HWM Act"), on the Site (hereinafter the "Release"); and

WHEREAS, the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia (hereinafter "Director" and "EPD" respectively) has determined that, with respect to the Release, the Respondent is subject to the provisions of the HSR Act and Rules; and

WHEREAS, the Director determined that there has been a release exceeding a reportable quantity at the Site and subsequently listed the Site on the Hazardous Site Inventory on June 29, 1994; and

WHEREAS, on August 9, 2010, the Respondent submitted to EPD an application, including a Voluntary Investigation and Remediation Plan (hereinafter the "VIRP"), for enrollment of the Property 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 February 14, 2011, EPD approved the VIRP and associated schedule, which provided for the VRP Compliance Status Report (hereinafter "CSR") submission by February 14, 2016; and

WHEREAS, the Respondent has continued to implement corrective action on the Site, including significant efforts to reduce zinc concentrations in stormwater; and

WHEREAS, a policy of the VRP Act is to “. . . encourage the voluntary and timely investigation and remediation of properties. . .”; and

WHEREAS, in order to accomplish that policy, the Director has established a policy that VRP properties shall be in compliance with applicable cleanup standards within five (5) years of enrollment in the VRP; and

WHEREAS, the Respondent has proposed a revised schedule which extends the CSR submittal date and modifies the VRP reporting schedule for the Property; and

WHEREAS, the Respondent has completed delineation of the horizontal and vertical extent of the Release in accordance with the requirements of the VRP Act.

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

1. Upon execution of this Order, Respondent's VIRP dated August 9, 2010 shall be deemed modified in accordance with the Milestone Schedule included as Attachment A. Under the VRP, and subject to any relevant modifications thereto, the Respondent must comply with the attached schedule for addressing the Release and submission of a compliance status report, subject to modifications and extensions granted in writing by EPD, such modifications and extensions not to be unreasonably denied.
2. Within sixty (60) days after Respondent's receipt from EPD of an invoice for any costs to EPD in reviewing the VRP documents that exceed the initial VRP application fee, the Respondent shall reimburse EPD for such costs, provided the invoice includes a reasonably detailed itemization and justification for those costs.
3. The Respondent and one or more registered professional geologists or engineers shall be responsible to oversee the implementation of the VIRP in accordance with the provisions, purposes, standards, and policies of the VRP Act. EPD may, at its sole discretion, review and comment on documents submitted by the Respondent. However, failure of EPD to respond to a submittal within any timeframe does not relieve the Respondent from complying with the specified schedule, the VRP Act, and this Order.
4. 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 certification that the Site complies with applicable standards.
5. Enrollment of the Property in the VRP shall terminate (hereinafter the “Termination Date”) sixty (60) days after either the Director or the Respondent provides written notification to the other party that enrollment of the Property in the VRP is being terminated, as provided in Section 12-8-107(d) of the VRP Act, as amended. As of the Termination Date, the Site shall be subject to the risk reduction standards promulgated at Section 391-3-19-.07 of the Rules for Hazardous Site Response, or such alternate standards as may be approved by the Director. The Respondent shall take those actions necessary to ensure compliance with these standards within a schedule approved by the Director, and shall submit periodic status reports in such format as required by the Director.

6. Unless otherwise provided in this Order, 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:

Metalplate Galvanizing, L.P.
Attn: Mr. Adam Brown
505 Selig Drive SW
Atlanta, Georgia 30336

As to EPD:

Georgia Environmental Protection Division
Response and Remediation Program
Attn: Program Manager
2 Martin Luther King Jr. Drive, SE, 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 VRP deliverables referenced in Condition 1 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 under the VRP.
7. The Respondent shall seek access to any property not owned by the Respondent as may be necessary to comply with the terms of this Order. If unable to obtain such access, the Respondent shall notify EPD and such notice shall be considered as notice that the inaccessible property will be addressed in accordance with the HSR Act and Rules.
8. All documents or schedules required by the terms of this Order are, upon approval by the Director, incorporated into this Order. The Respondent shall implement all approved documents. Except as provided in Condition 8, any noncompliance with such approved documents shall be termed noncompliance with this Order.
9. All actions required by this Order, or any approved document shall be conducted in accordance with the schedules prescribed therein, unless there is a delay caused by reasonably unforeseen circumstances beyond the control of the Respondent. Reasonably unforeseen circumstances beyond the control of the Respondent include the following:
- a. Failure to secure timely and necessary federal, state or local approvals or permits to conduct the work, provided that such approvals or permits have been timely and diligently sought;

- b. Judicial or administrative action resulting from third-party litigation which affects the activities covered by this Order and is inconsistent with the terms and conditions of this Order;
- c. Act of God, act of war, insurrection, civil disturbance, flood, fire, explosion, vandalism, contractor or supplier strikes, lockout or bankruptcy, or unanticipated breakage or accident to machinery, equipment, or lines of pipe despite diligent maintenance;

The Respondent shall have the burden of demonstrating that it was rendered unable, wholly or in part, by these delays to carry out its obligations. Financial inability to perform an obligation required by this Consent Order is not in itself a reasonably unforeseen circumstance beyond the control of the Respondent.

10. The individual signing this Order for the Respondent is duly authorized to enter into and bind the Respondent to the terms of the Order.

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 the HSR Act, as amended, the VRP Act, as amended, and the relevant portions of the HWM Act, as amended. By entering into this Order or by taking any action in accordance with this Order, the Respondent does not admit any fact, conclusion of law, or allegation contained in this Order. The Respondent does not admit liability for any purpose, nor admit any liability or responsibility for the conditions at the Site, any allegation of negligence, wrongdoing or fault relating to the Site, or any allegation of wrongful conduct relating to the Site under any federal, state or local laws or regulations.

The Respondent agrees that it is willfully and voluntarily taking the actions set out in the Consent Order to settle and compromise the issues between it and EPD. Without admitting the same, the Respondent waives its rights to assert that EPD lacked authority or jurisdiction to issue this Order.

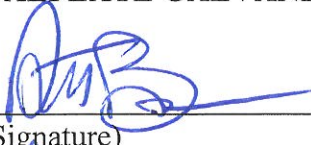
The Respondent agrees that should it be unable to complete the actions as set out in the Consent Order, any actions or expenditures taken by EPD to fulfill the terms set out in this Consent Order shall be accorded the level of deference, if any, otherwise provided by applicable law, and that any legal action challenging these actions or expenditures will be limited to the judicial review of contested agency cases as provided in O.C.G.A. § 50-13-19.

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

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

It is so ORDERED, CONSENTED, AND AGREED to this 4th day of Sept,
_____. (to be filled in by the Director upon his signature)

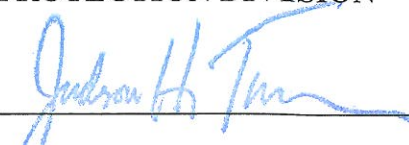
**FOR THE RESPONDENT,
METALPLATE GALVANIZING, L.P.**

By: 
(Signature)
Adam T. Brown
(Printed Name)

TITLE: VP of Technical & Environmental
Affairs

DATE: 7-14-14

**FOR THE ENVIRONMENTAL
PROTECTION DIVISION**


Judson H. Turner, Director
Environmental Protection Division
Department of Natural Resources
State of Georgia

Attachment A
Updated VIRP Milestone Schedule
Metalplate Galvanizing Facility, HSI 10204
May 13, 2014

Projected Date	Area	Action
May 2014	Sampling	Limited sampling; surface water sampling and surface water / groundwater elevation measurements (No groundwater sampling).
October 2014	Sampling	Groundwater and surface water sampling with groundwater / surface water elevation measurements. (Final groundwater and surface water sampling event before start-up date of storm water treatment system.)
February 14, 2015	VRP	Progress Report (PR-7). Should include May and October 2014 sampling events.
April 2015	VRP	Sediment evaluation as per CSM in PR-4.
August 22, 2015	SW	IGP SW Effluent limit requirements effective.
October 2015	Sampling	Post Implementation Sampling Event #1 (groundwater and surface water sampling with elevation measurements).
February 14, 2016	VRP	(PR-8). Should include results of sediment evaluation.
October 2016	Sampling	Post Implementation Sampling Event #2 (groundwater and surface water sampling with elevation measurements).
February 14, 2017	VRP	(PR-9). Should include and evaluation of Corrective Action and submittal of Final Remediation and Implementation Plan.
October 2017	Sampling	Post Implementation Sampling Event #3 (groundwater and surface water sampling with elevation measurements).
February 14, 2018	VRP	(PR-10). Should include and evaluation of Corrective Action progress.
October 2018	Sampling	Post Implementation Sampling Event #4.
February 14, 2019	VRP-CSR	Submittal of VRP CSR certifying compliance with applicable VRP standards.

- Post-Implementation sampling and reporting schedule subject to the effectiveness of the stormwater treatment system and sediment / groundwater evaluation results. If, prior to February 2017, the data clearly and convincingly shows that additional corrective action will be necessary, the Final Remedial Plan submittal date shall be moved up accordingly.