

Comments Received During the Hercules Public Comment Period (January 13, 2020 - April 30, 2020)

The Georgia Environmental Protection Division (EPD) received written comments from 16 individuals via 18 emails, 42 versions of a written form letter, and oral comments from 10 individuals during the public hearing on March 3, 2020. A summary of the comments and EPD's responses to these comments are presented below. The full comments, public hearing transcript, and the final revised permit are attached.

Based on a review of the comments received, the following changes were made to the permit:

- Condition I.C.4(b) – “perform” was changed to “performed”;
- Condition I.D.1(a) - a semi-colon was added after the word ‘permit’;
- Condition III.A - “has” was changed to “as”;
- Condition V.B.3. - ‘sixty (60) days’ was changed to ‘thirty (30) days’; and
- In Table 1 - ‘Trichloroethylene’ was added.

The following are EPD's responses to the comments received:

Comment 1: The applicant requested that a parcel located on the east side of U.S. Highway 17, bounded by the highway to the west and by Warde Street to the north and east be removed from the definition of the permitted “Facility” to facilitate the transfer of the property to an interested purchaser. As a condition of the sale, the applicant ensured they would maintain continued access to the groundwater monitoring well (MW-28D) located on the parcel.

Response: Based on the information provided by Hercules, including a revised Figure B-1 of the permit application, EPD agrees that all RCRA obligations have been met on this parcel and therefore the parcel may be removed from the definition of “Facility” in Condition I.E.6. of the permit.

Comment 2: The applicant requested the addition of Trichloroethylene (TCE) to “Table 1 Groundwater Protection Standard” in the proposed Permit based upon detecting TCE in the December 2018 groundwater sampling event.

Response: EPD concurs, and Trichloroethylene has been added to Table 1 of the Permit.

Comment 3: Several comments were received specific to corrective action activities and the timing of those activities.

Response: A Corrective Action Plan (CAP) has not been submitted for this site and the strategies and timeline for cleanup are not part of the current permit. Therefore, no changes to the permit were made based on this comment. However, this permit requires the submission of a CAP within 90 days after issuance. Once a CAP has been approved by EPD, it will go through a public review and comment period prior to being incorporated into the permit and comments related to the methods and timing of remediation will be considered at that time.

Comment 4: Why is this site not being cleaned up under the Federal Superfund Program?

Response: The Superfund program is typically used to clean up abandoned sites. However, this site is still in operation and the mechanism for compelling cleanup here is a Resource Conservation and Recovery Act (RCRA) permit. This permit is issued pursuant to the Georgia Hazardous Waste Management Act and Rules for Hazardous Waste Management Chapter 391-3-11. No changes were made to the permit based on this comment.

Comment 5: Several comments expressed concern with EPD's enforcement authority relative to the conditions and timelines set forth in the permit.

Response: The Georgia Hazardous Waste Management Act and Rules for Hazardous Waste Management Chapter 391-3-11 provide the director of EPD the authority to take enforcement for failure to comply with the conditions of the Permit. No additional language is needed in the permit to provide this authority and no changes were made.

Comment 6: The draft permit should be revised to require the Permittees to make documents readily available to the public either at the Hercules site, in a searchable spreadsheet, or through a publicly available website.

Response: The Georgia Hazardous Waste Management Act and Rules for Hazardous Waste Management Chapter 391-3-11 does not provide EPD the authority to require that permittees make documents available to the public. No changes were made to the permit.

Comment 7: Revise condition I.B.8. to remove the Director's discretion to waive inspections in certain circumstances.

Response: The review and approval of a new or substantially modified portion of the facility may or may not require an in-person inspection by EPD. This language allows EPD the flexibility, when warranted, to forgo an in-person inspection and is consistent with other hazardous waste permits in Georgia. No changes were made to the permit.

Comment 8: Is the closure plan for the Central Accumulation Area (CAA) complete as it does not specifically address what groundwater monitoring will be conducted to demonstrate final closure?

Response: Yes. The closure plan for the CAA contains sampling for soils to determine if a release from the unit has occurred. If a release is detected, then a plan will be developed, and groundwater sampling will be required in accordance with the permit requirements. No changes were made to the permit based on this comment.

Comment 9: The permit application states that the post-closure care period is expected to continue through September 29, 2025 or until all permit conditions are satisfied. It should be expressly defined in the permit that the period "shall be extended as necessary until all permit conditions are satisfied." Alternatively, the language that appeared in an earlier version of condition III.D. of the draft permit should be restored. Specifically: "The facility's post-closure care/compliance

period will continue until an adequate site-specific demonstration can be made that the contamination no longer poses a threat to human health and the environment, pursuant to 40 CFR 264.117(a)(2)(ii).”

Response: Condition III.D. states that the Director of EPD has the authority to extend the post closure care period for the facility if he determines that it is necessary. This additional language is not necessary to allow extension of the post closure care period and therefore no changes were made to the permit.

Comment 10: Are the two “upgradient” wells, UP-1D-R and UP-1S, truly upgradient of all contaminated areas sufficient to establish valid background levels for certain constituents?

Response: Monitoring wells, UP-1D-R and UP-1S, are the background wells for the post closure care unit and appropriately situated for that purpose. These wells have been monitored for many years and there has been no data indicating contamination from other sources. No changes were made to the permit.

Comment 11: Why aren’t there any upgradient monitoring wells for the intermediate aquifer zone?

Response: Upgradient monitoring wells are screened in the shallow and deep zone of the upper surficial aquifer to establish background levels. The intermediate zone of the upper surficial aquifer will be addressed in the Corrective Action Plan. No changes were made to the permit.

Comment 12: A commenter questioned the adequacy of the review of groundwater data and the process for determining if changes to the groundwater monitoring network were necessary.

Response: As part of the semi-annual reports, both EPD and the Permittees regularly review the groundwater monitoring data to determine if the current monitoring well network is adequate. No changes were made to the permit.

Comment 13: The language in draft condition IV.B, should be “The Permittees shall implement the groundwater monitoring program at the facility as required to demonstrate the effectiveness of the Corrective Action Program” as it was in an earlier version of the draft permit, and not be changed to the current language requiring a demonstration of the effectiveness of the groundwater monitoring.

Response: The change to the language from “Corrective Action Program” to “groundwater monitoring” is based on the current permit which only requires groundwater monitoring. Establishing a groundwater monitoring network sufficient to evaluate the effectiveness of corrective action activities will be addressed at the time the CAP is approved and incorporated into the permit. No changes were made to the permit.

Comment 14: Why is the monitoring frequency for all monitoring wells annual except for MW- 23, which has semi-annual monitoring requirements for volatile organics, semi-volatile organics, and pesticides? Is annual sampling of the

remaining monitoring wells sufficient to determine whether the plume is moving, or if the CAP is working?

Response: EPD has very limited data from MW-23 and it is in the central portion of the facility in a source area; additional data will be helpful in future corrective action and monitoring decisions. Most of the other wells listed in Table 2 have been sampled multiple times over many years. The frequency and locations of wells to be sampled will be reevaluated when the CAP is approved. No changes were made to the permit.

Comment 15: Condition V.B.1. and V.C.1. should be revised from fifteen (15) days to three (3) business days, because in the commenter believes the discovery a new SWMU or AOC is a major development that needs immediate attention.

Response: EPD believes that a fifteen-day period for the Permittees to notify EPD of a new SWMU or AOC is fair and reasonable and is consistent with other permits. No changes were made to the permit.

Comment 16: Conditions V.B.2. and V.C.2. should be revised to add a time limit; EPD should notify the permittees within three (3) business days of units newly discovered by EPD within.

Response: The permit regulates activities of the permittees not EPD. No changes were made to the permit based on this comment.

Comment 17: Condition V.B.3. should be revised from sixty (60) days to thirty (30) days because nearly all the information required to be submitted upon discovery of a new SWMU or AOC should be readily available and easy to consolidate.

Response: EPD concurs and the permit has been revised based on this comment.

Comment 18: Condition V.C.3. should be revised from ninety (90) days to thirty (30) days because the permittees' consultants have created three RCRA Facility Investigation Work Plans at this site already and numerous other plans for investigative work.

Response: The permit timeframe of ninety (90) days is a fair and reasonable amount of time for the permittees to prepare a detailed investigation plan and schedule of implementation; it is also consistent with other permits. No changes were made to the permit based on this comment.

Comment 19: Commenters requested that the schedule for submittals in Sections V.D, E, F, and G of the permit be modified.

Response: The permit timeframes in Sections V.D, E, F, and G of the permit are fair and reasonable amounts of time for the permittees to prepare the required documents; they are also consistent with other permits. No changes were made to the permit based on this comment.

Comment20: Several comments requested that the permit require a process, such as periodic availability sessions, to provide additional opportunities for the public to be informed on the ongoing remedial activities taking place at the site.

Response: EPD is not authorized to require the Permittees to host these availability sessions. The Permittees are required to sample groundwater semi-annually and to notify EPD regarding issues of noncompliance. These records are available for public review in our office. No changes were made to the permit.

Comment 21: Extension requests should be made in writing and accepted or rejected in writing.

Response: This is EPD's standard practice. Extensions, when necessary, are granted in writing and are part of the public file for this facility. No changes were made to the permit.

Comment 22: Several commenters raised concerns with the adequacy and frequency of groundwater monitoring, particularly with regards to private, off-site wells.

Response: EPD does not have the authority to monitor private wells. However, the permit requires the permittees to install their own groundwater monitoring network that consists of groundwater wells both on and off their property, to determine the nature and extent of groundwater contamination. The extent of the groundwater plume has been defined and there are no private wells within that plume. No changes were made to the permit.

Comment 23: Employees should be given personal protective equipment when entering the main production area or any buildings where vapor intrusion is suspected, or those areas should be closed until studies have concluded and corrective actions have been implemented.

Response: Employee safety and personal protective equipment requirements are under the jurisdiction of the Occupational Safety and Health Administration (OSHA). No changes were made to the permit.

Comment 24: The permit should explicitly require that the upward migration of benzene be understood.

Response: The groundwater reports that are submitted semi-annually provide information about the migration of benzene and the horizontal and vertical gradients are evaluated by EPD as part of the review of those reports. No changes were made to the permit.

Comment 25: The permit should require annual testing of shallow zone wells at the site of wells 58, 59, and 60.

Response: Monitoring well clusters MW-58, MW-59, and MW-60 were installed at the end of 2019 and have limited data. Additional data will be collected from these wells and these wells will be reevaluated for inclusion in the groundwater monitoring program. No changes were made to the permit.

Comment 26: Industrial facilities should never be permitted in areas where the water table lies 15" below the surface.

Response: This facility was built and in operation many years before the enactment of the Georgia Hazardous Waste Act and Rules. No changes were made to the permit.

Comment 27: There should be prompt removal and proper disposal of hazardous waste from operating facilities in order to avoid spills, unnecessary releases and eliminate risks to the health workers on site.

Response: The Georgia Hazardous Waste Management Act and the Rules allow facilities to store hazardous wastes onsite for 90 days or less. No changes were made to the permit.

Comment 28: The actual comments and actual permit should be attached to the public notification.

Response: All relevant documents are publicly available on EPD's website - <https://epd.georgia.gov/hercules-permit-1>.