



Hercules LLC
Ashland Research Center
500 Hercules Road
Wilmington, Delaware 19808-1599

April 30, 2020

VIA ELECTRONIC MAIL

Mr. James Brown
Program Manager, Hazardous Waste Corrective Action Program
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Dr. SE, Suite 1054 East
Atlanta, GA 30334

**Re: Comments on Proposed Hazardous Waste Permit
Hercules/Pinova Facility, Brunswick Georgia
Hazardous Waste Facility Permit Number HW-052 (D&S)**

Dear Jim:

Thank you for the opportunity to provide to the Georgia Department of Natural Resources, Environmental Protection Division (“EPD”) comments regarding the proposed renewal of the Hazardous Waste Facility Permit Number HW-052 (D&S) (the “Permit”) issued to Hercules LLC (“Hercules”) and Pinova, Inc. pertaining to post-closure care and corrective action at the manufacturing facility located at 2801 Cook Street, Brunswick, Georgia (the “Facility”). The proposed permit was issued for public comment on January 13, 2020 and the comment period closes today. As you know, I offered comments on behalf of Hercules at the public hearing that EPD held in Brunswick on March 5, 2020. In my testimony, I conveyed Hercules’ support for EPD’s efforts to reissue the Permit in a form that reflects both current operations at the Facility and the extensive environmental work that has been completed since the Permit was previously reissued. A transcript of my testimony during the public hearing is attached hereto and incorporated by reference.

On behalf of Hercules, I would like to reiterate again our commitment to completing the post-closure and corrective action processes at the Facility in accordance with the terms of the proposed Permit and under EPD’s oversight. The proposed Permit creates a framework for enabling the corrective action and post-closure processes to work in tandem with each other. The proposed Permit also provides mechanisms for satisfying requirements relating to the corrective action and post-closure processes in a more efficient and expeditious manner.

In addition to the overarching points described above, Hercules is raising a few other discrete but important comment on the terms of the proposed Permit. As you know, Hercules has been approached by an interested purchaser who would like to acquire an unimproved, approximately 0.8-acre portion of the permitted Facility. The parcel is 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, as depicted on the Google Earth image depicted below:

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To Hercules' knowledge, this parcel has never been used as part of operations at the Facility. Further, we have confirmed with Region 4 of the U.S. Environmental Protection Agency ("EPA") that the parcel is not a part of the Terry Creek Dredge Spoil Areas/Hercules Outfall Site, and that EPA is prepared to issue a Superfund comfort/status letter to the prospective purchaser to help facilitate the transaction.

To enable the transfer of the parcel to proceed, Hercules requests that EPD revise the proposed Permit to remove the parcel from the definition of the permitted "Facility." Doing so will promote the acquisition and beneficial reuse of a portion of the Facility that is not needed, while at the same time ensuring that human health and the environment are protected and that corrective action can be completed in a safe, efficient and effective manner. As a condition of the sale, we will ensure that Hercules has continued access to the groundwater monitoring well (MW-28D) located on the parcel, which we intend to accomplish through the recording of an environmental covenant under the Georgia Uniform Environmental Covenants Act.

Hercules anticipates that it will make a similar request regarding all or a portion of parcel 01-05011, the Habitat for Humanity warehouse property located at 3128 Hopkins Avenue, which is owned by Hercules and is currently included in the boundary of the Facility as covered by the Permit. Hercules is discussing leasing and ultimately donating all or a portion of this parcel to a local non-profit. Multiple groundwater monitoring wells are located on this parcel, and Hercules anticipates that it would use an environmental covenant to maintain institutional and environmental controls on the donated portion of the parcel and to ensure continued access to the monitoring wells. Exclusion of all or a portion of this parcel from the Facility would benefit this community non-profit and allow for continued productive reuse of a portion of the Facility.

Finally, as part of the December 2019 Appendix IX sampling of the point of compliance wells at the Facility located downgradient of the closed surface impoundments, trichloroethylene ("TCE") was confirmed to be present in a groundwater sample collected from one well at a concentration of 5.3 $\mu\text{g/L}$, compared to a regulatory standard of 5.0 $\mu\text{g/L}$. In accordance with the terms of the current Hazardous Waste Facility Permit, please add TCE to "Table 1 Groundwater Protection Standard" in the proposed Permit.

Mr. James Brown
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Thank you in advance for your consideration of these comments and your continued attention to this matter.

Sincerely,



Tim Hassett
Remediation Project Manager

Attachment: Hercules Testimony

CC:

Mike Crews, Pinova, Inc. – Brunswick, GA
Greg Roush – Geosyntec, Kennesaw, GA
Ben Rieger – AnteaGroup, West Hartford, CT
Penny Gaynor – EPD, Atlanta, GA
Jim Sliwinski – EPD, Atlanta, GA

1 community. That's why it hasn't been cleaned
2 up.

3 How many times have we heard a draft for
4 this requires Hercules and Pinova submitting
5 corrective action plan to address releases from
6 their stoops, then 90 days from the effective
7 date of the permit.

8 Well, at least 50 years and it ain't
9 happened. Those are just words. We are tired
10 of words. We are tired of the revolving door.
11 This unbelievable legislation has been
12 consummated? What has it resulted in? Only one
13 thing. Our community is being bent over to
14 sodomize it and it's time for it to stop.

15 MR. BROWN: Thank you for your comment.

16 The next commenter is Tim Hassett.

17 MR. TIM HASSETT: Good evening. My name
18 is Tim Hassett, H-a-s-s-e-t-t. And I am a
19 Hercules remediation manager responsible for
20 overseeing the Brunswick facility for the
21 corrective action process. Thank you for the
22 opportunity to speak briefly of the proposed
23 permit renewal for the facility.

24 Hercules has been an important part of the
25 community for over a century. Hercules is the

1 sole manufacturer operations within the
2 Brunswick facility since 2010.

3 Hercules continues to retain inactive
4 portions of the facility. Hercules is also
5 spearheading the ongoing work at the Brunswick
6 facility in cooperation with Pinova to address
7 legacy and environmental and distance from
8 historic manufacturing operations.

9 The proposed permit that is the subject of
10 tonight's hearing reflects the evolution of
11 operations at the Brunswick facility by
12 identifying Pinova and Hercules as
13 co-permittees.

14 In connection with those operations, the
15 scope of the -- the proposal also reflects the
16 fact that hazardous waste are no longer being
17 stored at the Brunswick facility in a manner
18 that would require a permit.

19 As a result, the proposed permit no longer
20 authorizes treatment, disposal, or long-term
21 storage of hazardous waste. Instead, the focus
22 is on remediation, which includes facility-wide
23 corrective action, groundwater monitoring and
24 post-closure maintenance and the former
25 wastewater surface and balance.

1 In short, the permit provides the
2 framework in which Hercules can complete their
3 remediation of legacy environmental conditions
4 in a safe, efficient, and protective manner.

5 Hercules would like to complete the
6 remediation with the Brunswick facility quickly
7 and efficiently. Remediation can only be
8 accomplished by following the steps required by
9 the Georgia EPD and the U.S. EPA, with
10 regulations and directives. The corrective
11 action program is challenging and complex and
12 involves many steps.

13 I can assure you, however, that we have
14 been working diligently to address conditions on
15 and offsite and we've made significant progress.

16 The history and the scope of the work is
17 too lengthy to give specific details in the few
18 minutes that I have this evening, but I will
19 offer a few key highlights.

20 In the early 1980s, Hercules closed down
21 the Lake Forest, the northern portion of the
22 facility, by excavating and backfilling them
23 with clean soil. Later, Hercules dismantled the
24 remaining infrastructure in this area and for 15
25 years operated with water pump and treatment for

1 remedial groundwater effects from the area and
2 mitigated the potential for offsite migration of
3 impacted groundwater.

4 In the 1990s, Hercules completely removed
5 the soil and foundation surrounding the former
6 toxaphene production plant down to the ground,
7 excavated and backfilled the area with clean
8 soil. And excavated the end street ditch and
9 installed a new watering system to create a
10 barrier between the ditch and groundwater and
11 the area.

12 In total, this project included the
13 removal of 47,000 tons of soil and the
14 insulation of a 300,000-square-foot liner in the
15 end street around the location of the former
16 toxaphene production plant.

17 Throughout this time period, Hercules also
18 conducted regulatory mandated facility-wide
19 investigation and identifying future
20 environmental factors for remediation.

21 This work included multiple phases of
22 sampling and evaluation of conditions throughout
23 the facility and in adjacent offsite areas,
24 including the insulation that was reported as
25 100 groundwater monitoring wells to evaluate and

1 monitor the groundwater conditions on and
2 offsite. Hercules continues to routinely sample
3 those monitoring wells network.

4 The traditional regulatory process
5 contemplates completion of all investigations
6 for proposing a final corrective action plan for
7 the entire facility.

8 At the Brunswick facility, however,
9 Hercules is working with EPD to accelerate the
10 remediation activities by developing and
11 implementing a series of interim corrective
12 measures to address environmental conditions at
13 the site related to legacy and environmental
14 conditions.

15 EPD is aware that all work that Hercules
16 proposes to undertake will be subject to a
17 review and approval by EPD.

18 Onsite these interim corrective measures
19 will include remediation of the former toxaphene
20 tank farm. Remediation will slow various
21 locations of the facility for removal of
22 separate bases of liquid. Liquid identifies
23 shallow groundwater in the main operational area
24 and completion of vapor intrusion investigation
25 that is presently being conducted in accordance

1 with the federal EPA guidance and under EPD
2 oversight.

3 Hercules is also designing a groundwater
4 remediation system using permeable barriers and
5 target and remove potential facility-related
6 compounds in the deep upper severe condition and
7 promote biological conditions that are already
8 naturally reducing the mass of these compounds
9 in groundwater.

10 Provided that access can be obtained, we
11 anticipate that these barriers and technology
12 will extend to offsite areas adjacent to the
13 Brunswick facility.

14 At the same time, Hercules is also
15 actively looking for opportunities for
16 beneficial reuse or redeveloped portions of the
17 facility that Hercules and Pinova will no longer
18 need.

19 Currently, Hercules has been discussing
20 with Commissioner Allen Booker to release an
21 unused warehouse for his nonprofit organization,
22 Rebuilding Together, with the ultimate goal of
23 donating the warehouse to the organization.

24 We are also exploring the potential
25 opportunity for the sale of an unapproved

1 portion of the facility on the east part of
2 Highway 17 for a different redevelopment
3 project.

4 Hercules remains completely committed to
5 completing the ultimate corrective action
6 process and remediation process in Brunswick in
7 accordance with the terms of the proposed permit
8 and under EPD's oversight.

9 From the beginning of the corrective
10 action process, Hercules' paramount objective
11 has been to ensure human health in the
12 environment and protect it. We believe that we
13 have met this objective and that the proposed
14 permit, once issued, will provide a path for it
15 which will allow safely and effectively and
16 successfully complete the final corrective
17 action at the facility.

18 Thank you for your time and your attention
19 in this matter. Thank you.

20 MR. BROWN: Thank you for your comment.

21 The next commenter is Rachel Thompson.

22 MS. RACHEL THOMPSON: Rachel Thompson.

23 T-h-o-m-p-s-o-n. I'm here on behalf of the Land
24 and Environmental Coalition. Thank you for the
25 opportunity to share some comments with you guys

Vanginkel, Steven

From: Brian Corry <brian@corrylawllc.com>
Sent: Friday, March 20, 2020 11:44 AM
To: Brown, Jim
Cc: Naomi Atkinson
Subject: City of Brunswick Resoltuion - Hercules, LLC/Pinova Permit
Attachments: EPD Clean up resolution 2020-05.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Brown,
As set forth yesterday, the City of Brunswick submitted a resolution that was not the final version of the City's Resolution intended to be submitted for the public comment period.

Attached hereto is the final version of the City's resolution. This was the version approved by the City Commission at their meeting on March 18, 2020. I apologize for the confusion and appreciate your help with this matter.

Sincerely,

Brian Corry, Esquire
City Attorney,
City of Brunswick, Georgia
Corry Law, LLC
1612 Newcastle Street, Suite 211
Brunswick, Georgia 31520
T: (912) 215-0081
F: (912) 387-4076
brian@corrylawllc.com
www.corrylawllc.com



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RESOLUTION 2020-05

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BRUNSWICK, GEORGIA, SUPPORTING THE REMOVAL OF CONTAMINATION FROM SITES ALONG THE U.S. 17 CORRIDOR AND URGING THE STATE GOVERNMENT TO CAUSE REMOVAL OF ALL CONTAMINATION IN THE SOIL AND GROUNDWATER ALONG THE U.S. 17 CORRIDOR

WHEREAS, U.S. 17 is a primary arterial thoroughfare in Brunswick, Georgia that connects Jekyll and Saint Simons Islands to the mainland of Glynn County and is part of the highway system linking Glynn County and the City of Brunswick to neighboring counties to the north and south; and

WHEREAS, U.S. 17 is an important component to the economic health of the City of Brunswick; and,

WHEREAS, U.S. 17 has been designated a gateway corridor; and,

WHEREAS, the Georgia Environmental Protection Division (EPD) has issued Hazardous Waste Facility Permit Number HW-052(D&S) to Hercules LLC/Pinova Inc. for the post-closure care and corrective action of five former toxaphene surface impoundments, corrective action for groundwater contamination and solid waste management units identified on site, and storage of 1,024 55-gallon drums of hazardous waste; and,

WHEREAS, these impoundments are located at 2801 Cook Street, Brunswick, GA, 31520, a site along the U.S. 17 corridor (the "Site"); and,

WHEREAS, contaminants have migrated beyond the boundaries of the designated Site and such contamination is detrimental to the planned revitalization of the U.S. 17 corridor; and,

WHEREAS, the EPD has expressed its intent to renew Hazardous Waste Facility Permit Number HW-052(D&S) issued to Hercules LLC/Pinova Inc. (the "Permit") with new conditions and requirements; and,

WHEREAS, the location of multiple hazardous waste sites located in the City of Brunswick creates a negative perception of the area's economic health; and

WHEREAS, residual contamination threatens the local populations and the areas potential for redevelopment, revitalization, and increased economic opportunities; and,

WHEREAS, the City of Brunswick believes that the full removal and remediation of all contamination and hazardous materials from the Site and the inclusion of certain conditions in the Permit is appropriate to achieve a better solution on the Site;

NOW, THEREFORE, BE IT RESOLVED by the City of Brunswick Board of Commissioners, acting in its capacity as the governing authority of the City of Brunswick, formally supports the complete removal of all contamination in its soil and groundwater along the U.S. 17 corridor.

BE IT FURTHER RESOLVED by The City of Brunswick Board of Commissioners that the EPD be and is hereby urged to condition the renewal of Hazardous Waste Facility Permit Number HW-052(D&S) on three conditions which set deadlines to ensure effective removal of contaminants and prevent further off site contaminant migration. The City of Brunswick Board of Commissioners urges the EPD to require Hercules LLC/Pinova Inc. to promptly implement measures that will ensure no further off-site contaminant migration occurs beyond December 31, 2021, to enforce cleanup requirements for all contamination that has migrated beyond the boundary of the site to be completed by December 31, 2022, and to remediate on-site contaminants to background levels by December 31, 2024.

This Resolution shall be effective immediately upon adoption.

ADOPTED by the Commission of the City of Brunswick this 18th day of March, 2020.

CITY OF BRUNSWICK, GEORGIA:

By:



CORNELL L. HARVEY, MAYOR
CITY OF BRUNSWICK, GEORGIA



ATTEST: Naomi D. Atkinson, City Clerk





GLYNN COUNTY ATTORNEY

701 "G" Street, Second Floor, Historic Courthouse Brunswick, Georgia 31520

Phone: 912-554-7470 Fax: 912-554-7597

*A Golden Past.
A Shining Future.*

VIA U.S. MAIL AND EMAIL

March 19, 2020

Jim Brown, Program Manager
Hazardous Waste Corrective Action Program
2 MLK, Jr. Drive, SE
Suite 1054
Atlanta, Georgia 30334

RE: RESOLUTION OF THE GLYNN COUNTY BOARD OF COMMISSIONERS
SUPPORTING THE REMOVAL OF CONTAMINATION FROM SITES ALONG THE
U.S. 17 CORRIDOR AND URGING THE STATE GOVERNMENT TO CAUSE
REMOVAL OF ALL CONTAMINATION IN THE SOIL AND GROUNDWATER
ALONG THE U.S. 17 CORRIDOR

Dear Mr. Brown:

Attached hereto please find a resolution of the Glynn County Board of Commissioners pertaining to the above-referenced matter.

Thank you for your kind consideration of same. Should you have any questions, or if I may be of any further assistance, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire Provano", written over a horizontal line.

Claire Provano
Glynn County Assistant County Attorney

CP
Attachment

**GLYNN COUNTY BOARD OF COMMISSIONERS
GLYNN COUNTY, GEORGIA**

Adoption: March 17, 2020
Resolution: #R-11-20

At the special called meeting of the Glynn County Board of Commissioners, held in the Harold Pate Courthouse Annex, 2nd Floor, Room 224, 1725 Reynolds Street, Brunswick, Georgia, there were present:

Michael Browning, Chairman, District 1
Bill Brunson, Vice Chairman, District 4
Peter Murphy, Commissioner District 2
Wayne Neal, Commissioner, District 3
Allen Booker, Commissioner, District 5
David O'Quinn, Commissioner, At Large Post 1
Bob Coleman, Commissioner, At Large Post 2

On the motion of Commissioner Brunson, which carried unanimously, the following Resolution was adopted:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF GLYNN COUNTY, GEORGIA, SUPPORTING THE REMOVAL OF CONTAMINATION FROM SITES ALONG THE U.S. 17 CORRIDOR AND URGING THE STATE GOVERNMENT TO CAUSE REMOVAL OF ALL CONTAMINATION IN THE SOIL AND GROUNDWATER ALONG THE U.S. 17 CORRIDOR

WHEREAS, U.S. 17 is a primary arterial thoroughfare in Brunswick, Georgia that connects Jekyll and Saint Simons Islands to the mainland of Glynn County and is part of the highway system linking Glynn County to neighboring counties to the north and south; and

WHEREAS, U.S. 17 is an important component to the economic health of Glynn County; and,

WHEREAS, U.S. 17 has been designated a gateway corridor; and,

WHEREAS, the Georgia Environmental Protection Division (EPD) has issued Hazardous Waste Facility Permit Number HW-052(D&S) to Hercules LLC/Pinova Inc. for the post-closure care and corrective action of five former toxaphene surface impoundments, corrective action for groundwater contamination and solid waste management units identified on site, and storage of 1,024 55-gallon drums of hazardous waste; and,

WHEREAS, these impoundments are located at 2801 Cook Street, Brunswick, GA, 31520, a site along the U.S. 17 corridor; and,

WHEREAS, contaminants have migrated beyond the boundaries of the designated site and such contamination is detrimental to the planned revitalization of the U.S. 17 corridor; and,

WHEREAS, the EPD has expressed its intent to renew Hazardous Waste Facility Permit Number HW-052(D&S) issued to Hercules LLC/Pinova Inc. with new conditions and requirements;

WHEREAS, the residual contamination threatens the local populations and the area's potential for redevelopment, revitalization, and increased economic opportunities; and,

WHEREAS, Glynn County believes that the full removal and remediation of all contamination and hazardous materials from the Site and the inclusion of certain conditions in the Permit is appropriate to achieve a better solution on the Site;

NOW, THEREFORE, BE IT RESOLVED by the Glynn County Board of Commissioners, acting in its capacity as the governing authority of Glynn County, formally supports the complete removal of all contamination in its soil and groundwater along the U.S. 17 corridor.

BE IT FURTHER RESOLVED by the Glynn County Board of Commissioners that the EPD be and is hereby urged to condition the renewal of Hazardous Waste Facility Permit Number HW-052(D&S) on three conditions which set deadlines to ensure effective removal of contaminants and prevent further off-site contaminant migration. The Glynn County Board of Commissioners urges the EPD to require Hercules LLC/Pinova Inc. to promptly implement measures that will ensure no further off-site contaminant migration occurs beyond December 31, 2021, to enforce cleanup requirements for all contamination that has migrated beyond the boundary of the site to be completed by December 31, 2022, and to remediate on-site contaminants to background levels by December 31, 2024.

This Resolution shall be effective upon adoption.

This the 17th day of March, 2020.



ATTEST:

Dhwani Patel
DHWANI PATEL, COUNTY CLERK

**GLYNN COUNTY BOARD
OF COMMISSIONERS**

By:

Michael Browning
MICHAEL BROWNING, CHAIRMAN

John A. Cason, III

Commissioner, City of Brunswick, GA
4102 Riverside Drive ~ Brunswick, GA 31520
Cell: 912-571-9714 ~ Email: johncasoniii@gmail.com

April 27, 2020

Mr. Jim Brown
Program Manager, Hazardous Waste Corrective Action Program
2 MLK Jr. Drive, Suite 1054
Atlanta, GA 30334

RE: Hercules/Pinova Hazardous Waste remediation

Mr. Brown:

I am a lifelong resident of Brunswick, a retiree who is beginning a third term as a Brunswick City Commissioner. My wife and I have lived for many years on the marsh side of Riverside Drive in Brunswick, more adjacent than one might think to the Hercules/Pinova property. Our son grew up playing on the dikes in the marsh before our street fully developed, and now we think all the time about what may be his and his friends' exposure to hazardous waste attributable to Hercules/Pinova. While we have real respect and appreciation for the long-time benefits Hercules has afforded our community in terms of employment and civic involvement, we are now equally fearful about unresolved pollutant issues.

In short, I think we all can agree that Hercules has a poor record regarding vital clean-up efforts, efforts that should have been in place more than thirty years ago but still are not in 2020. The marsh is literally our backyard. From our back windows we can see Terry Creek and the fairly numerous home sites immediately adjacent to it. The entire plant site and contamination area is in a residential/commercial zone, not in an industrial zone. I seriously wonder why this site, in dire need of remediation for decades, is not a registered Federal Superfund Site with its own designated registration number; I request that such registration occur as soon as possible. It is long past time for remediation efforts leading to solutions for groundwater contamination and other hazardous waste. I will quote Alice Keyes of One Hundred Miles in emphasizing that "what we need...are assurances that any corrective action plan for pollutants...is actually developed and [this time] implemented."

This community has waited far too long for corrective actions to move from discussion and "plan" to actuality. Please insure this permit includes cleaning up air and earth (that above and below surface), as well as all marshland and water. Please stand strong in assuring that, this time, plans become reality in the complete cleanup of pollutants from Hercules/Pinova.

Sincerely yours,

John A. Cason, III
Commissioner, North Ward
City of Brunswick, GA

c- Rep, Buddy Carter, 777 Gloucester St. Brunswick, GA 31520 (by email)
Rep. Don Hogan, 501-G Coverdell Legislative Office Bldg., Atlanta, GA 30334 (by email)
Rep. Jeff Jones, 501-H Coverdell Legislative Office Bldg., Atlanta, GA 30334 (by email)
Sen. William Ligon, 121-H State Capitol, Atlanta, GA 30334 (by email)
Sen. David Perdue, 383 Russell Senate Office Bldg., Washington, D.C. 20510
all City of Brunswick Commissioners and all Glynn County Commissioners (by email)
Alice Keyes, One Hundred Miles (by email)
Rachel Thompson, Glynn Environmental Coalition (by email)
Brian Corry, Corry Law LL. (by email)
The Brunswick News (by email) and *The Islander* (by email)

William Ligon
District 3
158 Scranton Connector
Brunswick, Georgia 31525
Office: 912.261.2263
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121-E State Capitol
Atlanta, Georgia 30334
Phone: 404.463.1383

William.Ligon@senate.ga.gov



Georgia Senate

Committees

Banking and Financial Institutions, Chairman
Ethics, Vice Chairman
Reapportionment and Redistricting,
Vice Chairman
Appropriations
Health and Human Services
Judiciary

April 30, 2020

Mr. Jim Brown
Georgia Environmental Protection Division
Land Protection Branch
2 Martin Luther King Drive, Suite 1054
Atlanta, GA 30334

via e-mail: Jim.Brown@dnr.ga.gov

RE: Hercules/Pinova HW-052(D&S)

Dear Mr. Brown:

I am writing to request that the following conditions be included into the Hercules/Pinova HQ-052 (D&S) permit which is up for renewal:

- The permit must contain measurable, time-certain requirements for completion of conditions of the permit.
- The permit must require Permittees to prevent contaminants from leaving the plant site on the west side of U. S. 17 no later than December 31, 2021.
- This permit must require Permittees to remediate all their off-site contamination by December 31, 2023.
- EPD should require remediation of the entire plant site by December 31, 2024, four years and three months after the date EPD told Hercules to complete correction action.

Due to the apparent lack of progress to meet established timelines under previous permits, the EPD should take enforcement action should Hercules/Pinova fail to meet the timelines set forth in the permit. The Brunswick/Glynn County Community has waited for too long for issues at this site to be addressed.

Sincerely,

William T. Ligon, Jr.
State Senator, District 3

SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 404-521-9900

TEN 10TH STREET NW, SUITE 1050
ATLANTA, GA 30309-3848

Facsimile 404-521-9909

April 30, 2020

VIA ELECTRONIC MAIL

Jim Brown
Program Manager
Hazardous Waste Corrective Action Program
Land Protection Branch, Environmental Protection Division
Georgia Department of Natural Resources
jim.brown@dnr.ga.gov

Re: Comments on draft Hazardous Waste Facility Permit HW-052(D&S) issued to Hercules LLC/Pinova Inc.

Dear Mr. Brown:

On our own behalf and on behalf of One Hundred Miles, Altamaha Riverkeeper, Center for a Sustainable Coast, Glynn Environmental Coalition, Satilla Riverkeeper, and Georgia Interfaith Power & Light (GIPL), the Southern Environmental Law Center (SELC) submits the following comments on the draft Hazardous Waste Facility Permit number HW-052(D&S), issued to Hercules LLC and Pinova, Inc. We appreciate the opportunity to provide these comments.¹

One Hundred Miles is a coastal advocacy organization dedicated to protecting, preserving, and enhancing Georgia's 100-mile coast. Altamaha Riverkeeper is a nonprofit environmental organization dedicated to protecting and restoring the habitat, water quality, and flow of the Altamaha River and its watershed. Center for a Sustainable Coast is a coastal nonprofit membership organization dedicated to improving the responsible use, protection, and conservation of coastal Georgia's resources - natural, historic, and economic. Glynn Environmental Coalition is a coastal nonprofit organization committed to assuring a clean environment and healthy economy for citizens of Coastal Georgia. Satilla Riverkeeper is a nonprofit river advocacy organization dedicated to protecting, restoring, and educating about the Satilla River, its tributaries, and watershed. GIPL is a state-wide interfaith ministry that in response to climate change and environmental injustice engages communities of faith in stewardship of Creation through worship, education, and the sustainable generation and efficient use of energy. All six organizations have members who have been affected and continue to be

¹ Several of these groups are submitting their own individual comment letters to raise additional concerns and to reiterate issues that are particularly important to their organizations.

affected by the pervasive and hazardous contamination stemming from the permittees' hazardous waste site in Brunswick, Georgia.

SELC uses the power of the law to champion the environment of the Southeast, using a team of more than 80 dedicated attorneys to stand up for clean water, healthy air and the Southeast's special places, from the mountains to the coast.

As an initial matter, we first thank the Georgia Environmental Protection Division (EPD) for making the draft permit and the application materials available online during the current health crisis. Moving forward, EPD should make all draft permits and permit applications available online until final permits are issued in order to improve public engagement opportunities.

We also applaud EPD for concluding that the surficial aquifer in the vicinity of the permittees' Brunswick facility should be evaluated as a potential source of drinking water.² Otherwise, the draft permit and these comments would look very different. EPD must hold firm to that position so that permittees are required to meet cleanup performance standards that protect human health and the environment. Alternate concentration limits based on a non-potable determination would allow more pollutants to remain onsite—and migrate offsite—and are completely inappropriate at this location. Again, we thank you for that conclusion.

We are, however, deeply troubled by the years of delay and lack of meaningful progress in cleaning up the hazardous wastes at the site, as well as ongoing violations of the current Hazardous Waste Facility Permit that have gone unenforced. The inaction by permittees and EPD puts nearby communities and the environment at risk. We discuss this in more detail below.

In this letter, we first offer a number of general comments that EPD should consider when deciding how best to protect human health and the environment in this permit renewal process. Then, we offer specific comments on the draft permit language itself.

1. Background

Over the course of approximately nine decades, Hercules manufactured a number of chemicals and products, including rosin-derived products, di-isopropyl benzene, and toxaphene, a chlorinated pesticide, at its plant in Brunswick, Glynn County, Georgia, along a tidal saltwater creek that empties into a fragile saltmarsh ecosystem and an important estuary. In conjunction with its toxaphene manufacturing, Hercules stored wastewater in five surface impoundments and discharged toxaphene and wastewater through an outfall ditch into Dupree Creek, which flows into Terry Creek. In 1990, the United States banned toxaphene for all uses because of its toxicity, potential to cause cancer, and other detrimental impacts to human health.

The Environmental Protection Agency (EPA), EPD, and other federal and state agencies began investigating the Hercules site in the 1990s following the toxaphene ban. Upon realizing the extent and seriousness of the toxaphene contamination both onsite and offsite, the Hercules site was proposed for listing on the Superfund National Priorities List in 1997. The listing was

² Letter from Richard Dunn, Director, Ga. EPD, to Tim Hassett, Project Manager, Hercules Inc., re: Baseline Human Health and Ecological Risk Assessment, 1 (Nov. 19, 2018).

never finalized, but the site is still treated as a Superfund site through an alternative approach. The federal alternative Superfund process governs the cleanup of three different “operable units” with toxaphene contamination: the outfall ditch to Dupree Creek, various upland portions of the site where dredged contaminated soils were dumped over 40 years ago, and 65 acres of tidal marshlands and estuaries.

On a parallel track, the state EPD has ordered investigations and corrective action measures for numerous other contaminated portions of the site—including contaminated groundwater—through the permit at issue in these comments. Thirty-nine solid waste management units (“SWMUs”) and one area of concern (“AOC”) exist on the site that have known or suspected releases of hazardous wastes or hazardous constituents. Numerous releases from these SWMUs have contaminated the groundwater at various depths with benzene and other hazardous constituents. The contaminated plume has migrated offsite and threatens nearby communities, tidal creeks, and the people and organisms that depend on clean water.

2. Decades of Delays and Lack of Enforcement

Unfortunately, although some progress has been made cleaning up the site in both the federal and state actions (e.g., removal of contaminated soils in certain areas and closure of the toxaphene surface impoundments), it has taken far too long, and little has been done to remediate the groundwater contamination. Large amounts of toxaphene in soils also continue to cause problems. Fish surveys still show unacceptable levels of toxaphene in fish in the area, and outreach efforts to warn fishermen about eating the fish are insufficient. In addition, this is one of four Superfund sites that are located in Glynn County, making the county home to the most Superfund sites in a single county in Georgia. The Hercules site is located along U.S. 17, an important gateway corridor, but the site’s hazardous waste contamination has led to a negative perception of the economic health of the area and has harmed boating, fishing, and other opportunities for residents, tourists, and businesses. We are unaware of the extent to which Hercules and Pinova warn their employees and contractors about possible hazardous waste exposure on the site, but are concerned about their exposure to legacy contamination as well.

Hercules has been required to implement interim and final corrective action measures at the site for decades, but instead of complying with its permit and state and federal laws, Hercules has repeatedly delayed implementing corrective action. Over and over again, Hercules has failed to meet deadlines and schedules of implementation, and we outline just a few examples below.³

In April 2007, EPD informed Hercules of its intent for Hercules to conclude all corrective action activities at the facility by September 2020 and, meanwhile, to complete facility investigations and to select final remedies “no later than September 30, 2012.”⁴ Hercules failed to meet the 2012 deadline and will not meet the September 2020 deadline. There is an excellent chance that Hercules will not even *select* final remedies by September 2020.

³ For purposes of this letter, we ignore Hercules’s repeated delays of deadlines imposed in the Superfund process. For ease of reference, we use the name “Hercules” to refer to either Hercules on its own or both Hercules and Pinova, depending upon the context in which the term is used.

⁴ Letter from Mark Smith, Chief, Hazardous Waste Mgmt. Branch, Ga. EPD, to Glenn Hoffman, Hercules Inc., re: 2020 Initiative (Apr. 13, 2007).

In 2013, EPD informed Hercules of the need for interim measures and an interim measures work plan pursuant to the existing permit to address offsite groundwater contamination.⁵ However, according to EPD, as of August 10, 2016 Hercules still did “not have the interim measures in place and it ha[d] been almost 3 years since [EPD] called in the interim measures and almost 2 years since [EPD] approved the interim measures.”⁶ EPD has acknowledged that Hercules consistently fails to meet even self-imposed deadlines by 6 to 12 months.⁷

In yet another example, Hercules was required to submit a Corrective Action Plan (“CAP”) to EPD within 90 days of receiving the Director’s written notice of the need for additional corrective action based on the soils and groundwater RFI Phase III Report.⁸ That report was submitted to EPD in February 2015, and EPD approved the report on April 29, 2015. In its approval letter, EPD concluded that corrective measures were needed. Under the current permit, the CAP was due on July 28, 2015. Hercules never submitted it, and instead, chose to focus on completing a risk assessment for groundwater, which it claimed “will bear on the selection of corrective measures.”⁹ EPD actually called for that risk assessment in February 2015 and sent an email to Hercules in August 2016 complaining that the “risk assessment is still not complete over 1 year later.”¹⁰ That risk assessment is still incomplete more than 5 years later.¹¹

Rather than submit a CAP to remediate groundwater contamination, Hercules chose instead to delay and perform additional studies so that it could argue in the future for alternate concentration levels. In other words, the company is doing everything it can to keep pollution in the groundwater and avoid spending money for legally required corrective action.

Notably, EPD is aware of Hercules’s cost-saving delay tactics. In December 2011, EPD sent Hercules a letter with the following statements:

EPD is aware that there are financial benefits to not completing a site-wide investigation and developing a corrective action plan in a timely manner; If you are unwilling to move forward with the investigation and corrective action at your facility, EPD may take enforcement steps to ensure financial benefits are not obtained through delays in compliance.¹²

Unfortunately, EPD’s words have proven to be empty threats. Our review of enforcement records shows that EPD has fined Hercules only twice for hazardous waste permit violations. Twenty years ago, in 2000, EPD fined Hercules \$160,000 for various violations of the rules for

⁵ Letter from Jim Brown, Program Manager, Ga. EPD, to Tim Hassett, Project Manager, Hercules Inc., re: Offsite Groundwater Plume (Dec. 23, 2013).

⁶ Email from Penny Gaynor, Geologist, Ga. EPD, to Tim Hassett, Hercules Inc., re: June analytical data and site progress (Aug. 10, 2016).

⁷ Email from Jim Brown, Ga. EPD, to Tim Hassett, Hercules Inc., re: June analytical data and site progress (Aug. 11, 2016).

⁸ Permit No. HW-052(H&S), Condition V.G.1. (2015, as amended).

⁹ Hercules and Pinova, 2017 RCRA Permit Application [hereinafter “Permit Application”], Section C – Groundwater Monitoring, at 12.

¹⁰ *Supra* n.6, Email from Penny Gaynor.

¹¹ Permit Application, Section C at 12.

¹² Letter from Mark Smith, Ga. EPD, to Tim Hassett, Hercules, Inc., re: Lack of Progress, 1–2 (Dec. 1, 2011).

hazardous waste and water quality control.¹³ In 2014, EPD fined Hercules \$30,000 for selling property that was undergoing corrective action to the hospital for a parking lot without properly notifying the public or submitting a permit modification application.¹⁴

Apparently, permit compliance has been optional for Hercules.

Enough is enough. Hercules must be held accountable for the damage it has caused and must be required to clean up its mess.¹⁵ And EPD should inform Hercules and its team of lawyers and former regulators that future noncompliance will no longer be tolerated.

3. Specific Comments on each Section of the Draft Permit

I. GENERAL PERMIT CONDITIONS

First, the draft permit lacks any requirements to make information available to the public. Given the adverse effects of permittees' actions on the surrounding community and environment for nearly a century, it is imperative that community members have easy access to information about the site and current and planned cleanup activities. Thus, we recommend the following specific changes (additional language is underlined):

- In condition I.B.3., we request the draft permit be revised to require Permittees to “maintain at the facility until termination of this permit, and have available upon request by any person the following documents and amendments, revisions and modifications” to the listed documents.
- In condition I.D., we request adding a duty to create a publicly accessible website where the permittees post the documents listed in condition 1.B.3. as well as reports of noncompliance and all other reports that are required to be submitted to EPD or the Regional Administrator of EPA under federal law.

We also urge EPD to revise condition I.B.8. to delete the very last clause: “or the Director has either waived the inspection of, or within fifteen (15) days has not notified the Permittees of his or her intent to inspect.” If permittees decide to commence treatment, storage or disposal of hazardous waste at any new or substantially modified portion of the facility, the Director must perform an inspection. Under no circumstances should permittees be allowed to commence such treatment, storage, or disposal of hazardous waste simply because the Director has not returned a phone call within 15 days.

In the definitions section, why was “extent of contamination” deleted from this version of the draft permit? In an earlier version, this phrase was defined.

¹³ <https://enfo.gaepd.org/Orders/Details/10471> (last visited April 27, 2020).

¹⁴ <https://enfo.gaepd.org/Orders/Details/63361> (last visited April 27, 2020).

¹⁵ As discussed in more detail in our specific comments on the draft permit language, the permittees must submit the CAP immediately and pay civil penalties for every day of noncompliance.

Finally, in this section we note the following grammatical errors for your consideration:

- Condition I.C.4(b) – The individuals who performeded the sampling or measurements;
- Condition I.D.1(a) – a semicolon (;) is needed after the word “permit”

II. HAZARDOUS WASTE CENTRAL ACCUMULATION AREA

We are pleased to see that the permittees will no longer be storing hazardous waste on the site for longer than 90 days. The less time that newly generated hazardous waste stays onsite, the better. Generally, we support the permit conditions in Section II, as they largely mirror federal requirements contained in 40 C.F.R. Parts 262 and 264.

However, the closure plan for the Central Accumulation Area (CAA) does not comply fully with federal law.¹⁶ The closure plan must include a “detailed description of other activities necessary during the closure period to ensure that all partial closures and the final closure satisfy closure performance standards, including, but not limited to, ground-water monitoring, leachate collection, and run-on and run-off control.” 40 C.F.R. § 264.112(b)(5).

Here, the closure plan for the CAA does not mention any measures that will be taken to monitor groundwater or explain why such measures are unnecessary, if that is the case. In contrast, the post-closure care plan for the toxaphene surface impoundments states that groundwater monitoring activities have been integrated into the overall groundwater monitoring program for the site as described in Section C of the application.¹⁷ If the same is true for the CAA’s closure plan, the permittees must revise the application to make that clear. We note, however, that there are very few monitoring wells near the proposed CAA.¹⁸ Permittees should explain whether additional wells are needed in that area or how the existing monitoring program will be sufficient to capture groundwater contamination stemming from the CAA.

III. POST-CLOSURE CARE FOR CLOSED SURFACE IMPOUNDMENTS

We generally support the permit conditions provided in this section for continued post-closure care of the closed toxaphene surface impoundments. As an initial matter, the second paragraph under condition III.A. is unnecessary and does not appear in earlier versions of this draft permit.

Next, condition III.D. does not define the post-closure care period. Rather, the draft permit simply gives the Director the authority to extend the post-closure care period. However, the permittees indicate in their permit application that the post-closure care period is expected to continue through September 29, 2025 (i.e., 30 years from September 29, 1995) or “until all permit conditions are satisfied.”¹⁹ We would prefer to see the post-closure care period expressly defined in the permit itself and language stating that the period “shall be extended as necessary

¹⁶ Permit Application, Section E, at subsection E.1.

¹⁷ *Id.* at subsection E.2.2.

¹⁸ *Id.* at Figure B-1.

¹⁹ *Id.* at subsection E.2.2.

until all permit conditions are satisfied.” Alternatively, we prefer the following language that appeared in an earlier version of condition III.D. in the draft permit:

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).

There is one minor grammatical error in this section that should be corrected:

- Condition III.A – delete the “h” in the word “has” from this sentence: The Permittees shall provide post-closure care for five closed surface impoundments collectively known ~~has~~ the Closed Surface Impoundments.

IV. GROUNDWATER MONITORING

We have several questions relating to the groundwater monitoring requirements that need to be answered before this permit is renewed. First, on Figure C-2 of the permit application, we question whether the two “upgradient” wells, UP-1D-R and UP-1S, are truly upgradient of all contaminated areas sufficient to establish valid background levels for certain constituents. Permittees state in their application that the two wells are being used currently to provide upgradient, background water quality with respect to the closed surface impoundments. However, are these two wells sufficient to provide background water quality data with respect to the entire site? We elaborate on this concern later in the comment letter.

Second, why do the permittees have upgradient monitoring wells for the shallow and deep aquifer zones, but not the intermediate aquifer zone? Shouldn’t permittees be required to install a third upgradient well to provide background water quality for the intermediate zone?

Next, draft permit condition IV.A.2. states that the permittees shall install and maintain additional wells “as necessary” to assess changes in the rate and extent of any plume of contamination, or as necessary under federal law. Setting aside the federal requirements, who determines when additional wells are necessary to assess changes in any plume of contamination? How often is that determination made? Will EPD actively look into this issue, or will EPD rely on permittees to inform the agency if new wells are needed? Moreover, this provision encourages delay. If a new well is deemed necessary, there is no enforceable deadline to have the well installed. Rather, a plan for the installation simply must be submitted 90 days before the well is installed. While this language sounds good in theory, we question whether this provision will be implemented or enforced in practice.

In draft condition IV.B, we believe the first sentence should be revised to mirror language in an earlier version of the draft permit: “The Permittees shall implement the groundwater monitoring program at the facility as required to demonstrate the effectiveness of the ~~groundwater monitoring~~ Corrective Action Program” As we discuss in more detail below, permittees must submit a CAP before this permit is renewed, and the groundwater monitoring program should be implemented to prove that the CAP is working, not to demonstrate that monitoring activities are effective.

In Table 2, the monitoring frequency for all monitoring wells is annual except for MW-23, which has semi-annual monitoring requirements for volatile organics, semi-volatile organics, and pesticides. Why are the remaining monitoring wells sampled only annually, and is that sufficient to determine whether the plume is moving or the CAP is working?

Finally, in this section we request that condition IV.D.1. be revised to state that the permittees “shall maintain at the facility and have available upon request by any person all monitoring, testing and analytical data” As we mentioned in our comments on Section I of the draft permit, the affected community should have easy access to this information without needing to ask EPD to formally request information from the permittees.

V. POST CLOSURE CARE AND CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

This section of the draft permit is grossly inadequate. A variety of troubling provisions will ultimately lead to more delay in cleaning up hazardous waste, will limit future use of the property and surrounding areas, and will endanger the community for generations to come.

Deadlines and Time Frames for Specific Actions Listed in the Draft Permit

First, the majority of deadlines and time frames in this section are laughable. The site and the surrounding area have been studied *for decades*. The permittees know what they have to do to remediate both soils and groundwater. And EPD included shorter time frames in an earlier version of the draft permit. EPD should revert to those shorter time periods and cut most of the other time frames in half, if not more.

Specifically, the following conditions should be revised to shorten the proposed deadlines and time frames:

- Condition V.B. Notification and Assessment Requirements for Newly Identified SWMUs and AOCs
 - V.B.1. – Revise fifteen (15) days to three (3) business days. The discovery of a new SWMU or AOC is a major development that needs immediate attention. The permittees must inform EPD of any such discovery promptly.
 - V.B.2. – Add a time limit. We recognize that EPD is not the permittee, but the lack of a deadline for EPD to inform permittees of a new SWMU or AOC is concerning. EPD should notify permittees of newly discovered units by EPD within three (3) business days.
 - V.B.3. – Revise sixty (60) days to thirty (30) days. Nearly all of the information required to be submitted upon the discovery of a new SWMU or AOC should be readily available and easy to consolidate, particularly given the years of existing data at this site. Permittees do not need 60 days to gather the information listed in (a) through (f).

- Condition V.C. Notification Requirements for Newly Discovered Releases at Previously Identified SWMUs and AOCs
 - V.C.1. – Revise thirty (30) days to three (3) business days. The discovery of a previously unidentified release from an existing SWMU or AOC requires prompt notification to EPD.
 - V.C.2. – Add a time limit. The Director should notify permittees of any newly discovered releases at existing SWMUs or AOCs by EPD within three (3) business days.
 - V.C.3. – Revise ninety (90) days to thirty (30) days. The permittees’ consultants have created three RCRA Facility Investigation Work Plans at this site already and numerous other plans for investigative work.²⁰ At this juncture, 90 days is not needed to write out a plan of action and a schedule of implementation given the years of existing data and useable templates.
- Condition V.D. Verification Investigation
 - V.D.1. – This condition should be revised to state that a VI Work Plan should be submitted within a set period of time from the date the Director requests such a work plan. We suggest a time period of thirty (30) days or less.
- Condition V.E. Interim Measures
 - V.E.2. – Revise ninety (90) days to thirty (30) days, which is what EPD proposed in an earlier version of this draft permit. Interim measures are meant to be short-term solutions to address more immediate risks to human health and the environment. If interim measures rather than final corrective action measures are appropriate, then the Interim Measures Work Plan and the schedule of implementation should be expedited so that the interim measures can be put in place as soon as possible.
- Condition V.F. RCRA Facility Investigation
 - V.F.2. – Revise ninety (90) days to thirty (30) days. As discussed above, permittees do not need three months to create a plan for investigative action.
 - V.F.7. – Revise sixty (60) days to thirty (30) days, which is what EPD proposed in an earlier version of this draft permit. It should not take 60 days for permittees to answer EPD’s questions and concerns stemming from an RFI Report.

²⁰ See, e.g., *RCRA Facility Investigation (RFI) Phase I Work Plan* (1994); the *RFI Phase II Work Plan* (1995); the *RFI Phase III Work Plan* (2006); Triad Approach work plan and revised work plan (2010); *First Dynamic Work Strategy and Field Work Plan, Triad Soils Investigation* (2012).

- Condition V.G. Corrective Action for SWMUs and/or AOCs
 - V.G.1. – EPD should delete this permit condition (requiring the CAP be submitted within 90 days of permit renewal) and instead require permittees to submit the CAP before renewing the permit. Permittees have known about the 39 SWMUs at the facility since 2001. As permittees acknowledge, the “steps undertaken to identify and investigate the SWMUs [have] extended over a period of more than 20 years.”²¹ In 2010, they began using the Triad approach and a “holistic approach” for investigating and addressing the soil and groundwater contamination. Thousands of pages of sampling data and analyses have been prepared. Permittees’ investigations into soil and groundwater contamination culminated in the 2015 RFI Phase III Report, and EPD informed them in April 2015 that a CAP was needed based on that report. They are in violation of the existing permit for failing to submit that CAP within 90 days. Permittees are already five years behind, and EPD should not grant them another three months to submit a plan that will likely include a lengthy and drawn out schedule of implementation.

Instead, EPD should refuse to renew the permit until the CAP is submitted and approved. The CAP’s schedule of implementation should require prompt and thorough corrective actions. Band-Aids—corrective measures that simply cover up the problems—are unacceptable. Moreover, in accordance with O.C.G.A. § 12-8-81, EPD should seek civil penalties of \$25,000 per day for every day the permittees have violated the existing permit by failing to submit a timely CAP.

- V.G.3. – Revise ninety (90) days to forty-five (45) days. It should not take permittees 90 days to develop a CAP to address releases from newly identified SWMUs/AOCs or newly discovered releases from existing SWMUs/AOCs.
- V.G.7. – Revise sixty (60) days to thirty (30) days, which is what EPD proposed in an earlier version of the draft permit. Again, permittees have delayed cleaning up the hazardous waste at this site long enough. A robust schedule is needed to protect human health and the environment.
- Condition V.J. Permit Modification
 - V.J.1. – Revise ninety (90) days to thirty (30) days for permittees to submit an application for a permit modification regarding the CAP. This time period should be consistent with the time period set forth in condition V.K.4.
- Condition V.K. Schedule of Compliance
 - V.K.3. – Revise the last sentence to state the following: “All extensions must be requested in writing.” Given the extensive delays at this site, permittees and EPD

²¹ Permit Application, Section F at 3.

should not be allowed to hide behind extensions granted over the phone. The surrounding community deserves to know when and why extensions are granted.

- V.K.5. – Revise the sixty (60) day time frame to thirty (30) days, which is what EPD proposed in an earlier version of the draft permit. Permittees should not be given extra time to amend plans, reports, or schedules that violate the permit or federal law simply because EPD notifies them. Permittees should be well-aware of all permit conditions and federal legal obligations.

Deadline for Final Corrective Action

The draft permit does not include a condition mandating a deadline for concluding all corrective action activities. It should. We refer back to EPD’s April 13, 2007 letter to Hercules voicing its intent that all corrective action activities at the site be concluded by September 2020. Although that deadline clearly will not be met, EPD should set an aggressive alternative deadline for permittees to conclude all corrective actions. Both Glynn County and the City of Brunswick suggest the following deadlines in recently passed resolutions:

- December 31, 2021 to ensure no further off-site migration of contaminants occurs;
- December 31, 2022 to complete cleanup of all contamination that has migrated off-site; and
- December 31, 2024 to complete and remediate all on-site contamination.

We agree with these proposed deadlines and urge EPD to include the same or similar conditions in the final permit.

Groundwater Protection Standards

We have several concerns with the draft permit’s proposed groundwater protection standards. In Table 1, the concentration limit for nearly every single hazardous constituent is the background level. We question whether true background levels can be established for this site based on the locations of the “upgradient” wells. Hercules contaminated this site and the surrounding area for decades. Background concentrations are inappropriate groundwater protection standards here unless Hercules goes inland and truly upgradient to determine what the background concentrations should be. In other words, Hercules should not be allowed to determine background levels with on-site sampling.

Until valid upgradient background limits can be established, the concentration limit for the hazardous constituents in Table 1 of the draft permit should either be the limits found in Table 1 of Appendix III to the Hazardous Site Response Act regulations, Ga. Comp. R. & Regs. 391-3-19, or the primary or secondary maximum contaminant levels (“MCLs”) for drinking water quality standards, Ga. Comp. R. & Regs. 391-3-5-.18, -.19. If any of the listed constituents in the permit do not have concentration limits under HSRA or the drinking water rules, the detection limits should apply.

We emphasize that strict groundwater protection standards should apply here because of the hazardous nature of the contaminants and the site's location in a flood-prone area next to the salt marsh. The contaminants pose extremely serious risks to human health and the environment. The groundwater should be remediated to a level that is acceptable to the community and future businesses that locate to Brunswick. As the local governments have stated, the hazardous wastes remaining in groundwater and soils not only threaten citizens' health, but the area's potential for redevelopment, revitalization, and increased economic opportunities as well.

Contaminated Groundwater Plume

The draft permit acknowledges briefly in condition V.G.2. that releases to groundwater from the closed surface impoundments have commingled with releases to groundwater from one or more of the SWMUs and AOCs. However, the majority of draft permit language discussing the contaminant plume is limited to releases from the closed surface impoundments and does not directly address the benzene plume. The draft permit should be revised to make clear that the corrective action requirements for contaminated groundwater include all releases from SWMUs at the site, not just the surface impoundments. Although this may already be the intent of the draft permit, the language is unclear and could lead to confusion.

4. Additional Concerns

A. Water Quality Monitoring for the Terry Creek Community

It appears that the contaminated groundwater plume has migrated offsite and is moving toward the Terry Creek Drive neighborhood, where the residents rely on wells for drinking water. EPD stated during the public meeting that it was impossible to know how deep those wells are, but we have also heard that EPD is assuming that all the drinking water wells there tap into the Floridan aquifer. It appears that the permittees are also arguing that sampling those wells is unnecessary because the wells are deep enough to be safe. Regardless, it is possible to determine well depths through various tests, and testing needs to be done to determine whether those wells are at risk for contamination.

EPD should require permittees to pay for well-depth testing in that community by an independent, third-party consultant. If the results of that testing determine that the drinking water wells tap into the aquifer zones with known contamination, permittees should have to pay for regular water quality sampling of those wells to protect those community members.

B. Flooding, Storm Surges, Climate Change, and Sea Level Rise

Prompt and full cleanup measures are necessary at this site to prevent the migration of contaminated soils, vegetation, and equipment during flood events and major storms. Although the procedures in place to secure accumulated hazardous wastes during severe weather events may be sufficient to avoid releases of those wastes, the only way to protect the surrounding community from hazardous waste migration during floods is to clean up the entire site.

A cursory examination of readily available data shows that the proposed site is already vulnerable to damage from flooding. According to geospatial models and reports from locals,

this site is currently exposed to flooding from regular tides as well as “king tides.”²² Flood maps show that portions of the site are in the 100-year flood zone and in the 500-year flood zone.²³ Both 100-year and 500-year floods are becoming more common due to climate change and sea level rise, and for this site, hurricanes are a major threat.²⁴

Just a few years ago, storm surge from Hurricane Irma flooded portions of the site, moving highly contaminated soils into nearby creeks and damaging the underflow weir in the outfall ditch.²⁵ At the time, Irma had already been downgraded to a tropical storm, and the center of the storm was over 100 miles away. Even in the storm’s weakened state, Irma’s storm surge broke Brunswick’s 6.2 foot surge record set by Hurricane Matthew a year earlier.²⁶ In fact, the tide gauge actually broke while measuring Irma’s storm surge at 6.9 feet over mean high tide.²⁷

To compound this issue, climate change is fueling more powerful hurricanes that will bring even stronger storm surges. The National Oceanic and Atmospheric Administration has prepared National Storm Surge Maps that estimate how much storm surge could be expected in the event of future hurricanes. Examining this data for the Hercules site reveals that it could be inundated with 6 feet to over 9 feet of water during a Category 3 hurricane.²⁸ Even a Category 1 hurricane could inundate the site with up to 6 feet of water, as depicted in the maps below.

²² King tides are exceptionally high tides that typically occur during a new or full moon and/or when the Moon is at its closest to Earth. <https://oceanservice.noaa.gov/facts/kingtide.html>.

²³ Ex. 1, attached.

²⁴ CBS News, “‘500-year’ rain events are happening more often than you think,” Sept. 8, 2017, [cbs.news.com/news/what-does-500-year-flood-really-mean/](https://www.cbsnews.com/news/what-does-500-year-flood-really-mean/) (last visited Apr. 27, 2020).

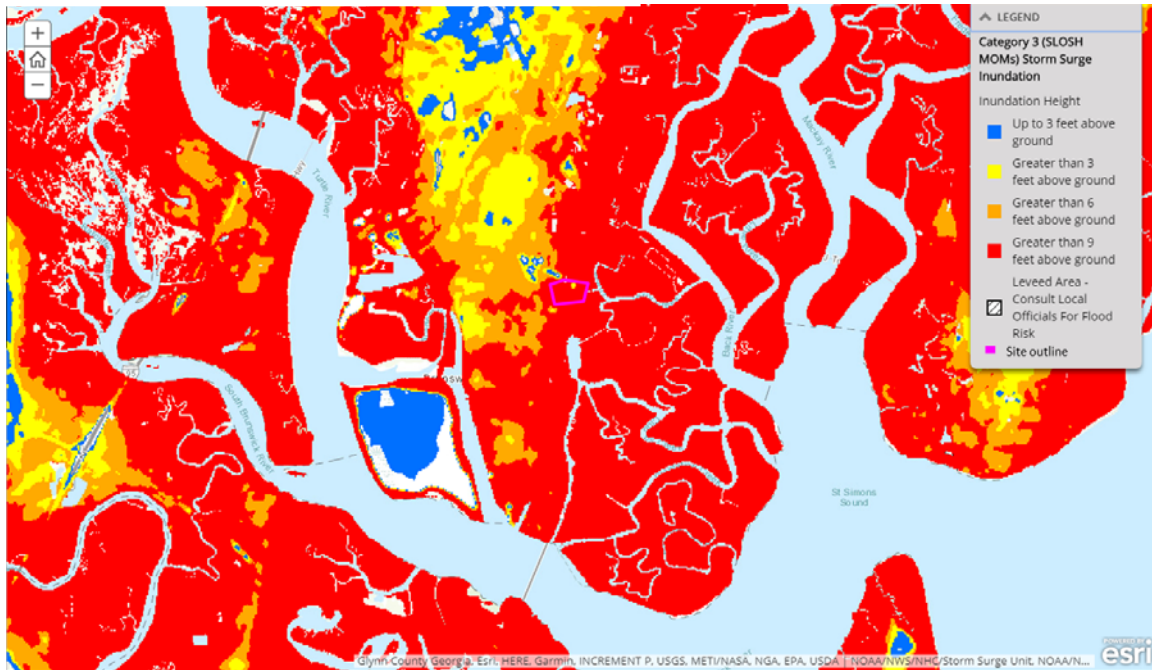
²⁵ Joshua Sharpe, *One Georgia Superfund Site Damaged by Irma; Others Under Review*, THE ATLANTA JOURNAL-CONSTITUTION, Sept. 19, 2017, <https://www.ajc.com/news/local/one-georgia-superfund-site-damaged-irma-others-under-review/8VFYQVdwJM9PeKW9ctxU1I/>; Wes Wolfe, *Superfund Sites Receive Tentative Thumbs Up from EPA*, THE BRUNSWICK NEWS, Sept. 20, 2017, https://thebrunswicknews.com/news/local_news/superfund-sites-receive-tentative-thumbs-up-from-epa/article_f4dcf8f2-5dff-5a00-b3d9-e1f2e2460da4.html.

²⁶ Larry Hobbs, *Irma’s Wrath Brings Floods, Wind Damage*, THE BRUNSWICK NEWS, Sept. 11, 2017, https://thebrunswicknews.com/news/local_news/irma-s-wrath-brings-floods-wind-damage/article_570de98c-fe78-54da-8fda-409b3237fcb0.html.

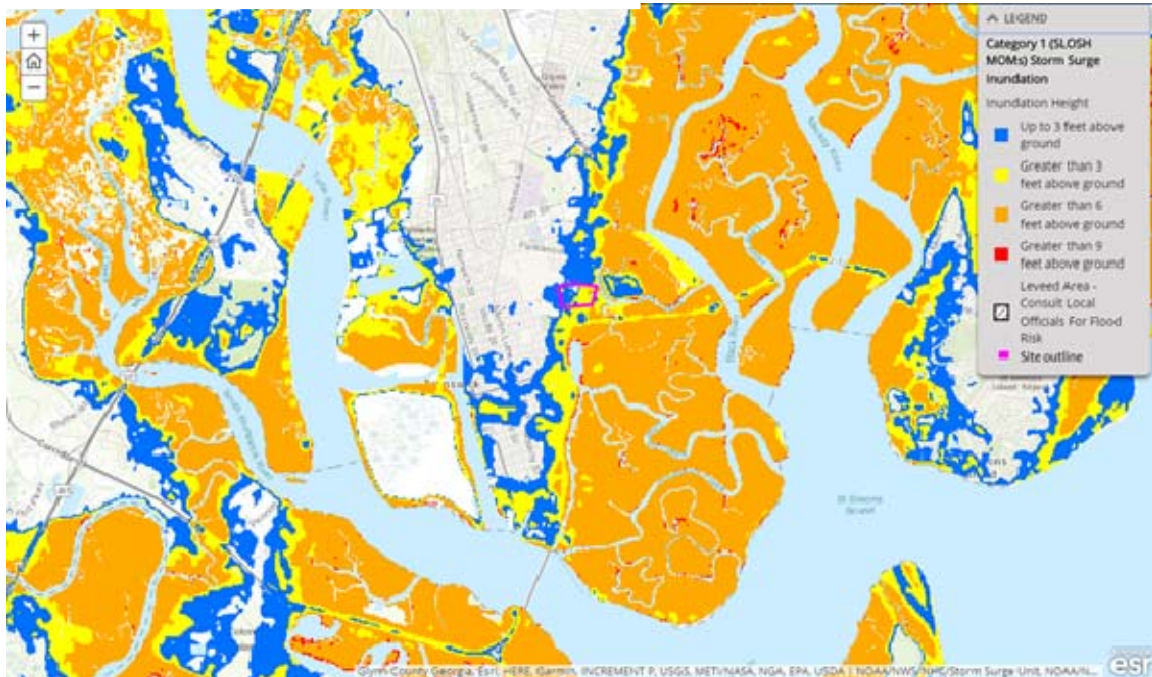
²⁷ *Id.*

²⁸ NOAA’s National Storm Surge Hazard Maps can be found at http://noaa.maps.arcgis.com/apps/MapSeries/index.html?appid=d9ed7904dbec441a9c4dd7b277935fad&entry=1_

CATEGORY 3 STORM SURGE INUNDATION



CATEGORY 1 STORM SURGE INUNDATION



Overall, storm surges of that magnitude have the potential to erode vegetation and contaminated soils, causing them to enter nearby tidal creeks or move to neighboring properties. These concerns will only increase as sea levels rise and storms get stronger and more frequent. Thus, EPD should ensure that this permit mandates aggressive cleanup deadlines, and the agency should impose severe penalties for noncompliance.

C. Plant and Animal Exposures to Hazardous Wastes

We further advocate for a requirement that Hercules conduct a more thorough analysis of the pathways in which plants and animals are exposed to the onsite contaminants and to continue to monitor those plants and animals as the site is remediated. Birds and aquatic species may eat small organisms that accumulate contaminants from the soil. In addition, marsh grass and other plants may remove contaminants from the soils when they grow in contaminated areas. Those plants could be eaten by other organisms or leave the site during storms, winter dieback, or outgoing high tides.

D. Worker Safety

A handout we received at the public information session on the draft permit notes that vapor intrusion is one of five main areas of concern at the facility. Another listed area of concern is the existence of non-aqueous phase liquid (NAPL) and shallow groundwater containing elevated levels of contamination in the center portion of the production area of the site. Given this information, we are concerned that (1) the permittees' employees may have been and may currently be exposed to hazardous constituents, and (2) the agencies that typically handle worker safety issues may not have this on their radars. This begs the question: has the extent to which workers can be exposed to hazardous wastes without suffering adverse health impacts been established? Likewise, have the health risks of exposure to hazardous constituents from vapor intrusion and the NAPL been defined?

Although permittees indicate that the vapor intrusion and NAPL issues will be addressed in the CAP, we believe that these issues warrant prompt and mandatory attention. Effective immediately, all employees should be given personal protective equipment when entering the main production area or any buildings where vapor intrusion is suspected, otherwise those areas should be closed until studies have concluded and corrective actions have been implemented. Meanwhile, the permittees should coordinate the investigations into worker health and safety with the Department of Public Health and other pertinent state agencies.

4. Conclusion

Thank you for your timely consideration of these comments. We support the ultimate renewal of the Hazardous Waste Facility Permit with our suggested improvements to ensure responsible handling of hazardous wastes and continued cleanup of contaminated soils and groundwater.

If you have any questions or concerns, please contact me at (404) 521-9900 or alipscomb@selcga.org.

Sincerely,

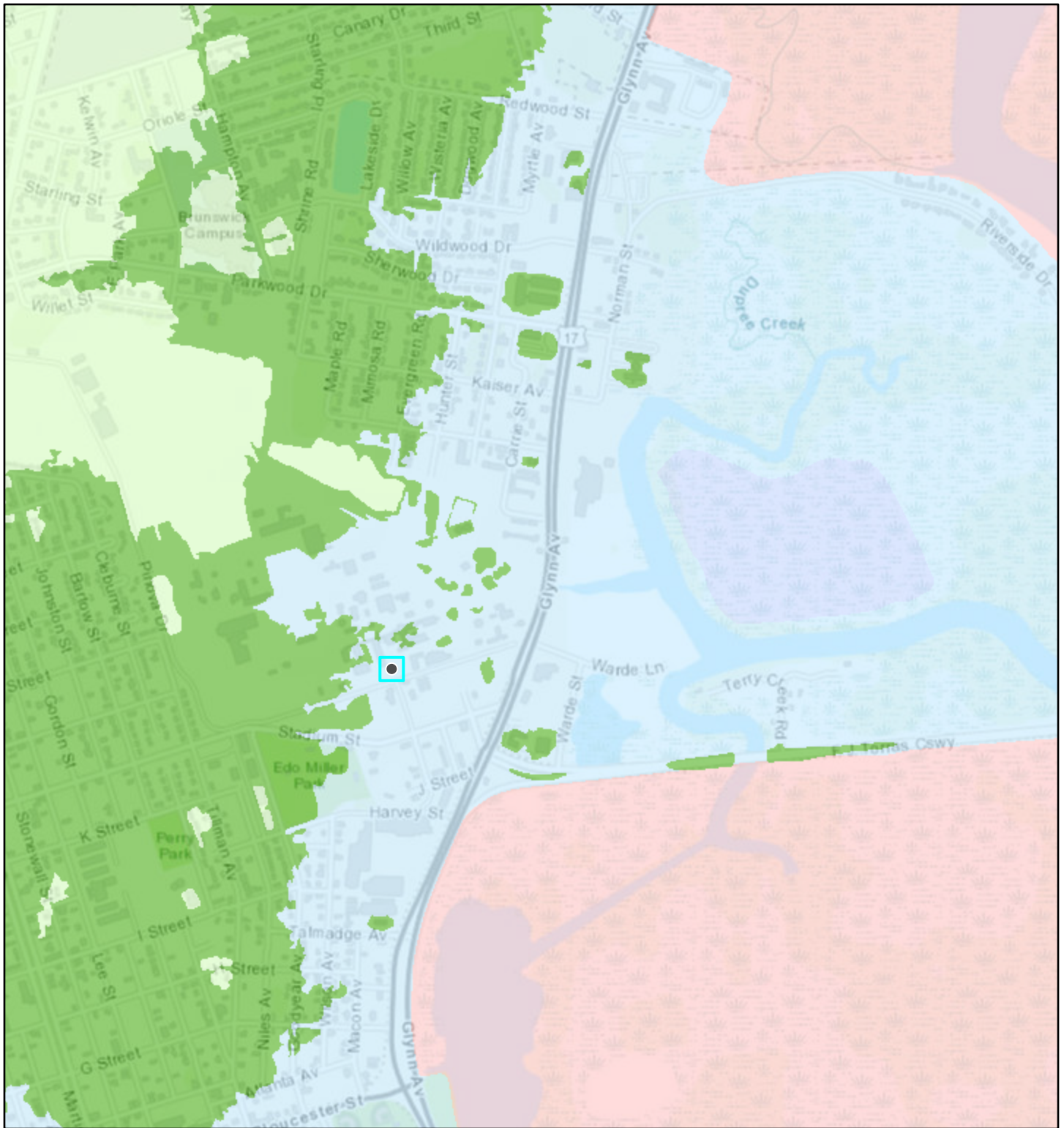


April Lipscomb
Senior Attorney

Attachment: Ex. 1

Exhibit 1

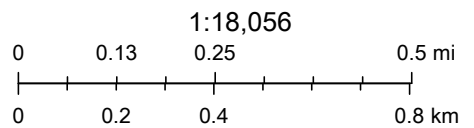
Georgia Coastal Hazards Portal



April 29, 2020

Flood Zones

- Inside the 100 year Flood Zone, w/ BFE established
- Inside the 100 year Flood Zone, w/ no BFE established
- Inside a Regulatory Floodway, w/ BFE established
- Inside the 100 year Flood Zone w/ VH w/BFE established
- Inside the 500 year Flood Zone
- Outside the 500 year Flood Zone



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Dr. Clark Alexander



P.O. Box 2443
Brunswick, GA 31521
(912) 466-0934
www.glynnenvironmental.org

April 30, 2020

VIA ELECTRONIC MAIL

Jim Brown
Program Manager
Hazardous Waste Corrective Action Program
Land Protection Branch, Environmental Protection Division
Georgia Department of Natural Resources
jim.brown@dnr.ga.gov

Re: Comments on Draft Hazardous Waste Facility Permit Number HW-052(D&S)-2

Dear Mr. Jim Brown,

I am writing you today on behalf of Glynn Environmental Coalition, our Board of Directors, membership community, and residents and visitors that may be impacted by hazardous waste at the Hercules/Pinova Facility. The Glynn Environmental Coalition is committed to our mission, assuring a clean environment and healthy economy for citizens of coastal Georgia. We appreciate the opportunity to submit the following comments on the draft Hazardous Waste Facility Permit Number HW-052(D&S)-2, proposed to be renewed/issued to Hercules LLC and Pinova, Inc.

In this letter, we offer a number of general comments and specific comments on the draft permit language itself where we believe modifications are needed for the Environmental Protection Division (EPD) to consider to protect human health and the environment in this permit renewal process. On the last page, you can see a list of referenced materials. The Glynn Environmental Coalition has also reviewed comments that have already been submitted by One Hundred Miles and residents Ron Adams and Daniel Parshley, in addition to comments submitted on behalf of the Glynn Environmental Coalition by the Southern Environmental Law Center. We support these comments fully and we have attempted not to duplicate those comments where we deemed it appropriate to assist in a prompt review by the EPD staff.

1. General Comments

First, we would like to applaud EPD for concluding that the surficial aquifer in the vicinity of the permittees' Brunswick facility should be evaluated as a potential source of drinking water.¹ EPD must hold firm to that position so that permittees are required to meet cleanup performance standards that protect potential sources of drinking water, and human health and the environment. Alternate concentration limits based on a non-potable determination would allow more pollutants to remain onsite and potentially migrate offsite.

We would also like to take a moment to commend the EPD for providing initially, without any requests for extension, a comment period of 77 days. As a general rule, when the Glynn Environmental Coalition is made aware of an opportunity for public participation that will

require residents to understand historical industrial operations and review lengthy, technical documents, we frequently request extensions to allow our community to better comprehend this information and articulate meaningful comments. We appreciate that extra time was provided on the front end of this permit application, without our community having to make requests for the necessary additional time. Lastly, we appreciate that due to complications caused by COVID-19, the EPD further extended this deadline to April 30, 2020, for a total of a 108-day comment period.

Further, normally during the public comment period, a copy of the draft permit and supporting documents are only available to the public for review in two locations: the Atlanta Land Protection Branch and the public repository (in this case the Brunswick-Glynn County Public Library). At the public meeting, the Glynn Environmental Coalition discussed the option of making these documents available on the EPD website, as they are for other permitting processes within the Department of Natural Resources. EPD staff mentioned the ‘red tape’ involved with making these documents available on the EPD website, however, due to COVID-19 and the fact that both the Atlanta EPD office and the public repository were closed, the EPD promptly made these documents available on their website. We appreciate the ability of the EPD to accommodate our community in this way. We highly recommend that in the future key documents be made available online in addition to being available at the Atlanta office and the public repository. Doing so will significantly increase the ability for the public to access, review, and articulate meaningful comments during vital public participation periods that significantly impact human health, our community’s wellbeing, and the overall health of our environment.

2. Decades of Delays and Lack of Enforcement

As mentioned in previous comments on this permit², and during the Public Hearing on March 5th, 2020, the Glynn Environmental Coalition encourages prompt removal and proper disposal of hazardous waste at operating facilities in to avoid unnecessary spills and/or releases, and ultimately eliminate risks to human health and the environment. Years of delay and lack of meaningful progress in remediating hazardous wastes on-site, as well as lack of enforcement action for ongoing violations of the current Hazardous Waste Facility Permit, continuously puts nearby communities and the environment at risk. Little has been done to remediate the groundwater plume that continues to move eastward underneath Highway 17, and large amounts of Toxaphene ridden soils on-site and offsite remain.

The first Hazardous waste permit was issued by the EPD in December of 1987 for storage of over 55,000 gallons of hazardous waste. The permit was then modified in 2005 to include post-closure care activities and site-wide corrective action. However, since then the Permittees have delayed implementing interim and final corrective action measures and seemingly refuse to comply with their permit and state and federal laws. Permittees continue to fail to meet deadlines and schedules of implementation, and we know that the EPD is well aware of that though minimal enforcement action has been taken.

In April 2007, EPD informed Hercules of its intent for Hercules to conclude all corrective action activities at the facility by September 2020 and, meanwhile, to complete facility investigations and to select final remedies “no later than September 30, 2012.”³ Hercules failed

to meet the 2012 deadline and will not meet the September 2020 deadline, which is now only five months away.

In 2011, EPD in a letter to Hercules and Pinova notified the Permittees had not made ‘sufficient progress with needed investigation and corrective action’ at the facility in the ‘four-plus years’ since April 2007 letter.⁴ Further, the EPD states in this “Without an increased effort, soil and groundwater contamination from your facility will continue to be inadequately addressed and remain a potential threat to human health and the environment.” Nine years ago, the EPD was well aware of the significant delays and stalling taking place on behalf of the Permittees and the inherent risks posed by the hazardous chemicals present. The EPD needs to hold firm and enforce the permit as it is intended to do to relieve our community of this legacy contamination, and the risks posed to the health of our community, our local economy, and the environment.

In 2013, EPD informed Hercules of the need for interim measures and an interim measures work plan under the existing permit to address off-site groundwater contamination.⁵ But according to EPD, as of August 10, 2016, Hercules still did “not have the interim measures in place and it ha[d] been almost 3 years since [EPD] called in the interim measures and almost 2 years since [EPD] approved the interim measures.”⁶ EPD has acknowledged that Hercules consistently fails to meet even self-imposed deadlines by 6 to 12 months.⁷

In yet another example, Hercules was required to submit a Corrective Action Plan (CAP) to EPD within 90 days of receiving the Director’s written notice of the need for additional corrective action based on the soils and groundwater RFI Phase III Report.⁸ That report was submitted to EPD in February 2015, and EPD approved the report on April 29, 2015. In its approval letter, EPD concluded that corrective measures were needed. Under the current permit, the CAP was due on July 28, 2015.

To this day no CAP has ever been submitted. Instead, Hercules chose to focus on completing a risk assessment for groundwater, which it claims “will bear on the selection of corrective measures.”⁹ EPD called for that risk assessment in February 2015 and sent an email to Hercules in August 2016 complaining that the “risk assessment is still not complete over 1 year later.”⁷ That risk assessment is still incomplete, over 5 years later. Rather than submit a CAP to remediate groundwater contamination, Hercules chose instead to perform additional studies so that they could argue in the future alternate concentration limits based on a non-potable determination. In other words, the company is doing everything it can to keep pollution in the groundwater and avoid spending money.

Notably, EPD has told the Permittees that they are aware of cost-saving delay tactics. In December 2011, EPD stated in a letter to the Permittees “EPD is aware that there are financial benefits to not completing a site-wide investigation and developing a corrective action plan in a timely manner; including the cost-benefit of delaying the investigation and corrective action and not having to provide financial assurance for the cost of corrective action. If you are unwilling to move forward with the investigation and corrective action at your facility, EPD may take enforcement steps to ensure financial benefits are not obtained through delays in compliance.”⁴

A recent review of enforcement records shows that EPD has fined Hercules only twice for hazardous waste permit violations. Twenty years ago, in 2000, EPD fined Hercules \$160,000 for various violations of the rules for hazardous waste and water quality control.¹⁰ In 2014, EPD fined Hercules \$30,000 for selling property that was undergoing corrective action to the hospital for a parking lot without properly notifying the public or submitting a permit modification application.¹¹

Enough is enough. When is the EPD going to 1) prevent the Permittees from continuing to delay remediation activities; 2) prevent the Permittees from continuing to reap the financial benefits from decades of delays; 3) enforce the permit in question and require the Permittees to be in compliance with the deadlines and deliverables as outlined; and 4) facilitate steep, continuous penalties for lack of compliance (i.e. a set dollar amount per day the permit is out of compliance)? If EPD is not willing to follow through with enforcement, then compliance for the Permittees is ultimately optional. Hercules and Pinova must be held accountable for the hazardous waste that continues to plague our community and they must be required to clean it up. The EPD should no longer tolerate noncompliance and actions taken by the EPD following the renewal of this permit should reflect that.

3. Specific Comments on each Section of the Draft Permit

I. GENERAL PERMIT CONDITIONS

We support fully the comments shared on behalf of the Glynn Environmental Coalition by the Southern Environmental Law Center.

In addition to those comments, a requirement should be made that Permittees should host an Availability Session bi-annually, or at a minimum annually, to provide additional opportunities for the public to be informed on the ongoing remedial activities taking place at the site. Our residents have a right to know what the Permittees are doing to remove these hazardous chemicals from our community and have their concerns addressed and their questions answered.

V. POST CLOSURE CARE AND CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

We support fully the comments shared on behalf of the Glynn Environmental Coalition by the Southern Environmental Law Center. We concur that this section of the draft permit is inadequate, and ultimately will lead to more delays in cleaning up hazardous waste, limit future use of the property and surrounding areas, and endanger the community for generations to come.

To reiterate a few of these detailed concerns/revisions:

- EPD should, at a minimum, revert to the shorter time periods in earlier versions of the draft permit, *and then* cut most of the other time frames in half, if not more.
- EPD should require Permittees to submit and approve the CAP before issuing the permit renewal. Permittees are already in violation of the existing permit for failing to submit a CAP within 90 days, EPD should not grant them another three months to submit a plan that should have been submitted years ago.

- Given the extensive delays at this site, Permittees and EPD should not be allowed to hide behind extensions granted over the phone. The surrounding community deserves to know when and why extensions are granted.
- The draft permit should include a condition mandating a deadline for concluding all corrective action activities. EPD should set an aggressive alternative deadline for permittees to conclude all corrective actions. Both Glynn County and the City of Brunswick suggest in recently passed resolutions, we agree with these proposed deadlines and urge EPD to include the same or similar conditions in the final permit.

4. Additional Concerns

A. Water Quality Monitoring for the Terry Creek Community

The contaminated groundwater plume has migrated offsite, under highway 17, and is moving toward the Terry Creek Drive neighborhood. Plans to sample drinking water wells in that neighborhood for hazardous wastes are not defined and current testing is not conducted regularly. We urge the EPD to define a sampling regimen and test community well quarterly, or at a minimum bi-annually to prevent contamination of drinking water in residential wells and eliminate the risk of exposure to the residents living in that neighborhood. If any residents have wells for uses such as watering gardens, those wells, too, should be tested.

It should be noted that the depth of the wells in the Terry Creek Drive neighborhood is unknown. At the public meeting in March 2020, this was discussed with EPD staff. We appreciate that the EPD was not making assumptions on the depth of the wells there, but we are concerned that there are no plans to determine the depth of the wells. If, in fact, the wells are tapped into the Floridan aquifer, the migrating groundwater plume poses minimal risk to the drinking water wells in that neighborhood (except for risks posed by other shallow-water wells used for irrigation or other residential uses outside of drinking water).

We urge the EPD and Permittees to investigate and determine the depth of the wells in that neighborhood. In conversations at the March 2020 public meeting, EPD staff made it sound like the only mechanism for determining this information would be to located records of who drilled the well and how deep it was drilled. A basic understanding of water chemistry and the chemical composition of aquifer systems reveal that each aquifer has a ‘fingerprint’, with varying levels of dissolved compounds and sediments (i.e. Satilla Formation, Ebenezer Formation, Floridan Aquifer, etc.). To investigate and make a determination of the approximate depth of the wells in this neighborhood, samples from the neighborhood can be compared to samples of wells with known depths. The depth of wells within this neighborhood must be confirmed to protect residents from the plume of contaminated water migrating towards this community.

B. Climate Change, Storm Surges, and Sea Level Rise

We support fully the comments shared on behalf of the Glynn Environmental Coalition by the Southern Environmental Law Center.

C. Plant and Animal Exposures to Hazardous Wastes

We support fully the comments shared on behalf of the Glynn Environmental Coalition by the Southern Environmental Law Center.

D. Worker Safety

We are unaware of the extent to which Hercules and Pinova warn their employees and contractors about possible hazardous waste exposure on the site, but we are concerned about their exposure to legacy contamination as well.

A handout we received at the public information session on the draft permit notes that vapor intrusion is one of five main areas of concern at the facility. Another listed area of concern is the existence of non-aqueous phase liquid and shallow groundwater containing elevated levels of contamination in the center portion of the production area of the site. Given this information, we are concerned that (1) the Permittees employees may have been and may currently be exposed to hazardous constituents, and (2) the agencies that typically handle worker safety issues (i.e. Occupational Safety and Health Administration or the Department of Public Health) may not be aware of the risks posed to industrial workers on this site. The fact that a risk assessment has never been completed for this area of the site confirms that these risks are unknown and workers may be unnecessarily exposed. Has the extent at which workers can be exposed to on-site chemicals been defined? Has the health risks associated with that exposure been clearly defined?

Although Permittees indicate that the vapor intrusion and NAPL issues will be addressed in the CAP, we believe that this issue may warrant more attention either in the permit itself or by coordinating with the Department of Public Health or other pertinent state agencies. In the meantime, 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.

5. Conclusion

Thank you for your timely consideration of these comments. We support the renewal of the Hazardous Waste Facility Permit with our suggested improvements to ensure timely cleanup of hazardous wastes, contaminated soil, and groundwater. Our community fully supports the EPD in their efforts to renew *and enforce* this permit to protect human health and the environment. We greatly look forward to a chemical hazard free and revitalized community following the completion of remediation activities.

If you have any questions or concerns, please contact me at (912) 466-0934 or gec@glynnenvironmental.org.

Sincerely,

Rachael Thompson
Executive Director

References

- ¹ Letter from Richard Dunn, Director, Ga. EPD, to Tim Hassett, Project Manager, Hercules Inc., re: Baseline Human Health and Ecological Risk Assessment, 1 (Nov. 19, 2018).
- ² Letter from Frank Lea, President, Glynn Environmental Coalition, to Judson Turner, Director, Georgia Environmental Protection Division (December 6, 2013).
- ³ Letter from Mark Smith, Chief, Hazardous Waste Mgmt. Branch, Georgia Environmental Protection Division, to Glenn Hoffman, Hercules Inc. (Apr. 13, 2007).
- ⁴ Letter from Mark Smith, Branch Chief, Land Protection Branch, Georgia Environmental Protection Division, to Tim Hassett, Project Manager, Hercules, Inc., and Pat Grozier, Director of Operations, Pinova, Inc. (Dec. 1, 2011).
- ⁵ Letter from Jim Brown, Program Manager, Ga. EPD, to Tim Hassett, Hercules (Dec. 23, 2013).
- ⁶ Email from Penny Gaynor, Geologist, Ga. EPD, to Tim Hassett, Hercules (Aug. 10, 2016).
- ⁷ Email from Jim Brown to Tim Hassett (Aug. 11, 2016).
- ⁸ Permit No. HW-052(H&S), Condition V.G.1. (2015, as amended).
- ⁹ Hercules and Pinova, 2017 RCRA Permit Application, Section C – Groundwater Monitoring, at 12.
- ¹⁰ <https://enfo.gaepd.org/Orders/Details/10471> (last visited April 27, 2020).
- ¹¹ <https://enfo.gaepd.org/Orders/Details/63361> (last visited April 27, 2020).

Ronald M. Adams
252 Satilla Drive
Brunswick, Georgia 31523

April 24, 2020

Mr. Jim Brown
Georgia Environmental Protection Division
Land Protection Branch

Via Email Jim.Brown@dnr.ga.gov

RE: Hercules/Pinova HW-052(D&S)

Mr. Brown:

The Hercules/Pinova HW-052(D&S) is up for renewal. The first permit was issued in 1987 and was last renewed in 2007. In 2015, the permit was modified to provide for the release of land sold by Hercules to the local hospital. Without prior approval from EPD, Hercules sold this property and EPD fined Hercules \$30,000 for transferring property subject to the permit. The current permit matured in October of 2017. Operations have continued under the existing permit since that time.

In 2007, EPD in the attached letter ([Attachment 1](#)) notified Hercules of “the EPD initiative to conclude by September 30, 2020 all corrective action activities for facilities now subject to the corrective action provisions of Georgia’s Hazardous Waste Management Act. Your facility is one of 76 in Georgia...”. In 2011, EPD notified Hercules and Pinova that there had been a “Lack of Progress”. ([Attachment 2](#)) In part, EPD wrote that “EPD is aware that there are financial benefits to not completing a site-wide investigation and developing a corrective action plan in a timely manner; including the cost-benefit of delaying the investigation and corrective action and not having to provide financial assurance for the cost of corrective action.” EPD’s target date for conclusion of all corrective action is now five months away. For much of the Hercules/Pinova site, a Corrective Action Plan has not been formulated, much less implemented and concluded. EPD has not taken enforcement action for Permittees’ failure to take required action.

Upon Hercules providing a map to EPD in 2013 of a benzene plume leaving the Hercules site and migrating beneath several properties, including property owned by my family and me, EPD ordered Hercules and Pinova to notify affected property owners and to institute corrective action to protect human health and the environment. ([Attachment 3](#)) While a plan to protect human health and the environment and an amendment to that plan were approved, no corrective action has taken place. EPD has not taken enforcement action for Permittees’ failure to take required corrective action.

The current permit requires the Permittees to prepare a Corrective Action Plan within 90 days of approval of the RFI plan. The RFI plan was approved in 2015; however, five years later, the

Jim Brown
April 24, 2020
Page Two

Permittees have yet to produce the required Corrective Action Plan. EPD has not taken enforcement action despite the lack of required action by Permittees.

In early 2015, Permittee Hercules performed a Mass Flux Study to determine the location and volume of contaminant mass moving from the main plant site toward the east. Despite numerous requests for the study by EPD, Hercules waited until June of 2016 to release the study. The study revealed two primary contaminants migrating from the plant, benzene and chloroform. Benzene was in all wells along the nearly 2,300-foot line of wells on the west side of US 17. The highest benzene reading was 12,370 ppb, over 2,400 times the EPA safe drinking water standard of 5 ppb. Chloroform readings in excess of 333,000 ppb compared to the EPA drinking water standard of 80 ppb were present in the wells.

In August 2016, in response to an email exchange between Hercules and EPD, Jim Brown wrote, "Yes, you are making progress and we appreciate the work Hercules/Pinova are doing at the site. The schedules and submittals Penny was referencing were not established by EPD, they are schedules that Hercules/Pinova has established and so I wouldn't characterize is as not going 'as fast as EPD would like'. If you make a commitment to provide us something by a given date I don't think it is unreasonable for us to expect it by that date. For example, Hercules/Pinova are making commitments to provide documents to EPD on the TRIAD calls and you are not meeting those commitments...Also Hercules/Pinova has provided schedules to EPD of IM (*Interim Measures*) work and you are not meeting the deadlines in those schedules. We understand that sometimes deadlines slip a little due to unforeseen circumstances, but we're talking deadlines being missed by 6-12 months. If you can't meet your own deadlines we may need to go to a process where we have enforceable schedules for submittals. I'd rather keep the flexibility we have now, and continue with the TRIAD process, but we need to keep things moving forward in a timely fashion." (Attachment 4 is a copy of the email string).

Hercules has asserted contamination migrates downward to a confining layer about 90 feet below the plant site and migrates horizontally to the east. Contrary to that hypothesis, benzene is in shallow readings (approximately 20 feet deep) along L Street frontage on the south end of the Mass Flux Study line of wells. The benzene readings continue at depths ranging from 17 feet to 67 feet in Mass Flux wells MF19 to MF24 at readings from 15 ppb to 9,400 ppb. The Mass Flux data is included in Tables C-4.1 and C.4.2 in the Hercules/Pinova permit application.

Furthermore, the presence of benzene in well 55I (along the banks of DuPree Creek just south of the common boundary with the property of my family) contradicts this hypothesis. Highlighting further the question of upward mobility of benzene is the presence of benzene in well 39I further south along DuPree Creek. These positive readings in the shallow to intermediate zone in the surficial aquifer are in areas with no known shallow source. The upward migration of benzene must be understood and neither the Hercules/Pinova application nor the EPD permit provide complete information on this. The permit does not appear to require a rigorous investigation and analysis and definitive conclusions by a date certain as to the source of this contamination.

Permittees recently installed test wells opposite the southern end of the plant site on the east side of US 17. A benzene reading of 1,000 compared to the drinking water standard of 5 and a chloroform reading of 58,000 ppb compared to the drinking water standard of 80 ppb occurred in February 2020. No testing of the shallow zone of the upper surficial aquifer has been performed at this site. Particularly considering the shallow zone benzene readings across the street from the new well sites, the permit should require (if permission from the owner is obtained) annual testing of shallow zone wells at the site of wells 58, 59, and 60. Shallow wells should be installed at 20-30 feet. The intermediate wells are installed at 40, 38, and 40 feet respectively and screened for 10 feet. The deep wells were screened from 72-82, 80-90, and 85-95 feet, respectively, despite noted odors in 59D from 64-68 feet and noted odors in 60D from 70-80 feet.

One of the problems of tracking matters at this site is the massive volume of data that has accumulated since the first tests in 1990. From 1990 to 2016, there have been 73,631 discrete readings of test data. For this data to be useful and usable, the permit should require all test data be available in a searchable Excel Spreadsheet that users of the reports can access to help determine trends. Permittee Hercules has such a document through at least 6/2016, so making information available in that format would not be overly burdensome.

Another concern is the presence of the LNAPL at the site. (LNAPL is essentially a pool of concentrated chemicals floating on the shallow groundwater.) (Attachment 5 is the LNAPL map.) The LNAPL is in an active manufacturing part of the plant which current employees routinely occupy. Many of the contaminants in the LNAPL plume are no longer used in the operation of the plant. Therefore, OSHA does not regulate exposure to these constituents. Neither the permit nor the application appear to address exposure to the LNAPL. I ask that the presence of the chemicals in the LNAPL be evaluated in the manner that OSHA would evaluate them as if they were currently used in the operation. The health and safety of the workers on the site is of utmost importance.

All of these actions and lack of actions by Permittees over the course of thirty years and their pervasive and ongoing disregard of the rights and safety of others and the environment highlight that the behavior of the Permittees as it relates to the permit can no longer be tolerated.

Specifically:

- This permit must contain measurable, time-certain requirements for results.
- This permit must require Permittees to prevent contaminants from leaving the plant site on the west side of U.S. 17 no later than December 31, 2021.
- This permit must require Permittees to remediate all their off-site contamination by December 31, 2023.
- EPD should require remediation of the entire plant site by December 31, 2024, four years and three months after the date EPD told Hercules to complete corrective action.

Jim Brown
April 24, 2020
Page Four

I also ask that EPD commit now to take substantive enforcement action within thirty (30) days of any failure to meet required deadlines. One of the main contaminants that we are concerned about today, benzene, was last used on the Hercules site fifty years ago, in 1970. Another primary contaminant, chloroform, has the production of Toxaphene as its ultimate source. Toxaphene was last produced in 1980, forty years ago. The time for EPD to protect the people of Glynn County -- and the adjacent property owners like my family and me -- is now.



Ron Adams

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive SE, Suite 1152 East, Atlanta, Georgia 30334

Noel Holcomb, Commissioner
Environmental Protection Division
Carol A. Couch, Ph.D., Director
(404) 656-7802

April 13, 2007

GLENN HOFFMANN
HERCULES INCORPORATED
PO DRAWER 1517
BRUNSWICK, GA 31521

FILE COPY

RE: 2020 Initiative
HERCULES INCORPORATED, GAD004065520
2801 COOK STREET, BRUNSWICK, GA

Dear GLENN HOFFMANN:

The Georgia Environmental Protection Division and the U.S. Environmental Protection Agency are undertaking an initiative to conclude by September 30, 2020 all corrective action activities for facilities now subject to the corrective action provisions of Georgia's Hazardous Waste Management Act. Your facility is one of 76 in Georgia subject to these requirements, and has been identified in a list of 3,880 facilities nationwide posted on the U.S. EPA's web site at <http://www.epa.gov/correctiveaction> as of April 16, 2007.

To assist in meeting the 2020 goal, Georgia is establishing an interim goal of completing facility investigations and selecting final remedies no later than September 30, 2012. To assist you in meeting these goals, my staff will be working with your facility over the next year to develop a schedule identifying the activities that need to be completed.

Because your property is also listed on Georgia's Hazardous Site Inventory, EPD is encouraging you to incorporate the cleanup standards specified in the Rules for Hazardous Site Response in the evaluation of your remedial strategies. By incorporating these standards, we hope to achieve the removal of your property from the Hazardous Site Inventory at the same time the hazardous waste facility corrective action requirements are met.

It is our commitment to implement these goals in a cost-effective manner that restores impacted natural resources and the future development potential of your land. Your dedication to work with us in achieving these goals is appreciated.

Sincerely,



Mark Smith, Chief
Hazardous Waste Management Branch

File

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., SE, Suite 1154 E, Atlanta, Georgia 30334-9000
Mark Williams, Commissioner
Environmental Protection Division
F. Allen Barnes, Director
Land Protection Branch
Mark Smith, Branch Chief
Phone: 404/656-7802 FAX: 404/651-9425

CERTIFIED MAIL
Return Receipt Requested

December 01, 2011

Mr. Tim Hassett
Project Manager
Hercules, Inc.
500 Hercules Road
Wilmington, DE 19808-1599

FILE COPY

Mr. Pat Grozier
Director of Operations
Pinova, Inc.
2801 Cook Street
Brunswick, GA 31520-6160

RE: Lack of Progress, Hercules/Pinova
Facility, Brunswick, Glynn County
EPA ID# GAD004065520

Dear Mssrs. Hassett and Grozier:

In an April 13, 2007, letter I described the joint corrective action initiative being conducted by the Georgia Environmental Protection Division (EPD) and the U.S. Environmental Protection Agency (EPA). The goal of that initiative is to have all hazardous waste corrective action activities at the facilities in Georgia subject to the Georgia Hazardous Waste Management Act completed by September 31, 2020. The letter also described an interim goal of completing site - wide investigation and corrective action remedy selection by September 30, 2012.

In the four-plus years since the original letter, you have not made sufficient progress with the needed investigation and corrective action at your facility. Although the SWMU #5 remedial action has been completed, progress towards delineating releases from the other 34 identified SWMUs at the facility has stalled. Specifically, since our Triad kick-off meeting on December 16, 2009, an acceptable workplan for moving forward with this delineation approach has not been submitted to EPD. Further, Jim McNamara, of my staff, had a telephone conference with you on June 23, 2011, to discuss some items, including developing a strategy for determining background levels for constituents already identified at the facility, that needed to be accomplished before the Triad approach can be implemented. At this writing, EPD has not received any submittals nor been contacted regarding these tasks. Without an increased effort,

Hercules/Pinova Lack of Progress
December 01, 2011
Page 2

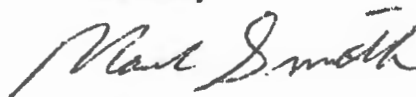
soil and groundwater contamination from your facility will continue to be inadequately addressed and remain a potential threat to human health and the environment.

EPD is aware that there are financial benefits to not completing a site-wide investigation and developing a corrective action plan in a timely manner; including the cost-benefit of delaying the investigation and corrective action and not having to provide financial assurance for the cost of corrective action. If you are unwilling to move forward with the investigation and corrective action at your facility, EPD may take enforcement steps to ensure financial benefits are not obtained through delays in compliance.

EPD would like to meet with you to discuss the work that needs to be done at the Hercules/Pinova facility and develop a schedule for when the needed investigation and corrective action will be completed. You will be contacted by EPD to schedule this meeting.

Again, EPD is committed to helping you move toward completing corrective action at your facility. We look forward to receiving a similar commitment from you.

Sincerely:

A handwritten signature in black ink, appearing to read "Mark Smith". The signature is written in a cursive style with a large initial "M".

Mark Smith
Branch Chief
Land Protection Branch

cc: Jeanette Verduin, EPA Region IV
Parvez Mallick, EPA Region IV

Georgia Department of Natural Resources

Environmental Protection Division-Land Protection Branch

2 Martin Luther King Jr., Dr., Suite 1054, Atlanta, Georgia 30334

(404) 656-7802; Fax (404) 651-9425

Judson H. Turner, Director

December 23, 2013

Sent via email and USPS

Mr. Tim Hassett
Project Manager
Hercules, Inc.
500 Hercules Road
Wilmington, DE 19808-1599

Mr. Pat Grozier
Director of Operations
Pinova, Inc.
2801 Cook Street
Brunswick, Georgia 31520

RE: Off-Site Groundwater Plume
Hercules/Pinova - Brunswick Facility
EPA ID# GAD004065520

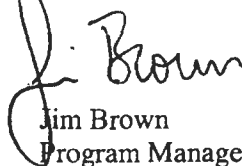
Dear Mr. Hassett and Mr. Grozier:

On December 18, 2013, Mr. Hassett and Antea, environmental consultants for Hercules, met with representatives of the Georgia Environmental Protection Division (EPD) concerning groundwater delineation issues at the Brunswick facility. During the meeting a figure showing the extent of contamination for benzene was presented (see attached) by Antea. This figure indicates that the groundwater contamination plume from the Brunswick facility has moved off-site and is located under several third-party properties.

As required by 40 CFR 264.101(c), Hercules/Pinova must implement corrective action beyond the property boundary, where necessary to protect human health and the environment. Permit Condition V.E., provides a means for Hercules/Pinova to implement an interim measure to address off-site contamination quickly without having to develop a comprehensive corrective action plan. Please prepare an Interim Measures Plan to address offsite contamination until such time that the comprehensive site-wide corrective action plan can be developed and approved. Hercules/Pinova must also immediately notify all third-party affected properties that groundwater contamination exists beneath their properties.

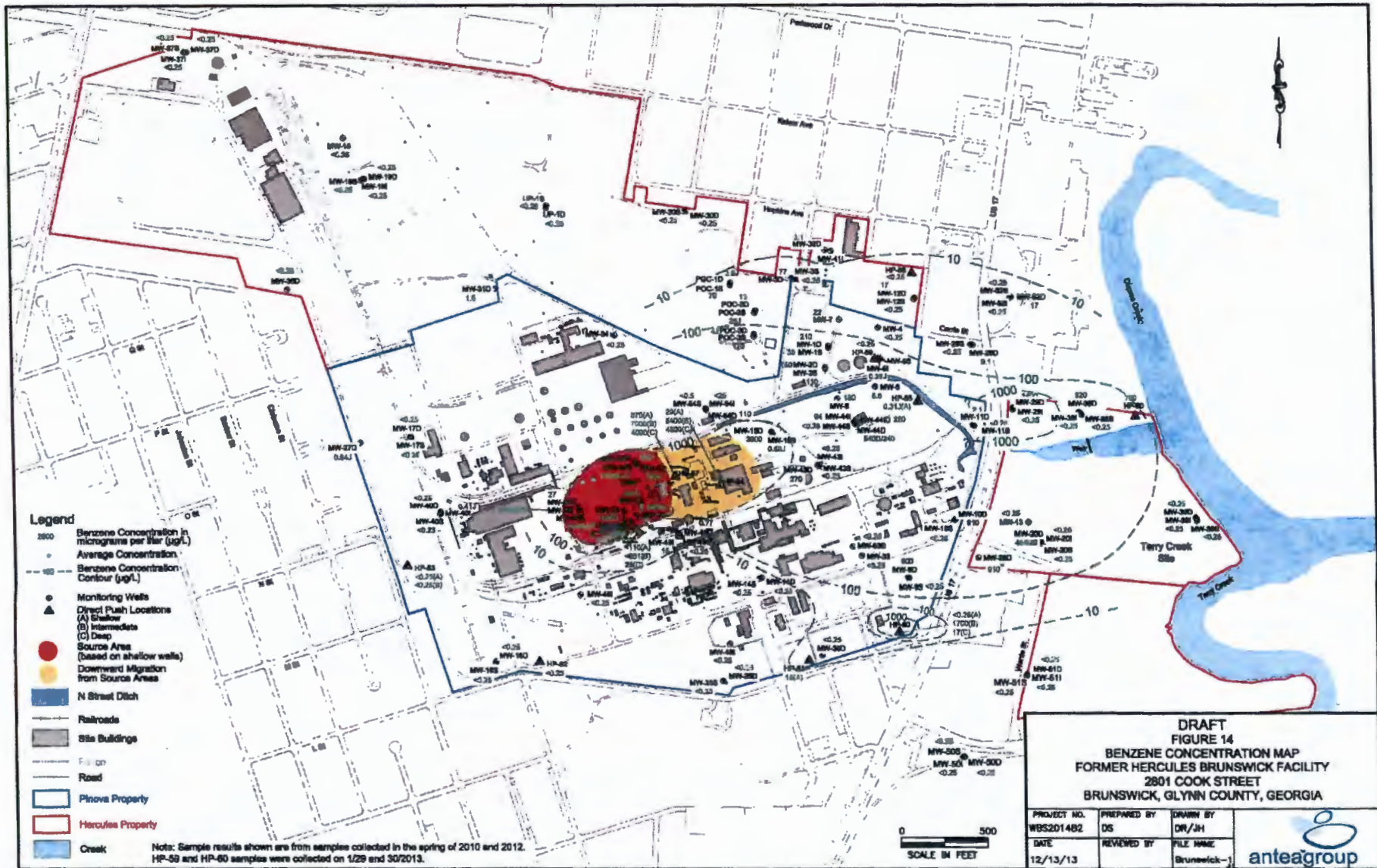
Please submit an Interim Measures Plan and documentation of the third-party notifications to this office within thirty (30) days of your receipt of this letter. Should you have any questions or concerns please contact Penny Gaynor or Faney Foster at 404-656-7802.

Sincerely,



Jim Brown
Program Manager

Benzene



To: Scott Recker[Scott.Recker@anteagroup.com]; Dave Atteberry[Dave.Atteberry@anteagroup.com]
From: Jack Sheldon
Sent: Thur 8/11/2016 8:51:26 PM
Importance: Normal
Subject: RE: June analytical data and site progress
Received: Thur 8/11/2016 8:51:27 PM

A very well-articulated response from EPD and stern nudge for our client.

Jack Sheldon | Consultant

Antea®Group

US Toll Free 800 477 7411 | Direct +1 515 223 2328 | Mobile +1 515 971 8329

4401 Westown Parkway, Suite 108, West Des Moines, Iowa 50266

Jack.Sheldon@Anteagroup.com | www.anteagroup.com

From: Scott Recker

Sent: Thursday, August 11, 2016 3:24 PM

To: Dave Atteberry; Jack Sheldon

Subject: Fwd: June analytical data and site progress

FYI

Scott

Begin forwarded message:

From: "Brown, Jim" <Jim.Brown@dnr.ga.gov>

Date: August 11, 2016 at 2:43:24 PM EDT

To: Timothy D Hassett <tdhassett@ashland.com>, "Khaleghi, Bruce" <Bruce.Khaleghi@dnr.ga.gov>, "Gaynor, Penny" <Penny.Gaynor@dnr.ga.gov>, "Sliwinski, Jim" <Jim.Sliwinski@dnr.ga.gov>

Cc: "Brian Broyles (bbroyles@pinovasolutions.com)" <bbroyles@pinovasolutions.com>, "magray@pinovasolutions.com" <magray@pinovasolutions.com>, 'Scott Recker' <Scott.Recker@anteagroup.com>, "Warner Golden (wgolden@newfields.com)" <wgolden@newfields.com>, "Edwards, Jody" <Jody.Edwards@tetrattech.com>

Subject: RE: June analytical data and site progress

Tim, Yes, you are making progress and we appreciate the work Hercules/Pinova are doing at the site. The schedules and submittals Penny was referencing were not established by EPD, they are schedules that Hercules/Pinova has established and so I wouldn't characterize it as not going "as fast as EPD would like". If you make a commitment to provide us something by a given date I don't think it is unreasonable for us to expect it by that date.

For example, Hercules/Pinova are making commitments to provide documents to EPD on the TRIAD calls and you are not meeting those commitments (See the action items in the May and June TRIAD Call Highlights). Also, Hercules/Pinova has provided schedules to EPD for IM work and you are not meeting the deadlines in those schedules. We understand that sometime deadlines slip a little due to unforeseen circumstances, but we're talking deadlines being missed by 6-12 months.

If you can't meet your own deadlines we may need to go to a process where we have enforceable schedules for submittals. I'd rather keep the flexibility we have now, and continue with the TRIAD process, but we need to keep things moving forward in a timely fashion.

If you have any questions, or if we need to discuss this further, please let me know. -Jim

Jim Brown

Program Manager

Hazardous Waste Corrective Action Program

Georgia Environmental Protection Division

From: Timothy D Hassett [mailto:tdhassett@ashland.com]
Sent: Thursday, August 11, 2016 9:18 AM
To: Khaleghi, Bruce; Gaynor, Penny; Sliwinski, Jim; Brown, Jim
Cc: Brian Broyles (bbroyles@pinovasolutions.com); magray@pinovasolutions.com; 'Scott Recker'; Warner Golden (wgolden@newfields.com); Edwards, Jody
Subject: Re: June analytical data and site progress

We understand your concerns and think we are making progress towards the RCRA goals but perhaps not as fast as EPD would like. Per Scott's email we will be sending the groundwater data in for your review today and that will enable us to finish the risk assessment which will then allow us to develop remedial action objectives and clean up goals.

We are working on the tech memo and will deliver that promptly which will also inform clean-up goals and objectives. If you can send us the recent well survey data that will help the process.

I am out of the office today and will follow up tomorrow.

- TDH
Tim Hassett
Remediation Project Manager

Ashland Inc.
Environmental, Health, Safety and Product Regulatory (EHS&PR)
Ashland Research Center
500 Hercules Road
Wilmington, Delaware 19808-1599
(302) 995-3456 phone
(302) 379-0512 cell
(302) 995-3485 fax
ashland.com

From: "Gaynor, Penny" <Penny.Gaynor@dnr.ga.gov>
To: Timothy D Hassett/Plaza/NA/Herc@Ashland, "Brian Broyles (bbroyles@pinovasolutions.com)" <bbroyles@pinovasolutions.com>
Cc: "Warner Golden (wgolden@newfields.com)" <wgolden@newfields.com>, "Scott Recker" <Scott.Recker@anteagroup.com>, "Khaleghi, Bruce" <Bruce.Khaleghi@dnr.ga.gov>, "Sliwinski, Jim" <Jim.Sliwinski@dnr.ga.gov>, "Brown, Jim" <Jim.Brown@dnr.ga.gov>, "magray@pinovasolutions.com" <magray@pinovasolutions.com>
Date: 08/10/2016 09:02 AM
Subject: June analytical data and site progress

Tim -

I have still not received the June analytical data for the Brunswick plant. Per our Triad call on Friday I was to receive the data either Friday or Monday so that I could review it by the middle of the week in order to get the Risk Assessment and Soil to Groundwater analysis completed.

It appears that this project and others have been stalling and not moving forward as agreed. We still don't have the interim measures in place and it has been almost 3 years since we called in the interim measures and almost 2 years since we approved the interim measures. The plume stop pilot has been completed as agreed.

In addition, the groundwater and soil RFI reports were approved in spring 2015 and the risk assessment is still not complete over 1 year later. The risk assessment call in was actually sent back in February 2015.

The groundwater tech memo which has been discussed at length was originally to be submitted last summer has still not been received, it appears to be an ever evolving document. We have received the mass flux portion of the document.

EPD has continued to work with Hercules and Pinova through the Triad process but is assessing the value of continuing the process when little has been gained over the past two years.

Penny Gaynor
Geologist
Georgia Environmental Protection Division
404-656-7802

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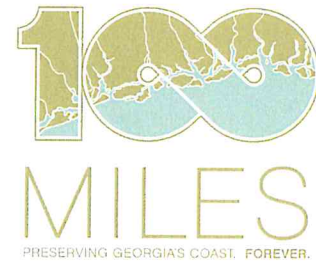
Attachment 5
Proposed NAPL Plume Boundary



- Legend**
- Paracymene Soil**
PaCym_ppb_s
- 0.0
 - 0.1 - 1,000.0
 - 1,000.1 - 10,000.0
 - 10,000.1 - 100,000.0
 - 100,000.1 - 26,000,000.0
- Flute Response**
NAPL Max Response
- ▲ No
 - ▲ Yes
- LIF Response**
% Signature
- 0.9% - 10%
 - 10.1% - 25%
 - 25.1% - 50%
 - 50.1% - 100%
 - 100.1% - 186.6%
- NAPL Plume**
 [Outline] Revised NAPL Plume

0 75 150 300 Feet





1312 Newcastle Street
Brunswick, GA 31520
www.OneHundredMiles.org
912.264.4111

APRIL 30, 2020

VIA ELECTRONIC MAIL

Jim Brown
Program Manager
Hazardous Waste Corrective Action Program
Land Protection Branch, Environmental Protection Division
Georgia Department of Natural Resources
jim.brown@dnr.ga.gov

*Re: Comments on Hercules LLC/Pinova Inc. draft Hazardous Waste Facility
Permit HW-052(D&S)-2*

Dear Mr. Brown,

Thank you for the opportunity to comment on the permit renewal application submitted to the Georgia Department of Natural Resources, Environmental Protection Division (EPD) by Hercules, LLC and Pinova, Inc., hereinafter referred to as the Permittees. Additionally, please accept gratitude for the extended comment period offered to the public. The additional 30 days of public comment due to the Covid 19 pandemic is appreciated, as is the posting of permit application materials on the internet.

The following comments are submitted on behalf of the members of One Hundred Miles and our board of directors. One Hundred Miles is an advocacy organization dedicated to protecting and preserving Georgia's 100-mile coast through education, advocacy, and citizen engagement. Our headquarters office is located in and most of our staff and members reside in Glynn County. The environmental and economic health of this community is critically important to all of our staff and members, personally and professionally.

We fully support the comments submitted to you on our behalf by Ms. April Lipscomb with the Southern Environmental Law Center (SELC), and ask that EPD only reissue the permit with very strict conditions, deadlines, and expectations that will ensure the protection of human and environmental health:

- Water is a public resource, and all groundwater is considered a potential source of drinking water. As clearly stated in Georgia's Resource Conservation and Recovery Act (RCRA) guidance,¹ the surficial aquifer below and around the Hercules/Pinova facility must be treated as a reasonable future source for drinking water and must meet the water quality standards outlined in the Safe Drinking Water Act. We appreciate EPD Director Richard Dunn for reminding the Permittees of this fact and the associated expectations of assessments

¹ Georgia EPD, Guidance for Selecting Media Remediation Levels at RCRA Solid Waste Management Units. GA EPD, Hazardous Waste Management Branch. November 1996. 17 pages.

and actions planning.² This state-wide position must be upheld in this situation in order to protect the surrounding communities, many of whom currently rely on privately owned drinking water wells that could be impacted by hazardous waste from this site.

- The final permit must include a schedule of compliance and deadlines for tasks to be completed and corrective actions to be finalized. Title 40 CFR Section 270.33 (a) allows for the regulatory agency overseeing permits to specify, when appropriate, a schedule of compliance leading to compliance with the act and regulations. Specific tasks have been identified in previously issued permits, but EPD has failed to enforce their completion. The time is long overdue for EPD to incorporate into the final permit a strict schedule of compliance for the critical tasks and corrective actions identified. It is quite evident that without a timeline of compliance and strict penalties for failure to meet scheduled actions, Hercules/Pinova will not comply with permit conditions and will continue to threaten the health of the environment and humans in the area.

The deadline and timeframes section of the draft permit must be revised to reflect the need for immediate action. We fully support shortening the proposed deadlines and timeframes in the manner succinctly outlined in the SELC letter regarding this draft permit. Additionally, we support the alternative deadlines for final corrective action plans proposed, and adopted in resolution, by the City of Brunswick Commissioners and the Glynn County Board of Commissioners in March 2020.

- Groundwater quality surrounding the Hercules/Pinova facility must be vigilantly monitored. Since 2013-2014, EPD has known that contamination moved beyond the Hercules/Pinova plant into surrounding environment and neighborhoods.³ Yet we are not aware of any extended efforts to monitor groundwater conditions to notify or protect communities surrounding the plant. Of particular concern are the residents of Terry Creek Road, accessible from the Torres Causeway. At the very least the Permittees should be required to educate and communicate regularly with those who live near the plant to ensure they understand the contaminants on site, how they move through the environment, and potential hazards of living within one mile of this RCRA hazardous waste management site.
- EPD should increase community understanding and confidence in the corrective action planning. We recommend that EPD, along with Hercules/Pinova, host public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment. Transparency in progress toward corrective actions and efforts to improve quality of life and quality of the environment are critical for the agency to achieve its mission of taking, "...the lead in ensuring clean air, water and land. With our partners, we pursue a sustainable environment that provides a foundation for a vibrant economy and healthy communities."⁴

In conclusion, One Hundred Miles offers these comments in anticipation that the final permit *HW-052(D&S)-2* will be substantially improved, and that EPD will uphold its regulatory responsibility by requiring Hercules/Pinova to comply with all conditions of the permit. We appreciate EPD's efforts to engage the community in this permitting process through public information session, extended comment deadlines, and online access to application material.

² EPD Letter to Tim Hassett with Hercules, Inc. and Molly Matthews with DRT America, Inc. RE: Baseline Human Health and Ecological Risk Assessment. November 19, 2018.

³ "Hercules warns Brunswick neighbors of groundwater contamination" by Terry Dickson in The Florida Times-Union. February 12, 2014.

⁴ <https://epd.georgia.gov/mission-vision-and-guiding-principles>

We look forward to working together with EPD and the Permittees to ensure the contamination is cleaned up and that the quality of our community's health improves.

Thank you for considering these comments. Contact me at any time if I can be of assistance or if you need additional information – 912-230-6494 or Alice@OneHundredMiles.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice M. Keyes", with a long horizontal flourish extending to the right.

Alice M. Keyes
Vice President of Coastal Conservation
One Hundred Miles

W. DOUGLAS ADAMS

1829 NORWICH STREET
BRUNSWICK, GEORGIA

TELEPHONE (912) 265-1966

MAILING ADDRESS:
POST OFFICE BOX 857
BRUNSWICK, GEORGIA 31521-0857

April 30, 2020

Mr. Jim Brown
Georgia Environmental Protection Division
Land Protection Branch

RE: Hercules/Pinova HW-052 (D&S)

Dear Mr. Brown:

In 2015, Hercules performed a Mass Flux study to determine the location and volume of contaminant mass moving from the plant site toward the east. The study revealed multiple contaminants migrating from the plant. Benzene was in all wells along the approximately 2,250 foot line of wells on the west side of US 17. The highest benzene reading was 12,370 ppb, over 2,400 times the EPA safe drinking water standard of 5 ppb. Chloroform readings in excess of 333,000 ppb, which is 40,000 times the EPA water standard of 80 ppb, were preset.

Hercules has asserted contamination migrates downward to a confining layer about 90 below the plant site and migrates horizontally to the east. Contrary to that hypothesis, benzene is in shallow readings (approximately 20 feet deep) along "L" Street on the south end of the plant.

Highlighting further the question of upward mobility of benzene is the presence of benzene in well 39I further south along DuPree Creek. These positive readings in the shallow to intermediate zone in the surficial aquifer are in areas with no known shallow source. The upward migration of benzene must be understood and neither the Hercules/Pinova application nor the EPD permit provide complete information on this. The permit does not appear to require a rigorous investigation and analysis and definitive conclusions by a date certain as to the source of this contamination.

Jim Brown - EPD
April 30, 2020
Page 2 of 2

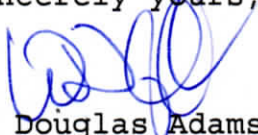
The Permittees recently installed test wells opposite the southern end of the plant site on the east side of US 17. A benzene reading of 1,000 compared to the drinking water standard of 5 and a chloroform reading of 58,000 ppb compared to the drinking water standard of 80 ppb occurred in February 2020, No testing of the shallow zone of the upper surficial aquifer has been performed at this site.

All of these actions and lack of actions by Permittees over the course of thirty years and their pervasive and ongoing disregard of the rights and safety of others and the environment highlight that the behavior of the Permittees should no longer be tolerated.

I ask that EPD commit now to take substantive enforcement action within thirty (30) days of any failure to meet required deadlines. One of the main contaminants that we are concerned about today, benzene, was last used on the Hercules site fifty years ago, in 1970. Another primary contaminant, chloroform, has the production of Toxaphene as its ultimate source. Toxaphene was last produced in 1980, forty years ago. The time for EPD to protect the people of Glynn County is now.

Thank you for your consideration.

Sincerely yours,


W. Douglas Adams

WDA:mmv

Vanginkel, Steven

From: Carol O'Halloran <caroloh@comcast.net>
Sent: Friday, April 10, 2020 2:47 PM
To: Brown, Jim; gec@glynnenvironmental.org
Subject: Hercules/Pinova Draft Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown,

I am writing to you today to share comments and concerns on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Please protect our environment and our waterways.

My specific concerns with the draft permit are as follows:

- In 2011, the Georgia Department of Natural Resources Environmental Protection Division (GA-EPD) sent a letter to the Permittees elaborating on the blatant lack of progress that had taken place since their permit was renewed in 2007. Nine years later, submission of a corrective action plan and significant progress of implementing remedial action has still not taken place. The GA-EPD needs to enforce this permit to ensure the residual chemicals on site do not pose risks to public health. What enforcement action can the EPD take if a corrective action plan is not received by the Permittees within 90-days after the permit is renewed?
- Groundwater monitoring data reveals that the plume of contamination has moved off-site, under highway 17, and continues to migrate towards the Terry Creek Drive neighborhood. Determining the depth of the wells in that community is imperative in determining whether their drinking water is at risk of being contaminated. Proactive measures to protect the residents from contaminated drinking water should be a top priority. What efforts will the GA-EPD, Hercules, and Pinova take to keep residents in the Terry Creek Drive neighborhood informed of the migrating groundwater plume? In order to ensure that those residents do not have contaminated well water, how often will their water be tested? Quarterly, bi-annually? What efforts will be facilitated to determine the depth of the wells and the risk of their water being contaminated?
- In the March 5, 2020, public availability session, a poster detailing the proposed activities to take place on the facility to clean up residual contamination on the site plans to address vapor intrusion, the Former Toxaphene Tank Farm, soils and groundwater. What efforts will the GA-EPD, Hercules, and Pinova take to meet with our community on a consistent basis to keep us informed of the clean progress and steps being taken to remove residual contamination from the facility?

I support the GA-EPD renewing the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to the responses to the above questions. In addition, once the Corrective Action Plan has been submitted and begins to be implemented I look forward to the additional opportunities for public participation.

Thank you in advance for your consideration of these comments.

Sincerely,

CAROL O'HALLORAN
309 BURFORD ROAD
BRUNSWICK, GA. 31523

Vanginkel, Steven

From: Daniel Parshley <danparshley@comcast.net>
Sent: Friday, March 6, 2020 1:09 PM
To: Brown, Jim
Subject: Hercules RCRA Hazardous Waste Permit - Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Brown,

The following comments were submitted to EPA Region 4 concerning the Terry Creek NPL Site Consent Decree. The EPA Responded that the comments were not under EPA Region 4 jurisdiction and would be covered under the State of Georgia RCRA program.

The following comments are submitted in response to the proposed Hercules/Pinova RCRA Hazardous Waste Permit Application and the current Public Comment Period as they were submitted to EPA Region 4. Please respond since EPA Region 4 has indicated that the Georgia Environmental Protection Division is the agency to address these concerns. Therefore, where a question is directed to the EPA, the agency should be the Georgia Environmental Protection Division and be answered by this State of Georgia agency.

Since the referenced Permit is in a formal Public Comment period, this is the appropriate time for the State of Georgia to be responsive to these concerns and include appropriate actions to address the issue in the permit under consideration.

In addition, please cite the source of authority the Georgia Environmental Protection Division is using to administer the Federal Resource Conservation and Recovery Act (RCRA) program in Georgia.

Daniel Parshley

Groundwater and Terry Creek Road Neighborhood

EPA Response to CB-2:

A groundwater cleanup action of the former Hercules pesticide facility is being overseen by the Georgia Environmental Protection Division (GA-EPD) under Resource Conservation Recovery Act (RCRA) authority. **The groundwater plume from that facility has migrated offsite and has moved under several offsite properties including the Terry Creek Site.** As a result, the GA-EPD required the former owner of the facility, Hercules Incorporated, now known as Hercules, LLC, and the facility operator, Pinova, Incorporated (presently owned by DRT), **to implement an Interim Measures Plan to address contaminated groundwater offsite.** (emphasis added)

The EPA repeatedly references their response to CB-2 throughout the Responsiveness Summary to address a number of groundwater concerns expressed by citizens and governmental agencies. These EPA Region 4 responses include, but are

not limited to, groundwater contamination and drinking water well concerns associated with the Terry Creek Dredge Spoil Areas/Hercules Outfall Site (including but not limited to EPA responses to JWSC-1, GC-1, RA-1a, RA-1e, RA-5, (and an addition 58 times in responses to a variety of questions, comments, and concerns from the local governments, citizens, and organizations). The EPA's response is incorrect on a multitude of levels and indicates a glaring lack of understanding about the risks the Site poses to the Terry Creek Road neighborhood and the community at large.

Is the Department of Justice aware that the EPA response to 58 questions from local government agencies and citizens were incorrect and did not reflect the actual threat from the contaminated groundwater plume?

Will the Department of Justice require the EPA to respond with accurate information concerning the status of the groundwater plume that is threatening nearby wells in the Responsiveness Summary of the Consent Decree, in the event the Consent Decree is not withdrawn?

Is the Department of Justice aware that efforts to control the contaminated groundwater plume have failed, and this failure has been documented by the Georgia Environmental Protection Division?

GA-EPD Documents Contaminated Groundwater Control Failure

An email was sent to Jim Brown at the Georgia Environmental Protection Division (GA-EPD) to ascertain if the EPA's contentions that an interim plan to address contaminated groundwater has indeed been implemented and if it was successfully protection nearby wells.

The email responses from Jim Brown at the GA-EPD follows, and questions concerning the EPA's response to CB-2 follow each email response to the contentions of the EPA in the Consent Decree.

Why did the EPA NOT check on the status of the contaminated groundwater plume with the stakeholder agency, the GA-EPD, prior to writing the CB-2 response?

Why did the EPA ignore the comment from the Brunswick-Glynn County Joint Water and Sewer Commission concerning the contaminated groundwater plume being 200 feet away from the Terry Creek Road neighborhood served by wells?

Why was there a failure by the EPA to coordinate with the GA-EPD to address the threat from the contaminated groundwater plume to the Terry Creek Road neighborhood wells?

Why did the EPA fail to note the concerns about the groundwater plume expressed by the Agency for Toxic Substance and Disease Registry (ATSDR) in the 2002 Public Health Assessment?

The following emails document the communication with the GA-EPD concerning the failure to control the contaminated groundwater plume migration towards drinking water wells in the Terry Creek Road neighborhood.

Mon 7/23/2018 5:06 PM

Brown, Jim Jim.Brown@dnr.ga.gov

RE: Terry Creek Consent Decree and EPA References to RCRA/GA-EPD

Daniel, Sorry for the delayed response, my afternoon meeting went much longer than I expected.

We did require an interim measure plan from Hercules/Pinova and what they proposed was a two part corrective measure study evaluating "plume stop" at the facility property line and a phyto/pump and treat remedy for on-site source areas. **They completed the plume stop pilot test and determined it didn't provide as much mass reduction as expected and would not fully control the off-site migration of the groundwater plume.**

(emphasis added) The phytoremediation evaluation determined that it really wasn't a good option, so they moved on to pump and treat for the shallow groundwater associated with the former impoundments. The pump and treat evaluation found it a viable option; however, at that point in time, they had no place to put the treated water (the JWSC would not accept the water regardless of the amount of treatment done and they could not re-inject it on-site) and they did not have the NPDES option since their permit was old and needed to be renewed.

We asked for full scale implementation, but in a letter from June of 2017 they said they are waiting on the outcome of the risk assessment because they want to know the full extent of any potential remediation.
(emphasis added)

Hope this helps. -Jim

Jim Brown

Program Manager

Hazardous Waste Corrective Action Program Georgia Environmental Protection Division

(404) 657-8644

Is it the policy of the Department of Justice or the EPA to allow Potentially Responsible Parties to delay action to protect people from consuming contaminated groundwater pending the outcome of a Risk Assessment?

Since the Toxicity Assessment has been completed, will the Department of Justice order action to address the contaminated groundwater plume threat to nearby wells be implemented without delay?

Will the Department of Justice order an EPA Emergency Response Action to address the threat from the contaminated groundwater plume to nearby drinking water wells?

On Mon, July 23, 2018 8:30 am, Brown, Jim wrote:

> Rachel/Daniel, **I'm not exactly sure what "water line extension" you are referring to, but we have not had any talks with Hercules/Pinova about extending water lines to folks.**(emphasis added) We are having Hercules/Pinova sample residential wells along Terry Creek Road, including the trailer park, but they have not found any contamination in those wells. The new permit has not been issued, but the existing permit remains in effect until the new permit is issued. Prior to the permit being issued, there will be a public comment period and we will hold a public hearing.

>

> If you have any other questions, please let me know. Thanks -Jim

>

> Jim Brown

> Program Manager

> Hazardous Waste Corrective Action Program Georgia Environmental

> Protection Division

> (404) 657-8644

>

> From: gec@glynnenvironmental.org [<mailto:gec@glynnenvironmental.org>]

> Sent: Friday, July 20, 2018 10:20 AM

> To: Brown, Jim

> Cc: environsc@gmail.com

> Subject: Terry Creek Consent Decree and EPA References to RCRA/GA-EPD

>

> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

> Good Morning, Jim,

>

> Daniel and I are coming out of a handful of public meetings concerning the Terry Creek Outfall Ditch Consent Decree. One concern that was identified was the EPA's response to the water line extension. They stated that this item would need to be addressed in the RCRA permit issued by the GA-EPD.

>

> * Is the GA-EPD including the water line extension in the RCRA permit for Pinova/Hercules?

>

> * Has the RCRA permit been issued?

>

> We left a voicemail for you earlier, but feel free to reply through email. I will not be in the office this afternoon, so if you would like to call back, please call the cell number in my signature.

>

> I appreciate any information you can provide. Thank you in advance, I look forward to hearing back from you.

- >
- > Rachael Thompson
- > Project Manager
- > Glynn Environmental Coalition

Why did the email from the GA-EPD reveal that EPA Region 4 had not contacted the GA-EPD concerning the impending threat to drinking water wells from the contaminated groundwater plume?

Why was there no coordination between EPA Region 4 and the GA-EPD to address the threat from the contaminated groundwater plume to drinking water wells?

What happened in the communication chain to allow EPA Region 4 to make a response to comments that indicated a human health threat was being addressed when it was not?

Who at EPA Region 4 responded to the comments from local government agencies and citizens concerning questions, comments, and concerns about the threat to drinking water wells from the contaminated groundwater plume?

EPA Ignored Warning From the Joint Water and Sewer Commission

JWSC-1 - The Brunswick – Glynn Joint Water and Sewer Commission (JWSC) provides water and sewer service to Glynn County. Currently, JWSC does not provide service to Terry Creek Road. The JWSC requests that the EPA and Hercules research any possible funding sources to provide clean and safe drinking water into the Terry Creek Road residents. “Our engineering staff will be working on an engineer’s cost estimate for this project. Once we complete this estimate, we will forward the estimate and request that your agency and Hercules attempt to acquire a funding source for this project.”

EPA Response to JWSC-1:

A groundwater cleanup is being conducted at the former Hercules facility through a RCRA corrective action with oversight from EPD. Data collected as part of the June 6, 2014 Brunswick Interim Measures Plan for Groundwater at the Former Hercules Brunswick Facility does not indicate that the groundwater plume has migrated to the Terry Creek subdivision (also known as the Trailer Park). The EPA and EPD will continue to monitor this situation and take actions as appropriate.

The Terry Creek subdivision located off of the Torras Causeway was not investigated as part of the Focused RI/FS for OU1. This area may be investigated as the RI/FS for OU2 and/or OU3 is implemented. See response to comment CB-2 above for further explanation of the scope of the selected interim remedy for OU1.

Why does EPA Region 4 ignore the comments and observations of the Joint Water and Sewer Commission (JWSC) comment letter dated September 8, 2015?

The JWSC comment to the EPA noted and informed the EPA of the following. “The information provided by Pinova/Hercules indicates that the plume of contamination does currently exist as close as 200 feet from the western extent of the Terry Creek community and is moving eastward.” (emphasis added) The JWSC went on to further describe their concern. **“This presents a concern with regard to the quality and safety of their water supply.”** (emphasis added) The clear and present threat and danger to the Terry Creek community health and well-being was acted upon by the JWSC by producing engineering drawings for the extension of municipal water lines, providing a copy of the drawing to EPA Region 4, which the EPA ignored in the Responsiveness Summary.

Is it the policy of the Department of Justice and EPA Region 4 to let people start drinking contaminated water before taking action to protect human health?

How close must the contaminated groundwater plume be before the Department of Justice and the EPA take action? 200 feet? 100 feet? Or must they already be drinking contaminated water before the Department of Justice or EPA Region 4 will take action?

The EPA Office of Inspector General recently noted the EPA’s lack of ability to address drinking water contamination in a timely manner (EPA OIG Report #18-P-0221, July 1 Report #18-P-0221, July 19, 2018 9, 2018 -).

“What Was Found - The EPA should strengthen its oversight of state drinking water programs to improve the efficiency and effectiveness of the agency's response to drinking water contamination emergencies.”

What measures has EPA Region 4 taken to, “... strengthen its oversight of state drinking water programs to improve the efficiency and effectiveness of the agency's response to drinking water contamination emergencies”?

The incompetence of EPA Region 4 on multiple levels in not addressing the clear and present danger to the health and well-being of the Terry Creek Road neighborhood is staggering on many levels. At the best, it is professional incompetence and verges on dereliction of duty to protect the public from the Superfund Sites under their jurisdiction.

Will the Department of Justice order EPA Region 4 to address this drinking water well emergency?

The EPA clearly is the agency with jurisdiction over the plume of contaminated water moving towards the Terry Creek Road neighborhood, as noted in this EPA response in the Appendix B – Responsiveness Summary.

“GEC’s comments numbered GEC-259, 260, 262, 263, and 264 reference a briefing paper prepared by a Region 4 Remedial Project Manager, who formerly worked on the Hercules 009 Landfill Site and the Terry Creek Site, for the Regional Administrator dated 2006 regarding the EPA’s Office of Inspector General’s audit of the Hercules 009 Landfill Site and Region 4’s responses thereto.

Since the 2006 briefing paper was prepared, the RCRA corrective action on the Hercules’ former pesticide facility has been and is being conducted as discussed in response to comment RA-1c. EPD serves as the lead on that RCRA corrective action and the **EPA serves as the lead on the CERCLA actions at OU1, OU2, and OU3. Coordination between EPD and EPA occurred and continues to occur in selecting the RCRA corrective action and the CERCLA remedies at the Terry Creek Site.**” (emphasis added)

In detail, what actions has EPA Region 4 taken concerning the contaminated groundwater plume since 2006 to further, “... EPA serves as the lead on the CERCLA actions at OU1, OU2, and OU3. Coordination between EPD and EPA occurred and continues to occur in selecting the RCRA corrective action and the CERCLA remedies at the Terry Creek Site.”?

In detail, what actions are the GA-EPD and EPA taking to address the threat to water wells in the Terry Creek Road neighborhood?

The EPA cannot continue to avoid the questions, comment, and concerns being put forth by the community and governmental agencies concerning the contaminated groundwater plume. Either the EPA is coordinating with the Georgia Environmental Protection Division (GA-EPD) and the water line installation is in progress or no action or coordination is taking place. From the EPA’s responses in Appendix B – Responsiveness Summary – it appears the EPA does not grasp the scope of the risk posed to the Terry Creek Road neighborhood and has been deaf to the concerns expressed by the Agency for Toxic Substance and Disease Registry (ATSDR) since 2002 in the Public Health Assessment (PHA) for the Terry Creek Site, and from the JWSC in 2015.

Does the Department of Justice and EPA Region 4 grasp the scope of the risk posed to the Terry Creek Road neighborhood from the contaminated groundwater plume that has been expressed by ATSDR since the 2002 PHA, and from the JWSC in 2015?

Will the Department of Justice order EPA Region 4 to have the water line installed?

Will the Department of Justice raise the water line installation to an Emergency Response status?

Is the intent of the Department of Justice and EPA Region 4 to wait until the Terry Creek Road neighborhood has been drinking contaminated water before taking action to have a municipal water line installed?

Sent from [Mail](#) for Windows 10



Virus-free. www.avast.com

Vanginkel, Steven

From: Daniel Parshley <danparshley@comcast.net>
Sent: Wednesday, April 29, 2020 5:46 PM
To: Brown, Jim
Subject: Hercules RCRA Permit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Brown,

Without typos version.

Mr. Brown,

What is there left to say about the Hercules/Pinova RCRA permit that I have not previously said?

The previous RCRA Facility Investigation (RFI) took 20 years and then Hercules said the data was not usable. To the amazement of all, the GA-EPD allows Hercules to start the RFI process all over.

Now, we have a RFI as of 2015 and the GA-EPD is incapable of having Hercules produce a lucid Corrective Action Plan (CAP), implement a CAP, or have Hercules take any meaningful action to cleanup the plant site 50 years after they said they would do so. The Georgia Environmental Protection Division is impotent and Hercules knows this. The revolving door of GA-EPD/DNR Directors that immediately cash in and go to work for companies and firms that work in direct opposition to the purpose and intent of the GA-EPD is on going and currently active. The GA-EPD has demonstrated an inability to do anything to correct the ongoing situation at the Hercules Plant for 50 years.

What is the solution? Obviously it's not more words written by me, the public, or any other party with a vested interest in Glynn County or the City of Brunswick. The inability of the GA-EPD to take meaningful action is documented over the past 50 years.

The solution is simple. Fine Hercules starting 90 days after the issuance of the RCRA Permit to the maximum allowable under law, and continuing to do so until a lucid and viable CAP is received. If Hercules delays, IMMEDIATELY impose the maximum fine allowable under law and continue doing so until the Hercules Plant Site is remediated to the fullest extent allowable under law.

Hercules will threaten the GA-EPD with legal action. Hercules will pull out their play book of subterfuge and obfuscation so brilliantly implemented over the past 50 years. Yes, do be prepared to be threatened and bamboozled as the GA-EPD has been so in the past.

It is time for the GA-EPD to end corruption from the top. It is past time for the GA-EPD to take action.

Do as you wish. History will be the judge of your performance.

Daniel Parshley
274 Parland Road
Brunswick, Georgia 31523

Sent from [Mail](#) for Windows 10



Virus-free. www.avast.com

Vanginkel, Steven

From: Laura Shea <lfshea@icloud.com>
Sent: Tuesday, April 28, 2020 11:29 AM
To: Brown, Jim
Subject: Fwd: HW-052(D&S) Hercules Superfund Site, Brunswick, GA, along the Marshes of Glynn

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPad

Begin forwarded message:

From: Laura Shea <lfshea@icloud.com>
Date: April 28, 2020 at 11:26:39 AM EDT
To: jim.brown@dnr.ga.us
Cc: mark.williams@dnr.ga.gov
Subject: HW-052(D&S) Hercules Superfund Site, Brunswick, GA, along the Marshes of Glynn

I grew up in Brunswick/St Simons. I still own property in Glynn County. I am appalled at this situation lingering on for years.

The EPA and DNR should absolutely DEMAND and REQUIRE Hercules/Pinova/Honeywell to do the right thing immediately. That is to completely remove and clean up Hercules/Pinova/Honeywell's toxic mess of a Superfund site on the Turtle River in Brunswick, GA-NOW. It is unconscionable and inconceivable that these half assed non removals, landfill caps have even been allowed. This disaster is of an unprecedented magnitude. That this site has done serious harm in Glynn County is horrible. That this site has potential to pollute the Floridian Aquifer is horrendous. What is wrong with you people, to allow this and look the other way? How do you live with yourselves? DO THE RIGHT THING. Go to war, fight for your fellow citizens, fight for the environment and make this company clean their mess up.

Sincerely,
Laura Shea
1701 Old Monticello Road
Thomasville, GA 31792
229-221-8230

Sent from my iPad

Sent from my iPad



April 30, 2020

Jim Brown
Program Manager

Hazardous Waste Corrective Action Program
Land Protection Branch, Environmental Protection
Division Georgia Department of Natural Resources
jim.brown@dnr.ga.gov

Re: Comments on Hercules LLC/Pinova Inc. draft Hazardous Waste Facility
Permit (*HW-052(D&S)-2*)

Dear Mr. Brown,

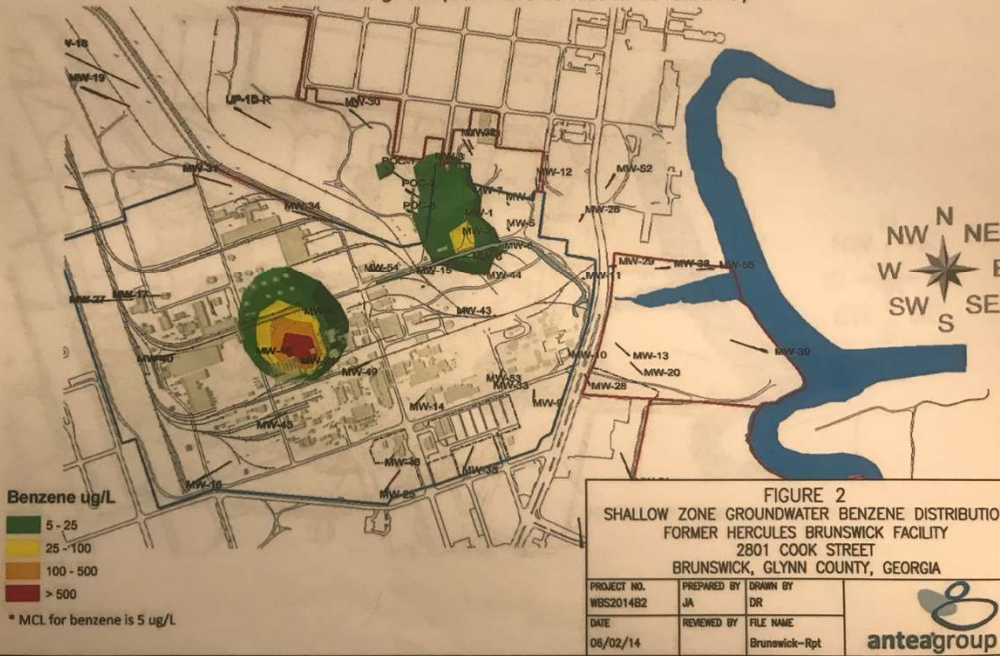
Thank you for the opportunity to comment on the permit renewal application from Hercules, LLC and Pinova, Inco to the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources. I thank you for the extension of another 30 days due to the Covid 19 pandemic.

The Altamaha Riverkeeper is a non-profit environmental organization dedicated to protecting and restoring the habitat, water quality, and the flow of the Altamaha River and it's entire watershed. Glynn county is where our main office is located and where numerous ARK members live and work. Clean water to swim, fish and drink is a right for everyone.

We support the comments that were submitted to you on our behalf of the Southern Environmental Law Center, Ms. April Lipsomb, and request that EPD reissue the permit with clear intent of monitoring the benzene groundwater plume both on and off site, better overall groundwater monitoring, and increase frequency of monitoring due to migration of the plume. The Benzene plume is represented in maps below.

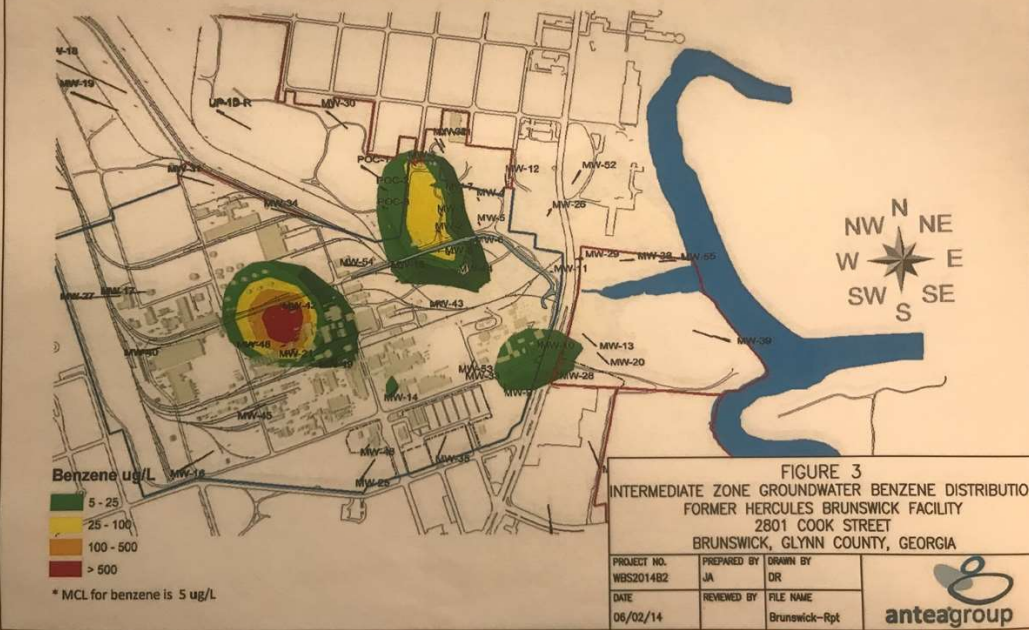
Groundwater Benzene – Shallow Zone of Upper Unit of Surficial Aquifer (plan view)

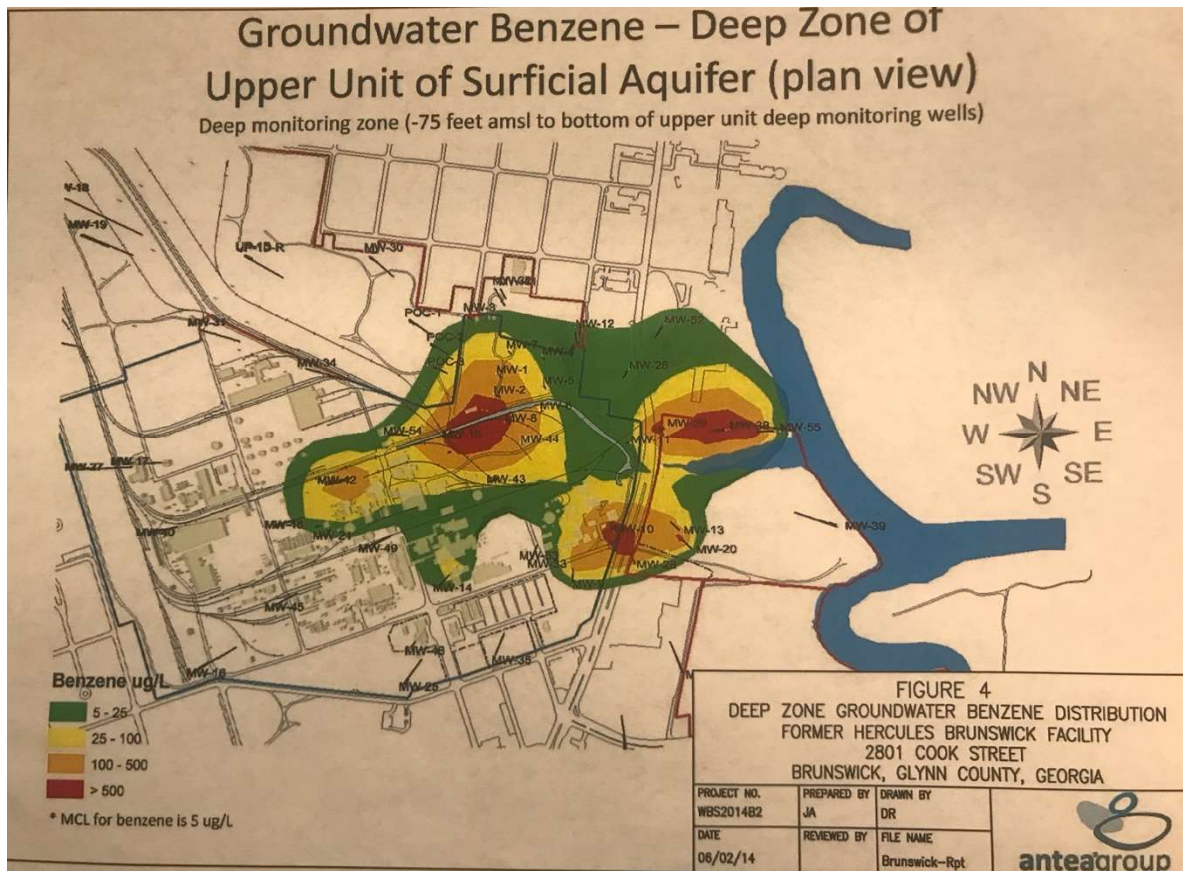
Shallow monitoring zone (water level surface to -25 feet amsl)



Groundwater Benzene – Intermediate Zone of Upper Unit of Surficial Aquifer (plan view)

Intermediate monitoring zone (-25 to -55 feet amsl)





We also support the City of Brunswick and Glynn County in breaking this cycle of pollution by setting aggressive alternative deadlines to ensure that the public health and groundwater is safe from contaminants on and off-site of property by 2024.

Thank you for your time and consideration. With our suggestions we support the renewal of the Hazardous Waste Permit to ensure the continued cleanup of hazardous waste in groundwater and soils.

If you have any questions or concerns, please contact me at (321)331-0912 or Sue@altamahariverkeeper.org.

Sincerely,

Sue Inman
Altamaha Coastkeeper

Vanginkel, Steven

From: Monica Smith <s.l.e.a.t@att.net>
Sent: Saturday, March 7, 2020 1:36 PM
To: Brown, Jim
Subject: HW-052 (D&S)

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Jim Brown, Program Manager
Hazardous Waste Corrective Action Program EPD, Land Protection Branch

Dear Mr. Brown:

While I do not intend to comment on the entire handout distributed to the public at the hearing on the referenced Hercules/Pinova permit, I do want to point out that the sentence:
“In 2015, EPD determined that the horizontal and vertical extent of groundwater contamination at the facility had been completed.”
makes no sense. While I can imagine complete contamination, it hardly seems something worth reporting. Perhaps the word “delineation” was left out?
One other point: the presence of 39 so-called Solid Waste Management Units in close proximity to residential neighborhoods is totally unacceptable. Never mind that management is not possible. The waste needs to be removed. Period.
We do not need contaminants to be stored, managed or addressed. We need the site to be cleaned up and restored to its pre-industrial state.
Clearly, after a half century of trying to prevent, contain and mitigate pollution and contamination of air, soil and water with a permitting regime, it is time to admit failure and try something else. I’d suggest prohibiting all enterprise that does not clean up its own messes as they are produced. Corporations are not entitled to the presumption of probity, especially not after they have poisoned the environment.
The problem with permits, as former Justice Anthony Kennedy went around the country preaching, is that “the issuance of a permit is not an act of grace,” for the simple reason that permits are issued for behaviors that are presumed to be good. Since dispensing poisons into air, soil and water is not only bad, but has been scientifically demonstrated to be bad, permits are clearly the wrong way to go.
Natural moral persons are entitled to the presumption of probity. Artificial entities such as companies and corporations, whose existence is authorized by state governments and whose main purpose is to avoid personal responsibility, have no such claim. Moreover, if the behavior of such entities has been shown to be detrimental in any way, then the proper response would seem to be termination by the state. If we can dissolve corporations for not paying an annual filing fee, we can certainly dissolve them for poisoning our communities.
Of course, the Georgia Department of Natural Resources cannot initiate such an action, but it can recommend to the legislature that new strategies are in order.
Thank you for your consideration and good luck.
Monica Smith, founding member of SLEAT

Vanginkel, Steven

From: Monica Smith <hannah@smith-family.com>
Sent: Friday, April 10, 2020 4:19 PM
To: Brown, Jim
Subject: Brunswick Hercules Permit renewal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Jim Brown, Program Manager
Hazardous Waste Corrective Action Program
2 MLK, Jr. Drive, SE, Suite 1054
Atlanta, Georgia 30334

Dear Mr. Brown:

While it is reasonable to issue permits for activities whose consequences are unknown and require the permittee to collect appropriate data, when a site is contaminated, the owner needs to be cited and order to clean up the chemical wastes. Hercules has had plenty of time to address these problems. The issuance of permits in the past does not create shared guilt in the state or the federal government, for that matter. Order a clean-up and levy a fine sufficient to insure completion within a specified time. When the water table lies 15" below the surface industrial activities should never be permitted. That is true for the site on the other side of the peninsula, as well.

Sincerely,

Monica Smith

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of mikedayoub@gmail.com
Sent: Wednesday, April 29, 2020 6:01 AM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

We have to do a better job of stopping the pollution coming from that site, leeching into our groundwater, food supply, and environment nearby.

Sincerely,

Michael Dayoub
304 Stuart St
Savannah, GA 31405-5626

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of argnjbc@gmail.com
Sent: Wednesday, April 29, 2020 12:00 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure the residual industrial chemicals do not pose risks to public health. In particular, I request GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

- ? submit all needed corrective action plans within 90-days of the issuance of the permit.
- ? clean up the toxins, such as Benzene and mercury, that have spread beyond the permit area ? stipulate enforcement actions for failure to comply with permit conditions ? initiate groundwater monitoring and investigation of water quality and safety of wells surrounding the plant to educate and protect community members from contaminants.

Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Andrea Goolsby
920 Juliette Rd.
Forsyth, GA 31029

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of catherine@onehundredmiles.org
Sent: Thursday, April 30, 2020 12:35 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Catherine Ridley
603 4th Ave.
St. Simons Island, GA 31522

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Sgertis@gmail.com
Sent: Wednesday, April 29, 2020 12:43 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,
Sue gertis

Sincerely,

Sue Gertis
763 riverview dr
Jekyll Island , GA 31527

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of katdogemory@gmail.com
Sent: Wednesday, April 29, 2020 11:57 AM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Kathleen Wolfe
594 Oakland Ave SE
Atlanta, GA 30312

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Hamm1878@gmail.com
Sent: Wednesday, April 29, 2020 12:32 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Stephen Hammond
156 Marvin Circle
Juliette, GA 31046-4617

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of angelamarlow64@gmail.com
Sent: Wednesday, April 29, 2020 2:12 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Angela Marlow
4748 Juliette Rd
Forsyth, GA 31029

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Goo608gle@gmail.com
Sent: Wednesday, April 29, 2020 12:45 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Denise Anderson
1149 Ocean Blvd
St. Simons Island , GA 31522

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of temporaryaccess@icloud.com
Sent: Wednesday, April 29, 2020 2:18 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you in advance for your consideration to these comments.

Sincerely,

Gloria Hammond
2619 Luther Smith Rd
Juliette, GA 31046-4853

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of kath.oneal@gmail.com
Sent: Wednesday, April 29, 2020 5:01 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Anna ONeal
PO Box 887
Macon, GA 31204

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Cnzellie13@gmail.com
Sent: Wednesday, April 29, 2020 6:52 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Corinne Zelle
229 Beckingham Drive
Brunswick , GA 31525

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of amyconkell@hotmail.com
Sent: Wednesday, April 29, 2020 5:28 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Amy Conkell
8509 GA HWY 87
Juliette , GA 31046

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Jackie Johnson
<mailagent@thesoftedge.com>
Sent: Wednesday, April 29, 2020 3:16 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Jackie Johnson
69 Newton Rd
Juliette, GA 31046-4621

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of jjordan13@att.net
Sent: Tuesday, April 28, 2020 2:56 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Julie Jordan
139 Reynoso Ave
Saint Simons Island, GA 31522-1730

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of mjtowns19@gmail.com
Sent: Tuesday, April 28, 2020 3:22 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Mary Jo Townsend
192 TownshipBluff Circle
Saint Simons Island, GA 31522

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Shup56@gmail.com
Sent: Tuesday, April 28, 2020 9:24 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Sally Shupert
13850 Hopewell Rd
Milton, GA 30004

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of chandra.p.brown@gmail.com
Sent: Tuesday, April 28, 2020 4:25 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Chandra Brown
340 South Rountree Street
Metter, GA 30439-4826

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of lfshea@rose.net
Sent: Tuesday, April 28, 2020 3:42 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Laura Fonseca Shea
1701 Old Monticello Road
Thomasville, GA 31792-6716

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of eileenberta@gmail.com
Sent: Tuesday, April 28, 2020 2:33 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Eileen Berta
746 Audubon Wynd
Waverly, GA 31565-2592

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of amymyers0893@gmail.com
Sent: Wednesday, April 29, 2020 1:09 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Amy Myers
10201 GA Highway 87
Juliette, GA 31046-4434

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of cindymcwatson@gmail.com
Sent: Wednesday, April 29, 2020 3:49 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Cindy Watson
3039 Stokes Store Road
Forsyth, GA 31029

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of mary henning
<mailagent@thesoftedge.com>
Sent: Wednesday, April 29, 2020 7:32 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure the residual industrial chemicals do not pose risks to public health. In particular, I request GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

- ? submit all needed corrective action plans within 90-days of the issuance of the permit.
- ? clean up the toxins, such as Benzene and mercury, that have spread beyond the permit area
- ? stipulate enforcement actions for failure to comply with permit conditions
- ? initiate groundwater monitoring and investigation of water quality and safety of wells surrounding the plant to educate and protect community members from contaminants.

Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

mary henning
611 Union St
brunswick, GA 31520

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of robertrandall@bellsouth.net
Sent: Wednesday, April 29, 2020 3:59 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

HERE ARE MY comments on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

This permit should NOT be renewed unless the Georgia EPD is serious about fulfilling its obligations to protect the public and the environment. You should not be protecting the polluters' pocketbooks. If you are too chummy with the people whom you are paid to regulate, then step out of the way and let new people do the work. I know it is easy to get friendly with those with whom you constantly interact, but your job is to make them do the right thing, not to empathize with their "plight".

Instead, please empathize with the victims of their activities, including the non-human recipients of toxic run-off. Everything toxic eventually makes it back to people.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. This should never have happened. But worse, since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division has known about this contamination that violates the condition of their permit, yet has failed to make Hercules/Pinova submit corrective action plans nor make significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure that residual industrial chemicals do not pose risks to public health. In particular, I join with others in requesting GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

- ? submit all needed corrective action plans within 90-days of the issuance of the permit.
- ? clean up the toxins, such as Benzene and mercury, that have spread beyond the permit area
- ? stipulate enforcement actions for failure to comply with permit conditions
- ? initiate groundwater monitoring and investigation of water quality and safety of wells surrounding the plant to educate and protect community members from contaminants.

If you cannot require those minimal things, DO NOT ISSUE THE PERMIT.

Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County take actions to protect the surficial groundwater as a drinking water source. Many community residents, MYSELF INCLUDED, use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety.

Also, please host regular public meetings and informational sessions to inform and educate the community members affected by this plant and to listen and respond in a positive way to our concerns.

Thank you for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit and participating in more public input sessions.

Thank you in advance for your consideration of these comments and for your acting upon them.

Sincerely,

ROBERT RANDALL
275 Andy Tostensen Road
Brunswick, GA 31523-6204

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of randrew899@gmail.com
Sent: Wednesday, April 29, 2020 5:03 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure the residual industrial chemicals do not pose risks to public health. In particular, I request GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

- ? submit all needed corrective action plans within 90-days of the issuance of the permit.
- ? clean up the toxins, such as Benzene and mercury, that have spread beyond the permit area ? stipulate enforcement actions for failure to comply with permit conditions ? initiate groundwater monitoring and investigation of water quality and safety of wells surrounding the plant to educate and protect community members from contaminants.

Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Andrew Dreelin
7337 Standing Boy Rd
Columbus, GA 31904-1921

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Houston Cass
<mailagent@thesoftedge.com>
Sent: Wednesday, April 29, 2020 5:10 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Houston Cass
121 Pine Lane Trail
Juliette, GA 31046-4808

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of lynsgraybill@gmail.com
Sent: Tuesday, April 28, 2020 3:12 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Lyn Graybill
415 Ashantilly Ave
Saint Simons Island, GA 31522-3608

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of chris.noyes1@gmail.com
Sent: Tuesday, April 28, 2020 3:26 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Christopher Noyes
1120 Palmetto Ave
Brunswick , GA 31520

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of walljed@hotmail.com
Sent: Tuesday, April 28, 2020 4:13 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure the residual industrial chemicals do not pose risks to public health. In particular, I request GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Jed Wall
1223 Union St. Unit A
Brunswick , GA 31520

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Brad Beaman <mailagent@thesoftedge.com>
Sent: Tuesday, April 28, 2020 2:35 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Brad Beaman
321 Abercorn Street, Unit 105
Savannah, GA 31401

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Wolfflady2919@gmail.com
Sent: Wednesday, April 29, 2020 2:08 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure the residual industrial chemicals do not pose risks to public health. In particular, I request GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Pam Wolff
2111 Juliette Rd
Forsyth , GA 31029

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of hlang@darientel.net
Sent: Wednesday, April 29, 2020 6:24 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Harriet Langford
1471 W. Black Island Rd. SE
Darien, GA 31305

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of dgosline@att.net
Sent: Wednesday, April 29, 2020 2:36 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

DANIEL GOSLINE
160 Cherokee Trl
Forsyth, GA 31029-5355

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Sherri sharpe <mailagent@thesoftedge.com>
Sent: Wednesday, April 29, 2020 12:04 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Sherri sharpe
607 sharpe Cemetery Road
Uvalda, GA 30473

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of muiralley@gmail.com
Sent: Tuesday, April 28, 2020 11:56 AM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Alex Muir
611 East 56th ST
Savannah, GA 31405-3621

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of chaddscott@hotmail.com
Sent: Tuesday, April 28, 2020 3:28 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Dear Mr. Brown:

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Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Chadd Charland
3046 B First Avenue
Fernandina Beach, FL 32034

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of sharon.broussard@gmail.com
Sent: Wednesday, April 29, 2020 5:32 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Brown:

Thank you for the opportunity to review and comment on the Hercules/Pinova, Inc. draft hazardous waste facility permit HW-052 (D&S)-2.

Groundwater monitoring data reveal that a plume of toxins has moved beyond the Hercules/Pinova industrial site, under highway 17, and is migrating towards Terry Creek and the neighborhoods around the plant. Since 2014, or earlier, the Georgia Department of Natural Resources Environmental Protection Division (GA EPD) has known about this contamination that violates the condition of the permit, yet Hercules/Pinova has still not yet submitted corrective action plans and made significant progress to implement remedial actions.

The GA EPD must incorporate strict permit conditions and enforce those conditions to ensure the residual industrial chemicals do not pose risks to public health. In particular, I request GA EPD only re-issue the permit with the following conditions and requirements that Hercules/Pinova must implement:

- ? submit all needed corrective action plans within 90-days of the issuance of the permit.
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Additionally, I support GA EPD requiring that all industrial facilities and municipalities in Glynn County to take actions to protect the surficial groundwater as a drinking water source. Many community residents use surficial groundwater to drink and to irrigate, so it is critical those sources are protected for their health and safety. Lastly, please consider hosting regular public meetings and informational sessions to inform and educate the community members affected by this plant and concerned about the toxins in our environment.

Thank you again for the opportunity to comment on the Hazardous Waste Facility Permit HW-052(D&S)-2. I look forward to reviewing the new draft permit, and participating in more public information sessions.

Thank you in advance for your consideration to these comments.

Sincerely,

Sharon Broussard
701 W. Conyers St
Saint Marys, GA 31558-4917

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Yourmemoriesimplified@gmail.com
Sent: Tuesday, April 28, 2020 3:13 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Beth Sutton
801 Albany St.
Brunswick , GA 31520

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Katiewillcox@hotmail.com
Sent: Tuesday, April 28, 2020 4:06 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Katie Williams
1712 Ellis St
Brunswick, GA 31520

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Racheltandy27@gmail.com
Sent: Tuesday, April 28, 2020 2:26 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Rachel Tandy
1230 Chaddwyck Drive
Athens, GA 30606-7005

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of Lpbyrd@outlook.com
Sent: Tuesday, April 28, 2020 5:03 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,
Lynne Byrd

Sincerely,

Lynne Byrd
310 Fox Ridge Lane
Thomasville, GA 31792

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of eva.bilderback@mcschools.org
Sent: Wednesday, April 29, 2020 2:39 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Sincerely,

Eva Bilderback
251 Sleepy Creek Road
Macon , GA 31210

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of shabbyforshore@gmail.com
Sent: Tuesday, April 28, 2020 3:25 PM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Cindy Ray
622 W Victory Dr
Savannah , GA 31405

Vanginkel, Steven

From: mailagent@thesoftedge.com on behalf of suwoo2009@gmail.com
Sent: Thursday, April 30, 2020 9:47 AM
To: Brown, Jim
Subject: Hercules/Pinova Hazardous Waste Facility Permit HW-052(D&S)-2

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Thank you in advance for your consideration to these comments.

Sincerely,

Susan Woods
3931 Paces Ferry Drive
Atlanta , GA 30339

**In re: Public Hearing
Regarding RCRA Permit Renewal**

PUBLIC HEARING

March 5, 2020

7:30 p.m.

**Glynn County Public Library
208 Gloucester Street
Brunswick, Georgia**

Colleen C. Lee, RPR, CCR 2799

Gilbert & Jones

Certified Court Reporters

P. O. Box 1894 (31521)
1607 Norwich Street
Brunswick, GA 31520

gilbertandjones1@gmail.com
912.264.1670

P. O. Box 14515 (31416)
7505 Waters Avenue, F3
Savannah, GA 31406

1 APPEARANCES

2 On behalf of the Georgia Department
3 of Natural Resources:

4 JIM BROWN
5 Program Manager
6 Hazardous Waste Corrective Action Program
7 2 Martin Luther King Jr. Drive SE
8 Suite 1054 East
9 Atlanta, Georgia 30334
10 (404) 657-8644
11 jim.brown@dnr.ga.gov
12
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P R O C E E D I N G S

* * *

(Meeting called to order at 7:30 p.m.)

MR. BROWN: Has everybody written down their name that are going to make a verbal comment?

What we're going to do is we have a court reporter here recording all of our statements and comments. I am going to call people up based on the order they signed in. I'd ask you to state your name and spell your last name for the record, present your comments, and tonight we're here to receive the comments. So the comments will be read into the record.

At a later date, after the end of the Hercules and Pinova permit, after everybody has had an opportunity to enter a verbal comment signed up on the sheet, I will call people up based on the way they signed in.

At a later date, after the end of the public comment period, which is March the 30th, EPD will compile all of the written comments received, all the verbal comments received tonight, and prepare a response, modify the permit as necessary, and then make a

1 recommendation to either modify the permit and
2 go forward, or leave the permit as it is drafted
3 and go forward, or reissue and we come through
4 the whole public notice process again based on
5 the comments.

6 Anyone who comments tonight and anybody
7 else who would like a copy, can receive a copy
8 of the entire record from tonight and from all
9 the other comments, EPD's response, and also a
10 copy of the permit as issued by the director of
11 EPD.

12 Are there any questions before we get
13 started? When I call you up and you make your
14 comment -- and, again, we're here to receive
15 comments on the permit -- at the end of your
16 comments -- again, the Bureau and EPD is not
17 going to respond to the comments -- we are just
18 going to thank you for your comments and then,
19 after that, ask the next speaker to come up. So
20 please don't be talking during that. Okay?

21 Great. With that, I am going to turn the
22 microphone on for the comments. The first
23 person to sign up for comments is Ron Adams.
24 Can you come up and place your comments, please?

25 MR. RON ADAMS: Thank you for this

1 opportunity. I think I have been at all of
2 these since 2012 that have been filled. I think
3 that's the year, 2012, when I showed up and I
4 think maybe Daniel Parshley and I were the only
5 two people in the room, so it is good to see
6 there are more people that are here.

7 I saw in some of the correspondence from
8 EPD, Mr. Joe Turner's name when he was director
9 of EPD. And I hadn't had a chance to meet him
10 until a couple of months ago, but I'm glad that
11 you came to participate today, Mr. Turner.
12 Thank you for being here.

13 How long has it been? How long has it
14 been since Hercules started manufacturing
15 toxaphene in our community? 1950, 70 years ago.
16 How long has it been since Hercules last
17 manufactured toxaphene in our community? Since
18 1980, 40 years ago. How long has it been since
19 Hercules last used benzene in our community?
20 1970, 50 years ago.

21 How long has it been since Hercules has
22 operated under a permit such as the one that we
23 are here talking about tonight? 1987; that is
24 33 years. How long has it been since Georgia
25 placed Hercules on the hazardous site

1 inventories? 1974; 26 years ago.

2 How long has it been since the permit
3 that's under consideration for renewal tonight
4 was issued? That was in October of 2007;
5 13 years ago. How long has it been since
6 Hercules requested of others permission to place
7 test wells to determine the extent of
8 containment vibration? Since 2009, 11 years
9 ago.

10 How long has it been since Hercules has
11 had maps depicting contamination beyond the
12 property boundary? Since 2012, eight years ago.
13 How long has it been since Hercules notified EPD
14 that contamination has migrated beyond the
15 property boundary and onto the property of
16 others? Since 2013, seven years ago.

17 How long has it been since EPD directed
18 Hercules to remediate contamination that had
19 migrated beyond the property boundary? Since
20 2013, seven years ago.

21 How long has it been since Hercules
22 produced a plan for dealing with that off-site
23 contamination? Since 2014, six years ago. How
24 long has it been since EPD approved that plan to
25 deal with the off-site contamination? Since

1 2014, six years ago.

2 How long has it been since Hercules
3 received a final remedial facility investigation
4 approval that triggered the requirement for a
5 preventative action plan at the Hercules plant
6 within 90 days of that approval? That was since
7 2016, four years ago. How long has EPD been
8 waiting for that plan? Four years, since 2016.

9 How long has it been since Hercules
10 performed a mass flux study to delineate
11 contamination by vibration? Since early 2015,
12 five years ago. How long has it been since
13 Hercules reported those results to EPD? Since
14 June of 2016, four years ago.

15 How long has it been since Hercules'
16 current permit expired? October 2017, 28 months
17 ago. How long has it been since benzene last
18 used in 1970 was detected in significant
19 quantities on both the Hercules' site and
20 off-site? Benzene is still detected in
21 significant quantities despite the 50 years from
22 its last use.

23 How long has it been since toxaphene, last
24 manufactured in 1980, was last detected in
25 significant quantities at the Hercules site?

1 Toxaphene is still detected.

2 The current permit requires full notice to
3 EPD within 48 hours by the permittee, in this
4 case, Hercules and Pinova, when contaminant
5 release goes beyond the property boundary.
6 Despite this requirement and existing permit,
7 Hercules waited more than a year to notify EPD
8 of contaminated vibration beyond the property
9 boundary.

10 The current permit requires EPD to list
11 the contaminants and quantities in a written
12 report to EPD within 15 days of the event.
13 Hercules didn't do this.

14 The cleanup of contamination beyond the
15 property boundary ordered by EPD in 2013, has
16 yet to be commenced, much less completed.

17 Every day that Hercules delays dealing
18 with contamination issues, more contamination
19 vibrates off of the Hercules site and moves to
20 the property of others, including that of my
21 family.

22 Every day that Hercules delays dealing
23 with the contamination issue, the contamination
24 spreads horribly and becomes more difficult to
25 remediate.

1 I have been fully engaged with EPD on this
2 matter since 2013. I have traveled to Atlanta
3 to EPD headquarters to discuss this issue in
4 August of 2019. Mr. Uhler and Director Dunn
5 told me that the delay in the permit was such
6 that when the permit came out, it would include
7 the corrective action plan. The permit
8 published for content does not include the
9 corrective action plan.

10 The corrective action plan will only be
11 triggered 90 days -- the requirement is 90 days
12 after the permit is approved. Those are the
13 same requirements that existed in the old permit
14 that they didn't comply with either.

15 EPD expects Hercules to suddenly meet its
16 deadlines? Hercules does not meet its
17 deadlines. What enforcement action will the EPD
18 take? When can we expect Hercules to begin with
19 remediating its contamination beyond the
20 boundary and when can we expect that remediation
21 to be completed? These are the same questions
22 that many in Brunswick have asked for decades
23 and for which there's been typically few
24 results. How long will it be?

25 Thank you.

1 MR. BROWN: Thank you for your time.

2 The next commenter is Douglas Adams.

3 MR. DOUGLAS ADAMS: Good evening. Thank
4 you for listening. The comments that I want to
5 make are that in the way it is being proposed is
6 that it's obvious that a lot of relevant
7 scientific data is simply being ignored. There
8 is nothing which is shown on the maps that's
9 showing the benzene ratings and other benzene
10 components that reflect the findings from a mass
11 flux study that was done three years ago.

12 And the mass flux study shows that there
13 are levels of benzene sometimes over 2,000 times
14 more than the EPA limit for benzene, very close
15 to Highway 17, but that data is totally ignored
16 in this plan.

17 And there is nothing in this plan that
18 says that the groundwater is going to be
19 treated. Instead it suggests that the
20 groundwater will continue to be monitored. This
21 situation has been monitored for far too long
22 and there has not been significant action taken
23 to deal with it.

24 This area is an important area in our
25 community and we should insist that it not be

1 ignored any further. And that the responsible
2 party step up and clean up this pollution, so
3 the benzene does not continue to be a risk in
4 our community.

5 Thank you.

6 MR. BROWN: Thank you. And just to remind
7 the speakers to state your name and spell your
8 last name, please, for the record. His name is
9 Douglas Adams, A-d-a-m-s.

10 The next speaker is Alice Keyes.

11 MS. ALICE KEYES: Thank you very much. My
12 name is Keyes, spelled K-e-y-e-s. I'm with the
13 organization 100 Miles and I'm here representing
14 our members here in Glynn County and throughout
15 the state, throughout the country.

16 First off, I want to express my
17 appreciation to the staff of the Environmental
18 Protection Division for traveling down in bad
19 weather to give us an opportunity to ask
20 questions of an extremely complicated and
21 convoluted issue.

22 The contamination that for generations the
23 people of Brunswick and Glynn County have
24 suffered because of the operation that occurred
25 at the Hercules/Pinova site is far spread and

1 wide.

2 I think one of the reasons that we are all
3 here today is to ensure that the people
4 understand that the Environmental Protection
5 Division is adhered to uphold its mission. Its
6 mission is to protect and restore Georgia's
7 environment. It says specifically, we take the
8 lead in ensuring clean air, water, and land.

9 As Mr. Adams and Mr. Adams have said, we
10 have for generations suffered because of some of
11 the failures of EPD to uphold that mission.

12 The time has come for the agency to step
13 up and to require polluters to do what they
14 accept responsibility for. Water is a public
15 resource. We all have a right to clean, ample,
16 safe water. That may be surface water; it may
17 be groundwater, but it is a public resource that
18 we all have a right to.

19 EPD is upholding their duty in requiring
20 in the permitting process that Hercules and
21 Pinova protect the groundwater, for example, to
22 drinking water standards. We are extremely
23 thankful for that. But what we, need as the
24 public, is assurances that any corrective action
25 plan for pollutants that go beyond the permitted

1 level is actually developed and implemented. We
2 have not gotten that to date. We, as the
3 public, need that assurance.

4 Those corrective action plans need to be
5 complete and they need to be thorough. The
6 people of Brunswick and Glynn County have
7 suffered for long enough. The time has come to
8 eliminate the contamination, the toxaphene, the
9 benzene, and all of the other byproducts. Clean
10 up the contamination of all those byproducts.

11 Again, we are here just to hold the agency
12 accountable for its job and the mission of
13 protecting and restoring the Georgia
14 environment. The people of Brunswick deserve
15 better.

16 Thank you.

17 MR. BROWN: Thank you for your comment.
18 The next commenter is Daniel Parshley.

19 MR. DAN PARSHLEY: My name is Daniel
20 Parshley, P-a-r-s-h-l-e-y.

21 Congratulations to EPD and Hercules.
22 Fifty years. We are celebrating a 50-year
23 anniversary here tonight. 1987 was the first
24 hazard plant permit. Harrell Bates, the plant
25 manager, said, we will clean it up and here we

1 are tonight and it has not been cleaned up.

2 What happened back then?

3 And the unholy relationship was
4 consummated between Georgia EPD and Hercules.
5 What was the result of that unholy relationship?
6 A revolving door of directors that worked for
7 the state and was supposed to work for the
8 citizens that turned around and worked for
9 Hercules/Pinova. It came to Leonard Ledbetter.
10 It came down to Ron Varnell. It changed to
11 helping local residents from toxaphene to hide
12 that poison in our community.

13 It was only overturned by an office -- EPA
14 office of inspector general investigation, which
15 resulted in EPA Section 82716, developed so they
16 can't hide the poison any longer.

17 And then we have Jack Cap up there that
18 sends us an air permit and they would just table
19 it so they could pollute our air, unregulated
20 under the permit application shield. They knew
21 they didn't have to do anything.

22 And after this first permit, 40, 50 times
23 they would receive responsive calls, more
24 spills. They knew that they could pollute the
25 community. That is why we have a problem in our

1 community. That's why it hasn't been cleaned
2 up.

3 How many times have we heard a draft for
4 this requires Hercules and Pinova submitting
5 corrective action plan to address releases from
6 their stoops, then 90 days from the effective
7 date of the permit.

8 Well, at least 50 years and it ain't
9 happened. Those are just words. We are tired
10 of words. We are tired of the revolving door.
11 This unbelievable legislation has been
12 consummated? What has it resulted in? Only one
13 thing. Our community is being bent over to
14 sodomize it and it's time for it to stop.

15 MR. BROWN: Thank you for your comment.

16 The next commenter is Tim Hassett.

17 MR. TIM HASSETT: Good evening. My name
18 is Tim Hassett, H-a-s-s-e-t-t. And I am a
19 Hercules remediation manager responsible for
20 overseeing the Brunswick facility for the
21 corrective action process. Thank you for the
22 opportunity to speak briefly of the proposed
23 permit renewal for the facility.

24 Hercules has been an important part of the
25 community for over a century. Hercules is the

1 sole manufacturer operations within the
2 Brunswick facility since 2010.

3 Hercules continues to retain inactive
4 portions of the facility. Hercules is also
5 spearheading the ongoing work at the Brunswick
6 facility in cooperation with Pinova to address
7 legacy and environmental and distance from
8 historic manufacturing operations.

9 The proposed permit that is the subject of
10 tonight's hearing reflects the evolution of
11 operations at the Brunswick facility by
12 identifying Pinova and Hercules as
13 co-permittees.

14 In connection with those operations, the
15 scope of the -- the proposal also reflects the
16 fact that hazardous waste are no longer being
17 stored at the Brunswick facility in a manner
18 that would require a permit.

19 As a result, the proposed permit no longer
20 authorizes treatment, disposal, or long-term
21 storage of hazardous waste. Instead, the focus
22 is on remediation, which includes facility-wide
23 corrective action, groundwater monitoring and
24 post-closure maintenance and the former
25 wastewater surface and balance.

1 In short, the permit provides the
2 framework in which Hercules can complete their
3 remediation of legacy environmental conditions
4 in a safe, efficient, and protective manner.

5 Hercules would like to complete the
6 remediation with the Brunswick facility quickly
7 and efficiently. Remediation can only be
8 accomplished by following the steps required by
9 the Georgia EPD and the U.S. EPA, with
10 regulations and directives. The corrective
11 action program is challenging and complex and
12 involves many steps.

13 I can assure you, however, that we have
14 been working diligently to address conditions on
15 and offsite and we've made significant progress.

16 The history and the scope of the work is
17 too lengthy to give specific details in the few
18 minutes that I have this evening, but I will
19 offer a few key highlights.

20 In the early 1980s, Hercules closed down
21 the Lake Forest, the northern portion of the
22 facility, by excavating and backfilling them
23 with clean soil. Later, Hercules dismantled the
24 remaining infrastructure in this area and for 15
25 years operated with water pump and treatment for

1 remedial groundwater effects from the area and
2 mitigated the potential for offsite migration of
3 impacted groundwater.

4 In the 1990s, Hercules completely removed
5 the soil and foundation surrounding the former
6 toxaphene production plant down to the ground,
7 excavated and backfilled the area with clean
8 soil. And excavated the end street ditch and
9 installed a new watering system to create a
10 barrier between the ditch and groundwater and
11 the area.

12 In total, this project included the
13 removal of 47,000 tons of soil and the
14 insulation of a 300,000-square-foot liner in the
15 end street around the location of the former
16 toxaphene production plant.

17 Throughout this time period, Hercules also
18 conducted regulatory mandated facility-wide
19 investigation and identifying future
20 environmental factors for remediation.

21 This work included multiple phases of
22 sampling and evaluation of conditions throughout
23 the facility and in adjacent offsite areas,
24 including the insulation that was reported as
25 100 groundwater monitoring wells to evaluate and

1 monitor the groundwater conditions on and
2 offsite. Hercules continues to routinely sample
3 those monitoring wells network.

4 The traditional regulatory process
5 contemplates completion of all investigations
6 for proposing a final corrective action plan for
7 the entire facility.

8 At the Brunswick facility, however,
9 Hercules is working with EPD to accelerate the
10 remediation activities by developing and
11 implementing a series of interim corrective
12 measures to address environmental conditions at
13 the site related to legacy and environmental
14 conditions.

15 EPD is aware that all work that Hercules
16 proposes to undertake will be subject to a
17 review and approval by EPD.

18 Onsite these interim corrective measures
19 will include remediation of the former toxaphene
20 tank farm. Remediation will slow various
21 locations of the facility for removal of
22 separate bases of liquid. Liquid identifies
23 shallow groundwater in the main operational area
24 and completion of vapor intrusion investigation
25 that is presently being conducted in accordance

1 with the federal EPA guidance and under EPD
2 oversight.

3 Hercules is also designing a groundwater
4 remediation system using permeable barriers and
5 target and remove potential facility-related
6 compounds in the deep upper severe condition and
7 promote biological conditions that are already
8 naturally reducing the mass of these compounds
9 in groundwater.

10 Provided that access can be obtained, we
11 anticipate that these barriers and technology
12 will extend to offsite areas adjacent to the
13 Brunswick facility.

14 At the same time, Hercules is also
15 actively looking for opportunities for
16 beneficial reuse or redeveloped portions of the
17 facility that Hercules and Pinova will no longer
18 need.

19 Currently, Hercules has been discussing
20 with Commissioner Allen Booker to release an
21 unused warehouse for his nonprofit organization,
22 Rebuilding Together, with the ultimate goal of
23 donating the warehouse to the organization.

24 We are also exploring the potential
25 opportunity for the sale of an unapproved

1 portion of the facility on the east part of
2 Highway 17 for a different redevelopment
3 project.

4 Hercules remains completely committed to
5 completing the ultimate corrective action
6 process and remediation process in Brunswick in
7 accordance with the terms of the proposed permit
8 and under EPD's oversight.

9 From the beginning of the corrective
10 action process, Hercules' paramount objective
11 has been to ensure human health in the
12 environment and protect it. We believe that we
13 have met this objective and that the proposed
14 permit, once issued, will provide a path for it
15 which will allow safely and effectively and
16 successfully complete the final corrective
17 action at the facility.

18 Thank you for your time and your attention
19 in this matter. Thank you.

20 MR. BROWN: Thank you for your comment.

21 The next commenter is Rachel Thompson.

22 MS. RACHEL THOMPSON: Rachel Thompson.

23 T-h-o-m-p-s-o-n. I'm here on behalf of the Land
24 and Environmental Coalition. Thank you for the
25 opportunity to share some comments with you guys

1 today.

2 So to start, the LEC encourages the prompt
3 removal and proper disposal of hazardous waste
4 from operating facilities in order to avoid
5 spills, unnecessary releases and eliminate risks
6 to the health workers on site.

7 Our concerns will be further outlined and
8 elaborated in our written comments, but we do
9 appreciate the opportunity to share a few of
10 them here today.

11 We appreciate the provision in the new
12 permit that requires submission of a corrective
13 action plan within 90 days. That was not in the
14 past permit. However, we are concerned that the
15 past will repeat itself and the EPD will not
16 enforce the permit as they intend to.

17 In a 2011 letter sent from the EPD to
18 Hercules in the four-plus years since the
19 original letter -- that was the letter from the
20 2007 permit. You have not made sufficient
21 progress into your investigation in corrective
22 action at your facility and continues. Without
23 an increased effort, soil and groundwater
24 contamination from your facility will continue
25 to be inadequately addressed and remain a

1 potential threat to human health and the
2 environment.

3 The EPD is aware that there are financial
4 benefits to not completing a site-wide
5 investigation in developing a protective action
6 plan in a timely manner, including the cost of
7 delaying the investigation and the corrective
8 action and not having to provide financial
9 assurance for the problem of corrective action.

10 If you are unwilling to move forward with
11 the investigation and corrective action at your
12 facility, EPD may take enforcement steps to
13 ensure financial benefits are not being further
14 delayed and in compliance.

15 So we know that EPA can facilitate
16 enforcement actions which can include fines,
17 consent orders, and/or litigation.

18 Another concern is the groundwater
19 monitoring moving towards Terry Creek Drive and
20 the community that lives there. It is
21 imperative to determine the depth of the well
22 within that neighborhood and continue to
23 delineate the groundwater plume that moves
24 toward those residences.

25 We also encourage more consistent, either

1 quarterly or at a minimum biannual, testing of
2 the water in the homes on Terry Creek. Why? To
3 ensure that contaminants are not present in the
4 wells for those residences of that community.

5 Lastly, we request an increased effort is
6 made to updates to the community as progress is
7 made. There should be a mechanism for documents
8 to be more easily shared on an EPD website or
9 via e-mail. As some of you guys know, all of
10 the documents for review for this permit were
11 only paper copies in the library.

12 When the reports are sent to the EPD from
13 Hercules or from Pinova or their contractor, the
14 public or at least community state holders
15 should be notified that those reports have been
16 shared with them. This will allow the community
17 to have an increased awareness of the remedial
18 activities that are taking place and leave those
19 in a better position to comment at a public
20 hearing today.

21 Thank you so much.

22 MR. BROWN: Thank you for your comments.

23 The next commenter is David Kyler.

24 MR. DAVID KYLER: David Kyler, K-y-l-e-r.
25 I'm with the Center for Sustainable Coast, a

1 nonprofit organization service for Coastal
2 Georgia, protecting the environment and quality
3 of life.

4 I notice -- by the way, it's a privilege
5 to speak here, especially, after so many good
6 points being made by my fellow advocates.

7 I notice in the permit structures under
8 Roman numeral II in the summary that is provided
9 on the front table up there, there are all kind
10 of structures or descriptions within the
11 structures about conditions that must be met.
12 And there is a conspicuous lack of schedule for
13 compliance or penalties for noncompliance.

14 It seems to me that after records of
15 performance -- or dismal records for performance
16 of the Hercules for the past years, if not
17 decades, for failure to comply, that has got to
18 specified in no uncertain terms as part of this
19 permit. Otherwise, how can you hold them
20 accountable? How can we hold the EPD
21 accountable?

22 Unfortunately, there is a very disturbing
23 pattern of behavior of state agencies, even
24 federal agencies, that become, you might say,
25 agents of the violators and shielding the

1 violators in their noncompliance indefinitely.
2 I'm afraid this is an example of it.

3 I'm just reading now from a letter. I
4 will just be commenting. Hercules has a
5 notorious well-earned reputation in Glynn
6 County. Members of the chemical operation have
7 been a violator of our environmental law -- and
8 environmental law that completes 50 years. The
9 toxaphene, benzene, and chloroform -- serious
10 hazards to human health -- are among the
11 Hercules-generated contaminants that still
12 poison our groundwater and margins.

13 Risks of this contamination are honest.
14 Benzene, like toxaphene, causes cancer.
15 Chloroform is linked to liver failure. The
16 Centers for Disease Control report that
17 premature death rates in Glynn County has gone
18 up 15 percent in the last decade. CDC also
19 notes above average cancer rates are present
20 here.

21 Fish consumption advisory issued by the NR
22 have been released for decades and some,
23 undoubtedly, are linked to some of the
24 contaminants associated with Hercules.

25 Research also shows that the dolphins that

1 mated in the nearby waters had some of the
2 world's highest rates of cancer of all breathing
3 mammals.

4 But there is an unrelenting recklessly
5 hazardous history of pollution and Hercules has
6 been continually warned by environmental
7 regulators over many years.

8 Yet, Georgia EPD has been so ineffectual
9 that residual pollution continues to spread
10 while supposedly mandated cleanup remains
11 neglected, endangering the public, and degrading
12 surrounding property.

13 EPD called for corrective action years
14 ago, but it was never completed and a new permit
15 was expected to be issued. How can we possibly
16 give credit for the good faith of issuing this
17 permit, given the record of noncompliance for
18 the past permit?

19 Tests of all samplings beyond the
20 industrial site revealed dangerous levels of
21 pollution far above the established safety
22 limits.

23 After 50 years it is time for EPD to hold
24 this chronic contaminator accountable for
25 citizens of Glynn County. Public health and

1 quality of life must not be forfeited to fix the
2 problems.

3 Thank you.

4 MR. BROWN: Thank you for your comment.

5 This concludes the comments of the people
6 who have signed up in advance for comments. We
7 do have some additional time. Is there anyone
8 in the audience that would like to come forward
9 and make a comment? I would remind you to state
10 your name and spell your last name, please.

11 MS. SUSAN INMAN: My name is Susan Inman,
12 I-n-m-a-n. I'm with the Altamaha Riverkeeper.
13 I'm actually the coast-keeper within that
14 organization. We actually cover 56 counties and
15 Glynn County is just one of them and this is
16 where I stand.

17 I'm here tonight to talk about the lack of
18 factual findings available to the public. One
19 main example is this meeting was advertised, but
20 the actual comments or the actual permit was not
21 attached to the notification itself. So if
22 you're asking for comments on the permit, you
23 have to search for it, making it a little bit
24 difficult for the public to make these comments.
25 So if you just work on getting links to these

1 permits within these notifications, that will be
2 very beneficial.

3 Also, I want to come back to the one on
4 benzene plume. It would be really great and
5 factual and it really proves a point that you
6 have a big problem here. And it also shows that
7 the problem isn't just at one depth; it's at
8 multiple depths. And so that is really
9 important, too, when you're talking about
10 testing wells that you figure out you have to
11 test at your multiple depths to actually get a
12 full picture of the benzene plume.

13 But it also shows that your benzene plume
14 is actually moving. And if you compare the data
15 from the multiple years that you actually test,
16 you will be able find out where the plume is
17 moving, who is going to be affected, and who is
18 going to be affected in the future. It is
19 really important for the property owners to know
20 their wells could be currently contaminated or
21 in the future be contaminated.

22 So, again, offering this public
23 information to assist this is highly important.
24 And an example of this is the coal action that
25 we're working on up in Macon. The constituents

1 of the coal action actually migrates off
2 property and that's what is occurring here, too.
3 So not only the testing on property but off
4 property is highly important.

5 And, also, we're told there have been
6 interim measures that have been taken, but I
7 don't really understand what interim measures
8 are, so if that could be explained in some form,
9 that would be helpful, also, for the public so
10 they can have a full picture of what is going
11 on.

12 Thank you.

13 MR. BROWN: Thank you for your comment.
14 Would you like to come up?

15 MR. CORNELL HARVEY: Good evening. My
16 name is Cornell Harvey, H-a-r-v-e-y, the mayor
17 of Brunswick. I just felt a little compelled to
18 say a couple of words, basically, because I am
19 in charge of the responsibility to all the
20 people of the city of Brunswick based in our
21 community.

22 As I listen to some of the comments that
23 have been presented and also presented by
24 Mr. Merritt -- anyhow, we've got to try to clean
25 up this place around here. And realizing that

1 Hercules is applying for a permit to continue to
2 do business, however, and they say that they're
3 going to make sure they do business in a better
4 way than they did before.

5 But we've got to try to welcome this town
6 back and as the mayor of Brunswick, we want to
7 see total cleanup of the messes that have been
8 made. It just so happens that it is in our
9 backyard. Now, they may not have meant to do it
10 years and years ago, but than still, it's
11 already done, so we need some type of cleanup.

12 The City of Brunswick, I will say, and
13 also, probably, the board of commissioners for
14 the county probably think the same thing. I
15 can't speak for them. I can only speak for the
16 city. I know one of my commissioner friends,
17 Johnny Cason, has been pushing this hard and I
18 applaud him for keeping us on track to do that.

19 But we are really concerned about the
20 cleanup -- total cleanup, and we also know that,
21 Hercules, you don't have a good track record.
22 And it is kind of hard for you to assure us that
23 this won't happen again.

24 Thank you.

25 MR. BROWN: Thank you for your comments.

1 Is there anyone else that would like to
2 make a comment tonight?

3 (No comments.)

4 All right. I would like to thank
5 everybody for providing comments tonight and for
6 all of you for attending. We have some time and
7 the folks are going to be here, taking the room
8 down, putting chairs away, so if you do have
9 additional questions that we can answer, we'll
10 be more than happy to talk to you after this
11 formal hearing is over.

12 MS. KEYES: I actually do have one more
13 comment, if you could take one more.

14 MR. BROWN: Please.

15 MS. ALICE KEYES: Again, my name is Alice
16 Keyes, K-e-y-e-s. I am with 100 Miles. I have
17 been in this business for a long time and I have
18 been to quite a few public hearings. And most
19 of the public hearings that I attend, we hear
20 information about the permits and you hear
21 directly from the permit applicant in a formal
22 presentation.

23 It seems odd to me that Mr. Hassett would
24 stand up and comment on a permit that he is
25 responsible for applying for. And I needed to

1 say that, just to acknowledge the people who are
2 here from the public, we really appreciate the
3 elected officials who are here and the members
4 of the public who are and continue to be
5 affected by Hercules's activity, taking time
6 away from their family.

7 I do appreciate the staff and the
8 attorneys who are here representing Hercules and
9 being able to answer questions. However, I just
10 needed to state that it seems fairly odd to me
11 to have a public comment from the applicant of
12 the permit itself.

13 But, again, all of the -- my hats off to
14 the members who are here representing your
15 families and really holding the polluters and
16 the regulatory agencies accountable for helping
17 us improve our quality of life.

18 Thank you.

19 MR. BROWN: Thank you for your comment.

20 Are there any other comments?

21 (No response.)

22 You know this is a rare occasion where
23 there is more time at the podium. We usually
24 have to limit it to two or three minutes and I
25 have taken out the hook.

1 UNIDENTIFIED PERSON: Another thought that
2 I had before I came up here and neglected to
3 mention it before and David kind of the center
4 for speaking. Is that speaking for the
5 nonprofit organizations that attempt to defend
6 the case, what has happened they've developed
7 this pattern of malfeasance and efficiency and
8 enforcing, so we take on tremendous legal fees
9 to enforce the law of the state agencies and
10 public agencies that are not doing it. This is
11 completely unfair.

12 The burden of proof and burden of
13 enforcement and the burden of protecting the
14 public should be on the agencies, but our taxes
15 are paying for it. Instead, the public and
16 these functions -- these fundamental functions
17 of government have to be carried out by
18 nonprofit organizations at a great expense to
19 them. It's totally unfair.

20 MR. BROWN: Thank you for your comment.

21 Is there anybody else who would like to
22 make a comment?

23 (No response.)

24 Okay. Not seeing any, this will close the
25 formal receiving comments tonight. I would like

1 to remind you, again, that the EPD staff will be
2 available while we clean the room up.

3 Also, the public comment period goes until
4 March the 30th. You can submit written comments
5 to me at EPD. My business card is on the back
6 and it's also on the public information notice
7 provided here tonight. And again, thank y'all
8 for attending.

9 (Meeting concluded at 8:40 p.m.)

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1 CERTIFICATE OF COURT REPORTER

2
3 STATE OF GEORGIA:

4 COUNTY OF GLYNN:

5
6 I hereby certify that the foregoing transcript was
7 reported as stated in the caption, was reduced to
8 writing by me; that the foregoing 35 pages represent
9 a true, correct, and complete transcript of the
10 meeting held Thursday, March 5, 2020.11
12 I certify that I am not disqualified for a
13 relationship of interest under O.C.G.A. 9-11-28(c); I
14 am a Georgia Certified Court Reporter here as a
15 independent of Gilbert & Jones, Inc. who was
16 contacted by Gilbert, Harrell, Sumerford & Martin
17 to provide court reporting services for the
18 proceedings; I will not be taking these proceedings
19 under any contract that is prohibited by
20 O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the
21 Rules and Regulations of the Board; and by the
22 attached disclosure form I confirm that neither I nor
23 Gilbert & Jones, Inc. are a party to a contract
24 prohibited by O.C.G.A. 15-14-37(a) and (b) or
25 Article 7.C. of the Rules and Regulations of the
Board.

This 30th day of March, 2020.

20
21 _____,
COLLEEN LEE, RPR, CCR, 2799

DISCLOSURE OF NO CONTRACT

I, Debbie Gilbert, do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that Gilbert & Jones, Inc. was contacted by Gilbert, Harrell, Sumerford & Martin taking the proceedings to provide court reporting services for these proceedings and there is no contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board for the taking of these proceedings.

There is no contract to provide reporting services between Gilbert & Jones, Inc. or any person with whom Gilbert & Jones, Inc. has a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond our usual and customary rates have been disclosed and offered to all parties.

This 30th day of March 30, 2020.

Debbie Gilbert, FIRM
REPRESENTATIVE
Gilbert & Jones, Inc.

Permit Number: HW-052(D&S)-2
Brunswick, Georgia, GAD004065520
Hercules LLC & Pinova, Inc. are hereinafter referred to as the Permittees.

SECTION I. GENERAL PERMIT CONDITIONS

I.A. Scope and Effect of Permit

1. This permit is intended to be a comprehensive document that addresses all hazardous waste management activities currently occurring as well as those anticipated to occur at the facility. The Permit is divided into 5 Sections covering the following topics:

Section I. - General Permit Conditions
Section II. - Hazardous Waste Central Accumulation Area
Section III. – Post-Closure Care for Closed Surface Impoundments
Section IV. – Groundwater Monitoring
Section V. – Post Closure Care and Corrective Action for Solid Waste Management Units and Areas of Concern

Under this Permit, the Permittees are allowed to treat, store, or dispose of hazardous waste only in accordance with the conditions of this permit. Any hazardous waste treatment, storage or disposal not authorized in this permit is prohibited. The Permittees must comply with the Georgia Hazardous Waste Management Act and the Rules for Hazardous Waste Management, Chapter 391-3-11, which Rules include certain portions of the Federal Hazardous Waste Regulations (found at 40 CFR Parts 260-268, 270, and 124). Where a citation to the Federal Regulations is made in this permit, it refers to the specific regulations adopted by the EPD. Permittees are expressly authorized under this permit to treat, store or dispose of hazardous waste to the extent that those activities are permissible under 40 CFR Parts 260-270 as incorporated in the Georgia Rules for Hazardous Waste Management. By way of example but not limitation, as described in the permit application dated April 2, 2018, and as further amended, the Permittees may temporarily store hazardous waste for 90 days or less in accordance with the hazardous waste generator requirements set forth in 40 CFR Part 262.

2. The issuance of this permit does not convey any property rights in either real or personal property, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringements of Federal, State or local laws or regulations.
3. Compliance with this permit does not constitute a defense to any action brought by the Director under Section 18, Emergency Powers, of the Georgia Hazardous Waste Management Act, O.C.G.A. §12-8-75, as amended.

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Hercules LLC & Pinova, Inc. - Brunswick, Georgia

4. Nothing in this permit shall be construed to preclude the institution of any legal action under Section 3008 of the Federal Resource Conservation and Recovery Act (RCRA) (except Section 3008(h) of RCRA) or under the Georgia Hazardous Waste Management Act, O.C.G.A. §12-8-60 - §12-8-83, as amended.
5. This permit may be modified, revoked and reissued, or terminated for cause as specified in Rule 391-3-11-.11(7) and 40 CFR 270.41, 270.42, 270.43, 270.50(d) and 270.51(a). The filing of a request for a permit modification, revocation and reissuance, or termination; or the notification of planned changes or anticipated non-compliance on the part of the Permittees, does not stay the applicability of any permit condition.
6. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

I.B. Management Requirements

1. The Permittees must follow the procedures and plans described in detail in the permit application dated April 2, 2018, and as further amended, which are hereby incorporated by reference. The permit application dated April 2, 2018, is a revised version of the complete permit application that was submitted in a timely and complete manner on April 26, 2017 and incorporates changes to that permit application to address comments and questions from EPD.
2. The Permittees shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility, which changes the performance of the permitted facility with respect to any regulated activities (such as temporary storage of hazardous wastes), or would adversely impact any solid waste management unit, area of concern or the areas contaminated by them, including voluntary corrective measures.
3. The Permittees shall maintain at the facility until termination of this permit, and have available upon request the following documents and amendments, revisions and modifications to these documents:
 - (a) Complete copy of this permit and permit application;
 - (b) Personal training documents and records;
 - (c) Contingency Plan;
 - (d) Closure and Post-Closure Care Plans;

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Hercules LLC & Pinova, Inc. - Brunswick, Georgia

- (e) Cost estimate for facility closure and post-closure care;
 - (f) Financial Assurance instrument for closure and post-closure care;
 - (g) Inspection logs; and
 - (h) Groundwater sampling and analysis plan.
4. All amendments, revisions and modifications to any plan or cost estimates required by this permit shall be submitted to the Director for approval and permit modification as required by applicable rules.
 5. When the Permittees become aware that the Permittees failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Director, the Permittees shall promptly submit corrected facts or information.
 6. The Permittees shall at all times properly operate and maintain all facilities which are installed or used by the Permittees to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facility or similar systems only when necessary to achieve compliance with the conditions of this permit.
 7. The Permittees may not commence treatment, storage or disposal of hazardous waste at any new or substantially modified portion of the facility until the Permittees have submitted to the Director by certified mail, or hand delivery, a letter signed by the Permittees and a registered professional engineer or, when appropriate, registered professional geologist, stating that the facility has been constructed or modified in compliance with the permit where appropriate; and the Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or the Director has either waived the inspection of, or within fifteen (15) days has not notified the Permittees of his or her intent to inspect.
 8. The Permittees shall treat, store and dispose of all contaminated groundwater and other contaminated environmental media in accordance with all applicable Federal, State and local laws.
 9. The Permittees must comply with 40 CFR 264.148 whenever necessary.

Permit Number: HW-052(D&S)-2
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I.C. Monitoring and Reporting

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR 261. Laboratory methods for evaluating a waste sample must be those specified in the most recent editions of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW 846 or Standard Methods for the Examination of Water and Wastewater; (or an equivalent method as specified in the Waste Analysis Plan). Sampling and analyses of soil, groundwater, sediment and/or surface water samples shall be conducted in accordance with methods and procedures acceptable to the Director.
2. The Permittees shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, or record. These periods are automatically extended during the course of any unresolved enforcement action regarding this facility and also may be extended at any time at the Director's discretion.
3. The Permittees shall maintain on-site records for all groundwater monitoring wells noted in the permit and associated groundwater surface elevations, including groundwater flow rate and direction for the active life of the facility and for the post closure care period as well.
4. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or methods used and the method of sample preservation and quality assurance methods; and
 - (f) The results of such analyses and measurements.
5. The Permittees shall report to the Director or his representatives orally as soon as possible, but no later than twenty-four (24) hours from the time the Permittees become aware of any circumstances resulting from the operation of the hazardous waste management facility (including periods of non-compliance) which may endanger human health or the environment, including but not limited to:

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- (a) Release of any hazardous waste, hazardous waste constituents, or hazardous constituents that may cause an endangerment to public drinking water supplies;
- (b) Release or discharge of hazardous waste, hazardous waste constituents, or hazardous constituents, or a fire or explosion, which could threaten human health or the environment outside the facility.

The description of the occurrence shall include:

- (i) Name, address and telephone number of the owner or operator;
 - (ii) Name, address and telephone number of the facility;
 - (iii) Date, time and type of incident;
 - (iv) Name and quantity of materials involved;
 - (v) The extent of injuries, if any;
 - (vi) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - (vii) Estimated quantity and disposition of recovered material that resulted from the incident.
6. Within fifteen (15) days of becoming aware of any reportable incident as in Condition I.C.5. above which may endanger human health or the environment, the Permittees shall submit a written report of the incident covering the following:
- (a) Description of occurrence as in Condition I.C.5. above;
 - (b) Cause of occurrence;
 - (c) Period of occurrence, including exact dates and times;
 - (d) Time occurrence expected to continue (if not already corrected); and
 - (e) Steps taken or planned to reduce, eliminate and prevent recurrence.
7. Reports of noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.
8. The Permittees shall report instances of non-compliance, other than those described in Conditions I.C.5. and I.C.7., semi-annually on July 15 (covering January 1 - June 30) and January 15 (covering July 1 – December 31). The report shall cover the information requested in Condition I.C.5. for each incident.
9. All reports or other information requested by the Director shall be signed and certified according to the requirements in 40 CFR 270.11.

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10. All geologic and engineering reports required by this permit shall be signed and sealed by the appropriate Georgia registered professional as defined by state law. Additionally, the following certification statement shall accompany reports containing groundwater data or interpretation:

I certify that I am a qualified groundwater scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and have sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration and completion of accredited university courses, that enable me to make sound professional judgements regarding groundwater monitoring and contaminant fate and transport. I further certify that this report was prepared by myself or by a subordinate working under my direction.

I.D. Responsibilities

1. Right of Entry. The Permittees shall allow the Director of EPD, the Regional Administrator of EPA, and/or their authorized representatives, agents, or employees, upon the presentation of credentials and other documents as may be required by law to:
 - (a) Enter at reasonable times upon the Permittees' premise where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Georgia Hazardous Waste Management Act, any substances or parameters at any location.
2. Transfer of Permits. This permit is not transferable to any persons except after notice to the Director. This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 40 CFR 270.40(b) or 270.41(b)(2). Before transferring ownership or operation of the facility, the Permittees shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270.
3. Duty to Comply. The Permittees shall comply with all conditions of this permit, except to the extent and for the duration such non-compliance is authorized by an

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emergency permit. Any other non-compliance with this permit constitutes a violation of the Georgia Hazardous Waste Management Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification or denial of a permit renewal application.

4. Duty to Reapply. If the Permittees wish to continue an activity regulated by this permit after the expiration date of this permit, the Permittees must submit a complete application for a new permit at least one hundred eighty (180) days before this permit expires. Pursuant to 40 CFR 270.51, this permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittees have submitted a timely and complete application for a new permit and, through no fault of the Permittees, the Director has not issued a new permit on or before the expiration date of this permit.
5. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
6. Duty to Mitigate. The Permittees shall take all reasonable steps to minimize or correct any adverse impact on the environment or human health resulting from non-compliance with this permit.
7. Duty to Provide Information. The Permittees shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with the permit. The Permittees shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
8. Anticipated Non-Compliance. The Permittees shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in non-compliance with permit requirements.
9. Electronic Records. Where this permit requires Permittees to maintain records or documents at the facility, the Permittees may satisfy such a requirement through the use of electronic records that are readily accessible at the facility, provided that the Permittees notify EPD in writing of the type of records or documents that the Permittees intend to maintain electronically, the format of those files and the steps that Permittees will take to ensure that the electronic versions of the records or documents reflect the final version such records or documents (as opposed to superseded drafts).

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I.E. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260, 264 and 270, unless this permit specifically provides otherwise. Where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. Area of Concern (AOC) for the purpose of this permit includes any area having a probable release of a hazardous waste, hazardous constituent, or hazardous waste constituent which is not from a Solid Waste Management Unit and is determined by the Director to pose a current or potential threat to human health or the environment. Such areas of concern may require investigations and remedial action as required under the Georgia Hazardous Waste Management Act, §12-8-60, *et seq.* and 40 CFR 270.32(b)(2) in order to ensure adequate protection of human health and the environment.
2. Contamination for the purposes of this permit refers to the presence of any hazardous waste, hazardous waste constituents or hazardous constituents in a concentration which exceeds the naturally or anthropogenic occurring concentrations of that waste or constituent in the immediate vicinity of the facility (in areas not affected by the facility).
3. Corrective Action for prior or continuing releases from solid waste management units, as well as for other releases as described in Condition I.E.8., below, for the purposes of this permit shall be as specified in 40 CFR 264.101 and may include "corrective action" as provided for in 40 CFR 264.100 and other remedial actions for any environmental media as deemed appropriate by the Director to protect public health or the environment. The terms "releases" and "other releases", when used in reference to corrective action requirements of this permit, shall not include releases that the Permittees can demonstrate have been fully remediated within 30 days of discovery.
4. Director shall mean the director of the EPD or his/her authorized representative.
5. EPD shall mean the Georgia Environmental Protection Division of the Department of Natural Resources and any successor departments or agencies of the State of Georgia.
6. Facility for purposes of this Permit includes all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage,

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or disposal operational units (e.g., one or more landfills, surface impoundments, or combination of them). The facility is described in the Permit Application dated April 2, 2018, and as further amended, in the site description in Section B and Figure B-1. For the purposes of implementing corrective action under 40 CFR 264.101, a facility includes all contiguous property under control of the owner or operator seeking a permit under the Georgia Hazardous Waste Management Act.

7. Hazardous Constituents for the purpose of this permit are those substances listed in 40 CFR 261 Appendix VIII and 40 CFR 264 Appendix IX, as revised or superseded.
8. Release for the purposes of this permit includes any unpermitted spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste, hazardous waste constituents or hazardous constituents.
9. Solid Waste Management Unit for the purposes of this permit includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank (including storage, treatment, and accumulation tanks), container storage unit, wastewater treatment unit, including all conveyances and appurtenances used in waste management or storm water handling, elementary neutralization unit, transfer station, or recycling unit from which hazardous waste, hazardous waste constituents or hazardous constituents might migrate, irrespective of whether the units were intended for the management of solid and/or hazardous waste.

SECTION II. HAZARDOUS WASTE CENTRAL ACCUMULATION AREA

II.A. General

The conditions in this section apply to the hazardous waste storage building and concrete slab that has been converted to a less than ninety (90) day Hazardous Waste Central Accumulation Area depicted in Figure B-1 and Figure E-1 of the April 2, 2018 permit application, and as further amended.

II.B. Conditions Related to the Central Accumulation Area

1. Hazardous waste may be stored in the Central Accumulation Area for no longer than ninety (90) days.
2. Operation of the Central Accumulation Area is subject to 40 CFR Part 262.

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3. Closure of the Central Accumulation Area must be conducted in accordance with Conditions II.B.4 through II.B.9 as described below. Compliance with Conditions II.B.4 through II.B.9 is deemed to satisfy the requirements of 40 CFR 262.17(a)(8).
4. The following activities must be carried out as prescribed in 40 CFR Part 264 Subparts G and H:
 - (a) Closure performance standard - 40 CFR 264.111 and 40 CFR 264.112;
 - (b) Closure in accordance with approved plan - 40 CFR 264.113;
 - (c) Amendment of closure plan and notification of closure - 40 CFR 264.112(b) and (c);
 - (d) Disposal or decontamination of equipment - 40 CFR 264.114;
 - (e) Certification of Closure - 40 CFR 264.115;
 - (f) Financial Assurance for closure. Continuous compliance with 40 CFR 264.143 (or 40 CFR 264.146) must be maintained by the Permittees for the amount of the cost estimate for closure as required by 40 CFR 264.142 until released by the Director as provided in 40 CFR 264.143(i); and
 - (g) Revision of closure cost estimate- 40 CFR 264.142.
5. In accordance with 40 CFR 264.112(d), the Permittees must notify the Director in writing at least forty-five (45) days prior to the date on which the Permittees expect to begin final closure. The date when the Permittees “expect to begin closure” must be no later than thirty (30) days after the date on which the Central Accumulation Area receives the known final volume of hazardous wastes.
6. Removal of hazardous wastes from the Central Accumulation Area must be completed no later than ninety (90) days after the final receipt of hazardous wastes.
7. Closure of the Central Accumulation Area must be completed within one hundred and eighty (180) days after the final receipt of hazardous wastes. The Permittees must close the Central Accumulation Area in accordance with the closure provisions for container storage areas in 40 CFR Part 264, Subpart G, 40 CFR 264.178, and the closure plan in Section E of the permit application, dated April 2, 2018, and as further amended.
8. If the Permittees are unable to meet the closure performance standards in 40 CFR 264.178, then the Permittees must comply with the requirements contained in 40 CFR 264.117-120.
9. In accordance with 40 CFR 264.115, within sixty (60) days after completion of closure, the Permittees must submit to the Director, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan

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in Section E of the permit application dated April 2, 2018, and as further amended. The certification must be signed by the Permittees and by a qualified Professional Engineer.

SECTION III. POST-CLOSURE CARE FOR CLOSED SURFACE IMPOUNDMENTS

III.A. Unit Identification

The Permittees shall provide post-closure care for five closed surface impoundments collectively known as the Closed Surface Impoundments. The locations of the closed impoundments are identified on Figure B-1 of the April 2, 2018 permit application, and as further amended.

The surface impoundments were historically used to hold wastewater resulting from the production of toxaphene. Production of toxaphene at the facility ceased in 1980. The impoundments were subsequently “closed by removal” in accordance with applicable standards under 40 CFR Part 265.

III.B. Waste Identification

Hazardous waste D015 was managed in the surface impoundments until closure in 1984. All sludges, wastes and waste residues were removed from the unsaturated zone beneath the impoundments during closure.

III.C. Monitoring and Inspection

The Permittees shall follow the inspection schedule for the closed surface impoundments as discussed in Sections D and E of the permit application dated April 2, 2018, and as further amended.

III.D. Post-Closure Care Period

During the facility’s post-closure care/compliance period, the Director may, in accordance with the permit modification procedures in 40 CFR Parts 124 and 270, extend the post-closure period for the Closed Surface Impoundments if he or she finds that the extended period is necessary to protect human health and the environment pursuant to 40 CFR 264.117(a)(2)(ii).

III.E. Conditions Related to the Closed Surface Impoundments

The following activities must be carried out for the closed surface impoundments as prescribed in 40 CFR Part 264, Subparts G and H:

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1. Post-closure care and use of property - 40 CFR 264.117;
2. Post-closure plan and amendment of plan - 40 CFR 264.118;
3. Post-closure notices - 40 CFR 264.119;
4. Certification of completion of post-closure care - 40 CFR 264.120;
5. Financial Assurance for post-closure. Continuous compliance with 40 CFR 264.145 (or 40 CFR 264.146) must be maintained by the Permittees for the amount of the cost estimate for post-closure as required by 40 CFR 264.144 until the released by the Director as provided in 40 CFR 264.145(i); and
6. Revision post-closure cost estimate - 40 CFR 264.144.

SECTION IV. GROUNDWATER MONITORING

IV.A. Monitoring Well Location and Construction

1. The Permittees shall install and/or maintain a groundwater monitoring system at the facility consistent with the requirements of 40 CFR 264.95 and 264.97 as specified below:
 - (a) The Permittees shall maintain the groundwater monitoring wells identified on Figure C-2 of the April 2, 2018 permit application, and as further amended.
 - (b) The Director has determined that monitoring wells POC-1S, POC-1D, POC-2S, POC-2D, POC-3S, and POC-3D shall define the point of compliance as described in 40 CFR 264.95 for the closed surface impoundments.
2. The Permittees shall install and maintain additional monitoring wells as necessary to assess changes in the rate and extent of any plume of contamination, or as deemed necessary to be consistent with 40 CFR 264.95 and 264.97. A plan for the design, location and installation of any additional monitoring wells shall be submitted ninety (90) days prior to installation which, at a minimum, shall include:
 - (a) Well construction techniques including casing depth and proposed total depth of well(s);
 - (b) Well development method(s);
 - (c) A description of well construction materials;
 - (d) A schedule of implementation for construction; and
 - (e) Provisions for determining the hydraulic conductivity of the applicable aquifer unit(s) at the location of the new well(s).

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IV.B. Monitoring Program

The Permittees shall implement the groundwater monitoring program at the facility as required to demonstrate the effectiveness of the groundwater monitoring as specified below:

1. The Permittees shall collect, preserve and analyze all groundwater samples as required by Condition IV.C.
2. The Permittees shall determine groundwater quality in accordance with the monitoring program identified in Table 2.
3. The groundwater monitoring program must include a determination of the groundwater surface elevation from all monitoring wells identified in Condition IV.A. each time groundwater is sampled.
4. The Permittees shall determine the groundwater flow rate and direction in the uppermost aquifer at least semi-annually.
5. For those constituent(s) specified in Table 1 for which background concentrations are listed, the Permittees shall establish background concentrations in accordance with 40 CFR 264.97(g).
6. Pursuant to 40 CFR 264.99(g), the Permittees shall analyze samples from one of the point of compliance wells: POC-1S, POC-2S, or POC-3S, plus any additional wells specified by the Director, for all constituents in Appendix IX of 40 CFR Part 264 at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentrations. The Appendix IX sampling shall be rotated among the point of compliance wells so that each well is sampled every three years. The Appendix IX results must be submitted within 120 days of the sampling. If the Permittees find Appendix IX constituents in the groundwater that are not identified in Table 1, then the Permittees may resample within one (1) month of receiving the results of the initial analysis, repeating the analysis. If the second analysis confirms the presence of new hazardous constituents, then the Permittees must report the concentrations of these additional hazardous constituents to the Director within seven (7) days of receiving the results of the second analysis, and add them to Table 1. Alternately, if the second analysis confirms the presence of the new Appendix IX constituents, the Permittees may, at the time of the next sampling event required by Condition IV.B.2., sample the well that the new Appendix IX constituents were detected in, the nearest down-gradient well, and any additional down-gradient wells to which groundwater may have traveled (based upon the evaluation required by Condition IV.B.4.) for the new Appendix IX constituents. If the new Appendix IX constituents are not identified

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in any of these wells, the Permittees are relieved of the requirement to add the new constituents to Table 1. If the Permittees choose not to resample under either of the above regimes, then the Permittees must report the concentrations of those additional hazardous constituents to the Director within seven (7) days after receiving the results of the initial analysis and request that these hazardous constituents be added to Table 1.

IV.C. Sampling and Analysis Procedures

The Permittees shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells described in Condition IV.A. to provide a reliable indication of the quality of the groundwater:

1. Samples shall be collected in accordance with the latest version of the US EPA, Region 4, SESD, Field Branches Quality System and Technical Procedures for Groundwater Sampling.
2. Samples shall be preserved, shipped, and analyzed in accordance with the latest version of the US EPA, Region 4, SESD, Field Branches Quality System and Technical Procedures and the latest version of US EPA, Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-846.
3. Samples shall be tracked and controlled using the chain of custody procedures specified in Appendix C-4 of the April 2, 2018 permit application, and as further amended.

IV.D. Reporting, Recordkeeping and Response

1. The Permittees shall maintain at the facility and have available upon request all monitoring, testing and analytical data obtained pursuant to Condition IV.B. and Section V. of this permit. The Permittees shall submit a report to the Director on a semi-annual basis that includes all monitoring, testing and analytical data obtained under Condition IV.B. The report shall be submitted within one hundred twenty (120) days after the date of the completion of the sampling event. The following information must be provided in the report:
 - (a) A clear indication of those hazardous constituents which exceed the groundwater protection standard established under Condition V.I.;
 - (b) A comparison with previous monitoring data;
 - (c) A discussion of trends toward improvement or degradation of groundwater quality; and
 - (d) The assessment of groundwater flow rate and direction required under Condition IV.B.4.

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SECTION V. POST CLOSURE CARE AND CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

V.A. Applicability

1. The requirements of this section apply to the determination of the need for and subsequent implementations of corrective action for releases from all solid waste management units (SWMUs), including the Closed Surface Impoundments described in Condition III.A., and areas of concern (AOC) contained within the facility property boundary as required by 40 CFR 264.101(a) and, as required by 40 CFR 264.101(c), those extending beyond the facility property boundary. The requirements of this section apply specifically to the following SWMUs and AOC identified by the RCRA Facility Assessment Report conducted by EPD and dated May 1992:
 - (a) The SWMUs and AOC identified in Appendix A-1, which require further investigations.
 - (b) The SWMUs and AOC identified in Appendix A-2, which require no further investigations at this time.
 - (c) The SWMUs and AOC identified in Appendix A-3, which are regulated units as defined by 40 CFR 264.90(a)(2).
 - (d) The SWMUs and AOC identified in Appendix A-4, which require Corrective Action.
 - (e) Any additional SWMUs or AOC discovered after the date of issuance of this permit due to groundwater monitoring, on-going field investigations, environmental audits and other means.

V.B. Notification and Assessment Requirements for Newly Identified SWMUs and AOCs

1. Within fifteen (15) days of the Permittees' discovery of any SWMU or AOC under Condition V.A.1.(e), the Permittees shall notify the Director in writing of such discovery.
2. The Director shall notify the Permittees in writing of the discovery of any SWMU or AOC under Conditions V.A.1.(e).
3. Within thirty (30) days of the Permittees' discovery pursuant to Condition V.B.1. or within thirty (30) days of receipt of the Director's notification under Condition V.B.2., the Permittees shall submit to the Director the following information for each SWMU or AOC:

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- (a) Location on a topographic map of appropriate scale as required under 40 CFR 40 CFR 270.14(b)(19);
 - (b) Designation of type and function of the unit;
 - (c) General dimensions capacities and structural description (supply any available plans/drawings);
 - (d) Dates that the unit was operated;
 - (e) Specifications of all wastes that have been managed at/in the SWMU or AOC to the extent available; and
 - (f) All available information pertaining to any release of hazardous waste, hazardous constituents or hazardous wastes constituents (to include groundwater data, soil analyses, air and/or surface water data) from the SWMU or AOC.
4. The Director shall review the information submitted pursuant to Condition V.B.3. and notify the Permittees in writing as to the need for further investigation and/or corrective action as required by Conditions V.D., V.F. or V.G.

V.C. Notification Requirements for Newly Discovered Releases at Previously Identified SWMUs and AOCs

1. Within thirty (30) days of the Permittees' discovery of a previously unidentified release(s) from any SWMU or AOC identified under Condition V.A.1., the Permittees shall notify the Director in writing of such discovery.
2. The Director shall notify the Permittees in writing of the discovery of any previously unidentified release(s) from any SWMU or AOC previously discovered under Condition V.A.1.
3. Within ninety (90) days of the date of the Permittees' discovery under Condition V.C.1. or within ninety (90) days of the date of receipt of the Director's notification under Condition V.C.2., the Permittees, if requested by the Director, shall submit to the Director a RCRA Facility Investigation Work Plan pursuant to Condition V.F.

V.D. Verification Investigation

1. The Director may require the Permittees to submit a Verification Investigation (VI) Work Plan for any SWMU or AOC discovered under Condition V.A.1.(e). on a schedule to be determined by the Director. The VI Work Plan shall describe all actions necessary to verify the presence or absence of a release from any SWMU or AOC. The VI Work Plan shall include a schedule of implementation, which includes intermediate milestones beginning with the Permittees' receipt of the

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Director's written approval of the VI Work Plan continuing through submission of the VI Report required by Condition V.D.3.

2. Upon receipt of the Director's written approval of the VI Work Plan, the Permittees shall implement the Work Plan in accordance with the schedule of implementation contained therein.
3. The Permittees shall submit a VI Report in accordance with the schedule of implementation contained within the approved VI Work Plan. The VI Report shall describe all actions taken to verify the presence or absence of releases including all data collected during the VI. The Director shall review the VI Report and notify the Permittees in writing of the need for further investigation and/or corrective action pursuant to Condition V.F. and/or V.G.

V.E. Interim Measures (IM)

1. Upon the Director's concurrence, the Permittees may conduct interim measures to contain, remove or treat contamination resulting from releases from any SWMU or AOC as necessary to protect human health and the environment. Such interim measures may be conducted concurrently with any investigations required by this permit.
2. Within ninety (90) days of the Permittees' determination that interim measures are appropriate and should be implemented, the Permittees shall submit to the Director an Interim Measures (IM) Workplan. The IM Workplan shall describe the measures that will be taken on an interim basis to contain, remove or treat contamination resulting from releases from the SWMU or AOC that is the subject to the IM Workplan. The IM Workplan shall include a schedule of implementation which includes intermediate milestones beginning with the Permittees' receipt of the Director's written approval of the IM Workplan and continuing through submission of the IM Report required by Condition V.E.5.
3. Upon receipt of the Director's written approval of the IM Workplan, the Permittees shall implement the Workplan in accordance with the schedule of implementation contained therein.
4. The Permittees shall provide written notice to the Director as soon as practicable of any planned changes, reductions or additions to the interim measures described in the IM Workplan.
5. The Permittees shall submit an IM Report in accordance with the schedule of implementation contained in the approved IM Workplan. The IM Report shall

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describe all interim measures taken to contain, remove or treat contamination resulting from releases from any SWMU or AOC pursuant to the IM Workplan. The IM Report shall also provide a summary of all data or other information obtained during implementation of the IM Workplan and a summary of the effectiveness of the interim measures in achieving the objectives of the interim measures.

V.F. RCRA Facility Investigation (RFI)

1. By letter dated April 29, 2015, EPD approved the Final RCRA Facility Investigation Report for Soils and the Brunswick Groundwater RFI III Report submitted on behalf of the Permittees. Since that time, the Permittees have conducted additional activities and investigations pursuant to this Permit. Conditions V.F.2 through V.F.7, below, describe requirements in the event that the Director issues a written notice to the Permittees pursuant to Conditions V.B.4., V.C.3. and/or V.D.3, above.
2. Within ninety (90) days of the date of receipt of the Director's written notice pursuant to Conditions V.B.4., V.C.3. and/or V.D.3., the Permittees shall submit to the Director a complete RFI Work Plan for the SWMU or AOC that is the subject of the written notice.
3. The RFI Work Plan shall provide a description of the specific actions necessary to determine the nature and extent of releases from the SWMU or AOC that is the subject of the written notice provided by the Director pursuant to Condition V.F.2, including potential migration pathways for those releases (e.g., air, land, surface water, and groundwater), actual or potential receptors and applicable background concentrations. The Permittees must provide sufficient justification that migration through a potential pathway is not likely if a potential migration pathway associated with a release is not included in the RFI Work Plan. Such deletions are subject to the approval of the Director.
4. The RFI Work Plan shall include a schedule of implementation, which includes intermediate milestones beginning with the Permittees' receipt of the Director's written approval of the RFI Work Plan and continuing through submission of the RFI Report required by Condition V.F.5. Upon approval by the Director, the Permittees shall implement the RFI Work Plan in accordance with the schedule contained in the approved Work Plan.
5. The Permittees shall submit a complete RFI Report in accordance with the schedule of implementation contained in the approved RFI Work Plan. The Report shall provide a summary of all activities undertaken during the RFI to implement the

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approved RFI Work Plan. The RFI Report shall provide a complete description of the nature and extent of all releases evaluated during the RFI including sources, migration pathways, actual or potential receptors and applicable background concentrations. The RFI Report shall address all releases which extend beyond the facility property boundary unless the Permittees demonstrate to the Director's satisfaction that despite the Permittees' best efforts, the Permittees were unable to obtain permission to undertake actions required by the Work Plan, or such action is not necessary to protect public health and the environment.

6. The Director shall review the RFI Report required under Condition V.F.5. and notify the Permittees in writing of the need for further investigation and/or corrective action as required by Condition V.G. and 40 CFR 264.101(a) and 40 CFR 264.101(c).
7. Within sixty (60) days of the Permittees' receipt of the Director's written notice for further investigation referenced in Condition V.F.6., the Permittee must address, to the Director's satisfaction, all comments and concerns included in the Director's written notice referenced in Condition V.F.6.

V.G. Corrective Action for SWMUs and /or AOCs

1. Within ninety (90) days after the date of execution of this permit, the Permittees shall submit to the Director a Corrective Action Plan (CAP) pursuant to 40 CFR 264.101. The CAP shall provide a description of the corrective measures to be taken with regard to releases from any SWMU and AOC identified in Appendix A of this permit as necessary to protect human health and the environment. The CAP shall be submitted as a request for permit modification in accordance with 40 CFR 270.41 and 40 CFR 270.42. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility's boundary where offsite access is denied as required under 40 CFR 264.101(c).
2. Because releases to groundwater from the Closed Surface Impoundments have commingled with releases to groundwater from one or more of the SWMUs and AOCs described in Condition V.A.1., upon approval by the Director of the CAP described in Condition V.G.1., the CAP will satisfy the requirements of 40 CFR 264.91 through 264.100 and Sections V.H., V.I. and V.J. of this permit.
3. Within ninety (90) days of the Permittees' receipt of the Director's written notice referenced in Condition V.F.6. that a CAP is required for the SWMU or AOC covered by the notice, the Permittees shall submit a CAP to EPD. The CAP shall provide a description of the corrective measures to be taken with regard to releases

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from any SWMU and/or AOC identified in Condition V.F.5. as necessary to protect human health and the environment. The CAP shall be submitted as a request for permit modification in accordance with 40 CFR 270.41 and 40 CFR 270.42.

4. Any CAP required by this section shall include a schedule of implementation, intermediate milestones beginning with the issuance of the permit modification requested pursuant to Condition V.G.1. or V.G.3. and continuing through the compliance period.
5. Any CAP required by this section shall include a cost estimate and demonstration of financial responsibility for such corrective action, as required by 40 CFR 264.101(b), O.C.G.A. §12-8-68, and Rule 391-3-11-.05.
6. The Director shall review the CAP and notify the Permittees in writing of the need for further corrective action measures as required by 40 CFR 264.101(a) and 40 CFR 264.101(c), or of an approval of the CAP.
7. Within sixty (60) days of Permittees' receipt of Director's written notice for further corrective action measures referenced in Condition V.G.6., the Permittees must address, to the Director's satisfaction, all comments and concerns included in the Director's written notice referenced in Condition V.G.6.

V.H. Post Closure Care Corrective Action Program for Closed Surface Impoundments

1. Until the Director approves a CAP pursuant to Condition V.G.1., the Permittees shall comply with the Post Closure Care Plan contained in the April 2, 2018 permit application, and as further amended.
2. If Permittees do not submit a CAP pursuant to Condition V.G.1, or the Director disapproves the CAP that is submitted (including revisions to address comments from the Director), then Permittees shall:
 - (a) Conduct a corrective action program for releases to groundwater originating from the Closed Surface Impoundments to remove or treat in place any hazardous constituents that exceed concentration limits in Table 1 in groundwater between the point of compliance and the downgradient property boundary as required under 40 CFR 264.100(e)(1); and
 - (b) Conduct corrective action for releases to groundwater originating from the Closed Surface Impoundments beyond the property boundary as required under 40 CFR 264.100(e)(2), unless the Permittees can demonstrate to the satisfaction of the Director that, despite the Permittees' best efforts, the

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Permittees were unable to obtain the necessary permission to undertake such action beyond the property boundary, or such action is not necessary to protect public health or the environment.

3. Compliance Period for Closed Surface Impoundments
 - (a) The compliance period under 40 CFR 264.96 shall continue until the end of the post-closure care period established by Condition III.D. and defined in 40 CFR 264.117.
 - (b) The Permittees shall assure that groundwater monitoring and corrective action measures necessary to achieve compliance with 40 CFR 264.100 and the groundwater protection standard are taken during the compliance period.
 - (c) If the Permittees are engaged in a corrective action program at the end of the compliance period as defined in Condition V.H.3.(a) above, the compliance period is extended until corrective action as required under 40 CFR 264.100 has been terminated, as specified in Condition V.H.9.
4. The Permittees are not relieved of all responsibility to clean up a release to groundwater from the Closed Surface Impoundments that has migrated beyond the facility's boundary where off-site access is denied as required under 40 CFR 264.100(e)(2).
5. The corrective action system for the Closed Surface Impoundments must be installed and operated in such a manner as to mitigate the release of any hazardous waste, hazardous constituent(s) or hazardous waste constituent(s) to the environment.
6. The corrective action system for the Closed Surface Impoundments must be installed and operated in a manner so as to preclude further migration of the contaminant plume.
7. The Permittees shall treat, store, and dispose of all contaminated groundwater in accordance with all applicable federal, state and local laws.
8. Compliance with the groundwater protection standard, as defined under Condition V.I. will be based upon groundwater monitoring data obtained under Condition IV.B.2 that indicate that all constituents listed in Table 1 no longer exceed the groundwater protection standard at the point of compliance and throughout the

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contaminant plume. Comparisons for the purpose of determining compliance shall be made utilizing the statistical procedure described in 40 CFR 264.97(h) and (i).

9. If the groundwater protection standard is not met during the compliance period, the Permittees must continue corrective action for the Closed Surface Impoundments to the extent necessary to ensure that the groundwater protection standard is not exceeded. Corrective action must continue until the groundwater protection standard has not been exceeded for three consecutive years, as required under 40 CFR 264.100(f).

V.I. Groundwater Protection Standard

1. The groundwater protection standard as required under 40 CFR 264.92 is set forth in Table 1 which lists the hazardous constituents and their respective concentration limits as required under 40 CFR 264.93 and 264.94, respectively.
2. The groundwater protection standard further applies to all hazardous waste, hazardous waste constituent, or hazardous constituent releases from the Closed Surface Impoundments as deemed appropriate by the Director to protect human health and the environment.

V.J. Permit Modification

1. If the Permittees at any time determine that the corrective action program no longer satisfies the requirements of 40 CFR 264.100 or Condition V.H. for releases of hazardous waste, hazardous waste constituents, or hazardous constituents that originate from the Closed Surface Impoundments, the Permittees must, within ninety (90) days, submit an application for a permit modification to make any appropriate changes in the program.
2. If the Permittees meet or exceed the requirements of 40 CFR 264.100 and meet the groundwater protection standard at the point of compliance and throughout the contaminant plume for three consecutive years, the Permittees may submit an application for a permit modification pursuant to 40 CFR 270.41 and 40 CFR 270.42 to terminate corrective action for the Closed Surface Impoundments.

V.K. Schedule of Compliance

1. All plans and reports required by this Section are subject to the approval of the Director prior to implementation. The Director shall specify in writing any deficiencies of any plan and/or report submitted by the Permittees pursuant to this

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Section of the permit, including a schedule for resubmission of revised documents to address said deficiencies. The Permittees shall address all comments and concerns included in the Director's written notice of deficiency and submit revised documents in accordance with the schedule approved by the Director.

2. For any schedule of implementation required by this Section, if the time required to complete any interim activity is more than one (1) year, the schedule shall specify interim dates for the submission of reports of progress towards satisfaction of the interim requirements.
3. All plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for the submittal of any plan or report pursuant to the approved schedule or otherwise required by the permit may be granted by the Director based on the Permittees' demonstration that sufficient justification for the extension exists. Extensions of over thirty (30) days must be requested in writing.
4. Upon approval by the Director, all plans and reports shall be enforceable as Conditions of this Permit. If at any time the Permittees determine that any plan, report or schedule required under this Section no longer satisfies the requirements of this permit or 40 CFR 264.101, the Permittees must submit an amended plan, report or schedule to the Director within thirty (30) days of such determination.
5. If at any time the Director determines that any plan, report or schedule required under this Section no longer satisfies the requirement of this permit or 40 CFR 264.101, the Director will so notify the Permittees in writing and request that an amended plan, report or schedule be submitted within sixty (60) days of such determination.

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TABLE 1. GROUNDWATER PROTECTION STANDARD

<u>Hazardous Constituent</u>	<u>Concentration Limit (mg/L)</u>
<i>Volatile organics</i>	
acetone	Background*
benzene	"
2-butanone (MEK)	"
chlorobenzene	"
chloroform	"
carbon disulfide	"
carbon tetrachloride	"
1,2- dichlorobenzene	"
1,4- dichlorobenzene	"
1,1-dichloroethane	"
1,1-dichloroethene	"
cis-1,2-dichloroethene	"
1,2-dichloropropane	"
ethyl benzene	"
methyl isobutyl ketone (MIBK)	"
methylene chloride	"
p-isopropyltoluene (p-cymene)	"
tetrachloroethene	"
toluene	"
1,2,4-trichlorobenzene	"
Trichlorethylene	"
1,2,3-trichloropropane	"
vinyl chloride	"
xylenes	"
<i>Semi-Volatile organics</i>	
acetophenone	Background*
benzo(g,h,i)perylene	"
bis(2-ethylhexyl)phthalate	"
2-chlorophenol	"
dibenz(a,h)anthracene	"
2,4-dimethylphenol	"
indeno(1,2,3-cd)pyrene	"
m & p cresol (3 & 4 methylphenol)	"
naphthalene	"
phenol	"
2,4,6-trichlorophenol	"

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<i>Pesticides</i>	
alpha BHC	Background*
delta BHC	"
gamma BHC (lindane)	0.004**
toxaphene (technical)	0.005**
toxaphene (TAUC)	0.005**
<i>Inorganics</i>	
barium	1.0**
beryllium	Background*
chromium	0.05**
cobalt	0.0077***
copper	Background*
nickel	0.0091***
selenium	0.01**
vanadium	Detection Limit***
zinc	0.0645***
<i>Dioxins/Furans</i>	
Hexachlorodibenzofurans (HxCDF), Total	Background*
Hexachlorodibenzo-p-dioxins (HxCDD), Total	"
Pentachlorodibenzofurans (PeCDF), Total	"
Pentachlorodibenzo-p-dioxin (PeCDD), Total	"
Tetrachlorodibenzofuran (TCDF), Total	"
Tetrachlorodibenzodioxin (TCDD), Total	"
2,3,7,8-TCDD	"
<i>Miscellaneous</i>	
formaldehyde	Background*
sulfide	Background*

* To be determined according to procedures specified in 40 CFR 264.97

** Concentration limit derived from 40 CFR 264.94 Table 1.

*** Derived from site-specific background data

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TABLE 2. GROUNDWATER MONITORING PROGRAM

<u>Well</u>	<u>Monitoring Schedule</u>	<u>Required Analysis*</u>
MW-3S	Annual	Volatile Organics, Toxaphene
MW-9S	Annual	Volatile Organics, Toxaphene
MW-12S	Annual	Volatile Organics, Toxaphene
MW-25S	Annual	Volatile Organics, Toxaphene
MW-39I	Annual	Volatile Organics, Toxaphene
MW-42I	Annual	Volatile Organics, Toxaphene
MW-55I	Annual	Volatile Organics, Toxaphene
MW-28D	Annual	Volatile Organics, Toxaphene
MW-39D	Annual	Volatile Organics, Toxaphene
MW-51D	Annual	Volatile Organics, Toxaphene
MW-52D	Annual	Volatile Organics, Toxaphene
MW-55D	Annual	Volatile Organics, Toxaphene
MW-13	Annual	Volatile Organics, Toxaphene
MW-44D	Annual	Volatile Organics, Toxaphene
MW-23	Semi-Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
POC-1S	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
POC-2S	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
MW-11DD	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
MW-12D	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
MW-15D	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
MW-43D	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides
POC-2D	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides, Metals
POC-3D	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides, Metals
UP-1DR	Annual	Volatile Organics, Semi-Volatile Organics, Pesticides, Metals
MW-1D	Annual	All Table 1 Constituents
POC-3S	Annual	All Table 1 Constituents
UP-1S	Annual	All Table 1 Constituents
MW-2D	Annual	All Table 1 Constituents
MW-41I	Annual	All Table 1 Constituents

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* Required Analysis – Constituents listed in Table 1

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APPENDIX A-1

List of Solid Waste Management Units (SWMUs) which require further investigations:

<u>SWMU Number</u>	<u>SWMU Name</u>
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APPENDIX A-2

List of Solid Waste Management Units that require no further action at this time:

<u>SWMU Number</u>	<u>SWMU Name</u>
13	Residual Fuel Tank Area

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APPENDIX A-3

List of Solid Waste Management Units which are regulated units as defined by 40 CFR 264.90(a)(2):

<u>SWMU Number</u>	<u>SWMU Name</u>
10	Former Toxaphene Surface Impoundments
40	Central Accumulation Area (Former Hazardous Waste Storage Area)

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APPENDIX A-4

List of Solid Waste Management Units requiring Corrective Action:

SWMU Number	SWMU Name
1	Mill Room Pond
2	Plant Clarifier
3	Former Truck Dumper Area
4	Drum Crushing Unit
5	Former Toxaphene Plant Site
6	Y Tank Farm
7	Vinsol® Bins
8	Y-1, Y-2, Y-3 Tank Farm
9	Chemical Plant
11	Former Equalization Basin
12	Former Tank Car Percolation Pits
14	Stillhouse Railcar Loading Area
15	Old Extractor Bldg & Tank Area
16	Sawdust Pile
17	Former Sand Blasting Area
18	Former Sludge Tank Area
19	Sand Filter Drying Bed and Pads
20	Former Amberlite Treatment System
21	Hard Resins Tank Farm Area
22	Terpene Resins Area
23	Pexite Plant Blowdown Area
24	Toxaphene Stormwater Collection Sump
25	Tank Car Cleaning Area
26	Pexite Building Area
27	Resin Remelt & Drum Storage
28	Intermediate Vinsol® Bin
29	N-Street Ditch, South Ditch, & Small Branch Ditch
30	Non-Hazardous Waste Storage
31	Former Mercury Absorber Area
32	Staybellite Area
33	Tank Truck Liquid Loading Area
34	Product & Wastewater Piping
35	Former Drum Storage Area
36	Former Kymene Production Area and Tank Farm
37	Basin/Impoundments West of Lift Station 17
38	ICM Recovery Well Area

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Refinery Process Building