

Prepared for:

SIGNAL ENERGY HOLDINGS COMPANY, LLC
7982 Huey Road
Douglasville, GA 30134

REVISED CORRECTIVE ACTION PLAN
SIGNAL ENERGY HOLDINGS COMPANY, LLC
7982 Huey Road
Douglasville, Georgia

Prepared by:



a Montrose Environmental Group company
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Sandy Springs, GA 30350
Tel: 404-315-9113

June 2021

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Principal

June 2021

TABLE OF CONTENTS

FACILITY CERTIFICATION		3
<hr/>		
ENGINEERING CERTIFICATION		4
<hr/>		
CERTIFICATION OF RCRA CLOSURE		5
<hr/>		
1 INTRODUCTION		6
<hr/>		
2 BACKGROUND / SITE HISTORY		8
<hr/>		
2.1 Site Setting		8
2.2 Historical Operations.....		8
2.3 Regulatory Background and Historical Remediation Activities.....		8
2.4 Constituents of Interest		9
<hr/>		
3 SUMMARY OF RISK EVALUATION AND REMEDIAL LEVELS		10
<hr/>		
3.1 Environmental Data		10
3.2 RCRA Units		10
3.3 Site-Wide Soil		11
3.4 Site-Wide Groundwater.....		11
3.4.1 Receptors and Remediation Levels		11
3.4.2 Co-mingled Plume.....		12
3.4.3 Condition at Property Boundary		12
3.4.4 Corrective Action.....		12
<hr/>		
4 ENVIRONMENTAL COVENANT		13
<hr/>		
5 GROUNDWATER PLAN		14
<hr/>		
5.1 Purpose		14
5.2 Monitoring Wells and Analytes.....		14
5.3 Frequency and Duration of Sampling Program.....		15
5.4 Sampling Methodology		16
5.5 Reporting		16
5.6 Well Closure		16

6	SCHEDULE	17
<hr/>		
7	FINANCIAL ASSURANCE	18
<hr/>		
8	REFERENCES.....	19
<hr/>		

FIGURES

- Figure 1 Site Map
- Figure 2 Sample Locations
- Figure 3 Wells Near Property Boundary
- Figure 4 Groundwater Monitoring Plan

TABLE

- Table 1 Property Boundary Wells Compared to Remediation Levels

APPENDIX


- Appendix A Draft Environmental Covenant



**REVISED CORRECTIVE ACTION PLAN
SIGNAL ENERGY HOLDINGS COMPANY, LLC
7982 Huey Road
Douglasville, Georgia 30134**

FACILITY CERTIFICATION

All attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, of those persons directly responsible for gathering the information, the information submitted is, to be the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Michael Hudson, President/CEO
Signal Energy Holdings Company, LLC

06/21/2021
Date

**REVISED CORRECTIVE ACTION PLAN
SIGNAL ENERGY HOLDINGS COMPANY, LLC
7982 Huey Road
Douglasville, Georgia 30134**

ENGINEERING CERTIFICATION

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 judgments regarding groundwater monitoring and contaminant fate and transport. I further certify that this document was prepared by myself or by a subordinate working under my direction.



Timmerly Bullman, P.E., Ph.D.
GA No. PE028783



6/23/21

Date

SIGNAL ENERGY HOLDINGS COMPANY, LLC
7982 Huey Road
Douglasville, Georgia 30134

CERTIFICATION OF RCRA CLOSURE

In accordance with the Code of Federal Regulations, 40 CFR §264.115, the following certification is offered:

The hazardous waste management unit at Signal Energy Holdings Company, 7982 Huey Road in Douglasville, Georgia has been closed by meeting Closure Performance Standards¹ as documented in the *Revised Regulatory Unit Closure Report* (EPS, 2019), which was approved by EPD.

Tank 100, located at Signal Energy Holdings Company, 7982 Huey Road in Douglasville, Georgia has been closed in accordance with the specifications in the approved Closure Plan dated November 2012 and all subsequent amendments and Georgia EPD approvals, including the approval of the *Revised Regulatory Unit Closure Report* (EPS, 2019) wherein it is documented that Tank 100 meets the Closure Performance Standards².



Timmerly Bullman, P.E., Ph.D.
GA No. PE028783



6/23/21
Date

¹ EPA's Regional Screening Levels for residential soil using a target hazard quotient of 0.1 and an excess lifetime cancer risk of 10^{-6} .

² EPA's Regional Screening Levels for residential soil using a target hazard quotient of 0.1 and an excess lifetime cancer risk of 10^{-6} .

1 INTRODUCTION

The former Signal Energy facility (Site) is located at 7982 Huey Road in Douglasville, Georgia. Signal Energy Holdings Company, LLC (SEHC) and the Georgia Environmental Protection Division (EPD) have been working together to develop a path forward for closing the Site in an efficient and cost-effective manner that is protective of human health and the environment. Consequently, a Master Plan was submitted in September 2017 (EPS, 2017) and a Site Characterization Work Plan (Work Plan) was submitted in May 2018 (EPS, 2018). These documents were approved by the EPD in a letter dated May 29, 2018. The Master Plan presented the path forward for closure of the Site. The Work Plan described the specific plan for additional characterization of two Resource Conservation and Recovery Act (RCRA) units along with additional soil and groundwater sampling across the Site. The results from the additional characterization were presented in two separate reports, described below.

The two RCRA regulated units at the Site include a former surface impoundment system closed as a landfill and a former K-waste tank (Tank 100). These units are shown on Figure 1. The results of the regulated units characterization were presented in the *Revised Regulatory Unit Closure Report* (Unit Closure Report), which was submitted in December 2019 (EPS, 2019). The new sampling results and updated toxicological information provided an avenue for clean closure status with no further action for both units. The U.S. Environmental Protection Agency (EPA) has endorsed the use of risk assessment to comply with closure performance standards cited in 40 CFR 264.11 and 40 CFR 265.11, stating that “EPA’s position is that the procedures and guidance generally used to develop protective, risk-based media cleanup standards for the RCRA corrective action and CERCLA cleanup programs are also appropriate to define the amount of hazardous constituents that may remain in environmental media after clean closure” (EPA, 1998; Cotsworth Memo). The EPD approved the Unit Closure Report in a letter dated February 3, 2020.

The results and evaluation of the other site-wide data collected were presented in the *Revised Results of Site Characterization and Risk Evaluation* (Site Risk Report), which was submitted in March 2020 (EPS, 2020). The EPD approved the Site Risk Report in a letter dated June 5, 2020 indicating that the remedial levels (RLs) presented in this document are to be used as the basis for determining corrective action. The purpose of this Corrective Action Plan (CAP) is to outline proposed corrective action at the Site based on these RLs.

It is SEHC’s intent to achieve final closure (*i.e.*, no further action) for this Site. The following framework or process is involved:

1. SEHC submits a CAP (this document) as part of a Class 3 permit modification, initiating a 60-day public notice.
2. A Consent Order is agreed to by SEHC and the EPD (a draft is currently being negotiated with the EPD), which will undergo a separate 30-day public notice.

3. EPD issues a revised RCRA Permit incorporating the CAP and closure of the RCRA units. The revised RCRA Permit will undergo a 45-day public notice, after which the EPD executes the RCRA Permit, formally approving the CAP, closing the units, and terminating the RCRA Permit.
4. The Consent Order is executed by SEHC and EPD and an environmental covenant is executed by SEHC.
5. Groundwater monitoring outlined in this CAP is conducted under the Consent Order.
6. A demonstration report is submitted to the EPD summarizing the groundwater monitoring.
7. The Site achieves no further action status.

2 BACKGROUND / SITE HISTORY

2.1 Site Setting

The Site is approximately 40 acres in size and is bordered by residential, commercial, and industrial properties (Figure 1). One neighboring property (Arivec) was a recycled solvent facility that has been addressing various environmental issues (such as buried drums, soil contamination, and groundwater contamination). The Arivec property is impacted by a host of constituents, most notable chlorinated solvents (*e.g.*, trichloroethene, TCE) and petroleum hydrocarbons (*e.g.*, benzene). Due to various hydrogeologic conditions, there is a co-mingled groundwater plume that has been impacted by historical operations at both Arivec and SEHC. The co-mingled plume has elevated concentrations of chlorinated ethenes and petroleum hydrocarbons. The chlorinated ethenes are due to historical operations at Arivec. Petroleum hydrocarbons are associated with operations at both Arivec and SEHC.

2.2 Historical Operations

SEHC owns the property, but is not operating at the Site. The property is currently leased to Bitumar (Georgia), Inc., which operates a liquid asphalt terminal. From the 1950s until June 2004 the facility operated as a crude oil refinery named Young Refining Corporation, which changed its name to SEHC after the refinery ceased operations in June 2004. The primary feed stock was referred to as “heavy crude oil.” In 2005, Asphalt Refining & Technology Company, LLC (ARTC) began leasing the Site and operated as an asphalt terminal, supplying paving and roofing asphalt. In 2016, ARTC was acquired by Bitumar.

2.3 Regulatory Background and Historical Remediation Activities

During its operations, SEHC used four ponds for the treatment of process wastewater and storm water runoff. Ponds 1 and 2 served as the primary oil recovery units. Ponds 3 and 4 were aerated and served as the biological treatment and polishing ponds. Sampling conducted by the EPD in 1991 identified petroleum hydrocarbons and other compounds in Ponds 1 and 2. The use of these ponds for managing process wastewater was discontinued in the third quarter of 1996 and the pond bottoms were consolidated into Pond 1 and closed in place as a regulated unit. In September 2001, EPD issued a RCRA permit HW-101(D) (Permit) for post-closure care of the regulated unit.

In 2011-2012, SEHC demolished old tanks and equipment that were not in use by ARTC. One of the tanks removed was Tank 100, which stored crude oil from petroleum refining operations. The

sediment and heel from this tank were considered a listed hazardous waste (K169), listed for benzene. SEHC submitted a Closure Plan in November 2012 (EPS, 2012b) and characterized the soil under the tank once it was removed. At the time, the data was not sufficient to clean close the tank; however, new toxicity data has made it possible to now close this unit.

2.4 Constituents of Interest

The constituents of interest vary based on the location at the Site and are described more fully in the Work Plan. The analyte groups of interest are as follows:

- Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) –
 - Benzene
 - Toluene
 - Ethylbenzene
 - Xylenes
- Carcinogenic Polycyclic Aromatic Hydrocarbons (c-PAHs)
 - Benzo[a]pyrene
 - Benz[a]anthracene
 - Benzo[b]fluoranthene
 - Benzo[k]fluoranthene
 - Chrysene
 - Dibenz[a,h]anthracene
 - Indeno[1,2,3-cd]pyrene
- Groundwater protection standard list (GPSL, from Table 1 of the Permit)
 - Benzene
 - Ethyl benzene
 - Toluene
 - Xylene
 - Naphthalene
 - Isopropyl benzene
 - N-Propylbenzene
 - 1,3,5-Trimethylbenzene
 - 1,2,4-Trimethylbenzene
 - N-Butylbenzene
 - Sec-Butylbenzene
 - Tert-Butylbenzene
 - Isopropyltoluene
 - Acetone
 - 2-Methylnaphthalene
 - 1,2-Dichlorobenzene
 - Chlorobenzene
 - Cis-1,3-Dichloropropene
 - 1,1-Dichloropropene
 - 4-Methylphenol
 - Di-n-Octylphthalate
 - Diethylphthalate

3 SUMMARY OF RISK EVALUATION AND REMEDIAL LEVELS

3.1 Environmental Data

Historical data and newly collected data were included in the Unit Closure Report and Site Risk Report. Figure 2 shows the locations where soil and groundwater samples were collected.

3.2 RCRA Units

A risk evaluation was conducted in accordance with Georgia's *RCRA Solid Waste Management Units Guidance* (SWMU Guidance; EPD, 1996) and in the spirit of the Cotsworth memo. The details of the risk evaluation are presented in the Unit Closure Report. The first step of a risk assessment is to conduct a screening to determine constituents of potential concern (COPC). COPCs are chemicals that are carried forward through the risk evaluation. In this screening, the maximum detected concentration of each constituent is evaluated against the EPA's Regional Screening Levels (RSLs) for residential soil using a target hazard quotient (HQ) of 0.1 and an excess lifetime cancer risk (ELCR) of 10^{-6} . All detected results from the units were below the residential RSLs. Accordingly, there are no COPCs. Thus, there was no need to proceed further with a risk evaluation and the units may be clean-closed. Due to the soil meeting health-based limits, the EPD can make a "contained-out" determination.

At the time the regulated unit was created and the Permit issued, there was not sufficient information available to clean close the ponds. The following information obtained subsequent to the creation of the unit makes it possible to now clean close the unit:

- characterization of the soil in the unit showing that it meets residential RSLs, and thus can be clean closed per the Cotsworth memo and providing a basis for a "contained-out" determination by the EPD;
- discovering that Arivec took in JP-4 (that it was not solely at SEHC);
- additional groundwater data showing the comingling of the plume;
- additional groundwater and soil data showing constituents attributed to SEHC being found at high concentrations at Arivec;
- additional groundwater data showing higher concentrations of most constituents emanate from Arivec; and
- additional groundwater data showing constituents upgradient of the unit.

3.3 Site-Wide Soil

A risk assessment was conducted for the soils at the Site and the details were presented in the Site Risk Report. SWMU Guidance states that chemicals of concern (COCs) are those COPCs that significantly contribute to a total ELCR above 10^{-6} or hazard index (HI³) above 1. For the expected use of the property (non-residential) there are no soil COCs as all HIs are less than 1 and all ELCRs are below 10^{-6} for each receptor evaluated (industrial worker, construction worker and trespasser). As there are no COCs in soil, no RLs are necessary. The corrective action for soil is placement of an environmental covenant on the property to ensure that the property remains non-residential in perpetuity.

3.4 Site-Wide Groundwater

3.4.1 Receptors and Remediation Levels

There are no drinking water wells on the Site and the area is serviced by a public water supply. However, groundwater was evaluated using a future use scenario involving use (i.e., consumption) of groundwater as the primary water supply. Under this hypothetical situation, there are two relevant receptors: industrial workers consuming on-site groundwater and residents consuming off-site groundwater.

Based on the risk assessment presented in the Site Risk Report, the COCs in groundwater at the Site are BTEX. The Master Plan specified that the RLs for groundwater would be set at the higher of the federal drinking water maximum contaminant level (MCL) or a risk-based value based on an ELCR of 10^{-4} or HI of 3 for an industrial worker. The table below shows the resulting RLs. These on-site RLs are applicable to groundwater on-site. Also shown on the table below are off-site remediation levels, which are set at the MCLs as there is no restrictive covenant in place off the Site property to prevent use of groundwater.

Groundwater Remediation Levels

	Industrial Risk-Based Value (µg/L)	MCL (µg/L)	On-Site Remediation Level (µg/L)	Off-Site Residential Remediation Level (µg/L)
Benzene	590	5	590	5
Ethylbenzene	2,887	700	2,887	700
m&p-Xylene	67,760	10,000	67,760	10,000
Toluene	27,556	1,000	27,556	1,000

³ For a given receptor, the HI is the sum of all HQs for each COPC.

3.4.2 Co-mingled Plume

Figures presented in the Site Risk Report show that although the COCs are ubiquitous across both SEHC and Arivec, the highest concentrations are located at Arivec. The groundwater condition in the co-mingled plume exceeds the RL for benzene in a few wells on SEHC property near the Arivec property. The groundwater condition in several locations at Arivec exceeds the RLs for benzene, ethylbenzene, toluene and xylene.

Although petroleum hydrocarbons have been used and found at both sites, a confounding factor is that interconnectivity testing has indicated a hydraulic connection in fractured bedrock that does not follow the general groundwater flow direction. This has led to the groundwater condition from Arivec migrating onto SEHC property in a side-gradient direction, thus complicating the ability to differentiate between the contributions from each site. For these reasons it is reasonable to address the combined groundwater condition in the same manner and not to try to create a pocket of “clean” groundwater within the larger domain of the overall groundwater plume.

3.4.3 Condition at Property Boundary

Table 1 shows groundwater data for the COCs from locations closest to SEHC’s downgradient property boundary and just off-site evaluated against the RLs. The locations of the monitoring wells are shown on Figure 3. The Arivec site uses Type 1 and Type 4 Risk Reduction Standards (RRS) for groundwater comparisons. The Type 1 RRSs for the COCs are the same as the MCLs. Accordingly, Table 1 also shows the MCLs. This table shows that the groundwater condition at the SEHC down-gradient property boundary meets the RLs (as well as the MCLs).

3.4.4 Corrective Action

The groundwater condition on-site does not meet the RLs, which are based on drinking the groundwater. However, as groundwater is not consumed at the Site, there is no current risk to workers at or visitors to the Site. To ensure that there will be no risk in the future, the environmental covenant will be placed on the site to restrict the use of groundwater at the Site.

The groundwater condition at the property boundary meets RLs. Accordingly, no active corrective action is warranted. However, a focused groundwater monitoring program will be enacted to monitor the groundwater condition to ensure that groundwater above risk-based levels is not moving off-site.

4 ENVIRONMENTAL COVENANT

An environmental covenant will be placed on the property to ensure that people are protected when at the Site. A draft of this covenant is included as Appendix A. The covenant limits the use of the property to non-residential purposes. Additionally, the covenant prohibits the extraction of groundwater at the Site for drinking water purposes.

5 GROUNDWATER PLAN

5.1 Purpose

Constituents have been detected in groundwater at the Site in two regions or plumes. On the western side of the Site the groundwater that flows through the Site combines with groundwater flowing from the Arivec facility⁴. Thus, this western plume is commingled with and indistinguishable from the Arivec plume. Groundwater on the eastern side of the Site is less⁵ impacted by Arivec operations. This eastern condition is the subject of the groundwater monitoring program.

For the portion influenced by SEHC, there are two considerations: 1) the groundwater condition on-site, and 2) the groundwater condition downgradient of the Site (off-site). As groundwater on-site does not meet RLs, the environmental covenant will be put in place to prevent exposure to groundwater at the Site. Currently, there is no indication that groundwater impacted by SEHC operations has migrated off-site. The groundwater plume is mature and stable and it is not expected that impacted groundwater will migrate off-site. However, in an abundance of caution, groundwater will continue to be monitored to ensure that this is the case.

The average groundwater flow velocity at the Site is 508 feet/year (EPS, 2012a) and the longest distance across the Site (from the southern property boundary to the northern property boundary in the direction of groundwater flow) is approximately 1,500 feet. Based on this information, it would take approximately 2.95 years for groundwater to flow across the Site. Accordingly, groundwater will be monitored for at least three years.

5.2 Monitoring Wells and Analytes

Seven wells will be included in the groundwater monitoring program as shown on Figure 3. These wells were selected to evaluate the influence of SEHC operations on groundwater quality, especially on the downgradient side of the Site and off-site. The wells selected include four shallow wells (MW-6R, MW-50, MW-51 and MW-15R) and three deeper wells (AW-1, MW-6B, and MW-15B). When AW-1 was sampled in 2018, a packer was placed in the well at 60 feet below the top of casing in order to isolate the depth range of the other deep wells. For the ongoing

⁴ Figures presented in the Site Risk Report show that although the COCs are ubiquitous across both SEHC and Arivec, the highest concentrations are located at Arivec.

⁵ Although constituents have been used and found at both sites, a confounding factor is that interconnectivity testing has indicated a hydraulic connection in fractured bedrock that does not follow the general groundwater flow direction. This has led to the groundwater condition from Arivec migrating onto SEHC property in a side-gradient direction, thus complicating the ability to differentiate between the contributions from each site.

monitoring either a packer will be placed as before in AW-1, or the well will be partially closed by grouting up to 60 feet below the top of casing.

The samples will be analyzed for the groundwater COCs (BTEX), specific chlorinated ethenes associated with Arivec (tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, and vinyl chloride), and naphthalene⁶. These constituents will be analyzed using EPA method 8260 for VOCs.

Groundwater Monitoring Analyte List

Constituent	Purpose	Typical Detection Limit (µg/L)
Benzene	COC	0.38
Toluene	COC	0.45
Ethylbenzene	COC	0.55
Xylene	COC	0.905
Tetrachloroethene	Influence from Arivec	0.299
Trichloroethene	Influence from Arivec	0.213
Cis-1,2-Dichloroethene	Influence from Arivec	0.5
Vinyl Chloride	Influence from Arivec	0.39
Naphthalene	Detected in Eastern Plume	5

5.3 Frequency and Duration of Sampling Program

SEHC intends to conduct a sampling event once a year for a minimum of three years, which when combined with the 2018 sampling, results in a total of four sampling events over a period of 6 years. If unexpected analytical results are observed, SEHC may elect to re-sample the well within two weeks and replace the original results with the resampled result.

⁶ Although naphthalene is not a COC, it was detected above the MCL in one well in the eastern plume.

5.4 Sampling Methodology

SEHC will employ the same sampling methodology that was used in the 2018 investigation and as specified in the approved Work Plan (EPS, 2018). Groundwater samples will be collected using HydraSleeves. Groundwater sampling will be conducted in accordance with EPA operating procedure SESDPROc-301-R4 (Groundwater Sampling, April 26, 2017). HydraSleeves are empty low-density polyethylene sleeves that are closed at the bottom and have a reed valve at the top. The empty HydraSleeve will be lowered such that it hangs just above the bottom of the well. The HydraSleeve will then be allowed to equilibrate with the aquifer such that the water is not disturbed by the introduction of the HydraSleeve into the well. A minimum of two weeks will be used for equilibration. Water is collected into the HydraSleeve by pulling the sampler upward at more than 1 foot per second. Hydrostatic pressure opens the reed valve allowing the sleeve to collect the water. Once full, the reed valve closes. Samples from the HydraSleeve will be collected by puncturing the sleeve with the pointed discharge tube.

5.5 Reporting

During the monitoring period, the analytical results for each sampling event will be shared with the EPD in a timely manner via e-mail. At the end of the initial monitoring period (3 years) a report will be submitted to the EPD summarizing and evaluating the results. If at that time it can be demonstrated that groundwater (influenced by SEHC operations) is not migrating off-site above risk-based levels, then no further action will need to be taken and the Site will be clean-closed. If such a demonstration cannot be made, the report will discuss other options (*e.g.*, continued groundwater monitoring).

5.6 Well Closure

After completion of the groundwater monitoring all wells at the Site will be closed in accordance with EPD protocols.

6 SCHEDULE

The estimated schedule for conducting closure activities is shown in the table below. Note that the schedule is dependent upon EPD review and approval time frames which are not within SEHC control. For those tasks, estimated time frames have been provided.

Schedule of Closure Activities

Task	Task Responsibility	Proposed Date
Submittal of draft Consent Order and draft Environmental Covenant	EPS	July 2020
Class 3 Permit Modification Request and CAP Submittal, Start of Public Notice	EPD	February 2021
Negotiation of Consent Order & Start of Public Notice	SEHC, EPD	February-July 2021
Public Notices of Permit Mod Request and Consent Order Complete	EPS, EPD	March 2021
Completion and Issuance of Consent Order	SEHC, EPD	September 2021
Execution of UEC	SEHC	September 2021
Public Notice of Permit Modification	EPD	July-August 2021
Termination of RCRA Permit	EPD	August 2021
Groundwater Monitoring	EPS	2021-2023
Groundwater Report	EPS	2023
EPD Approval	EPD	2023
Well Closure	EPS	2023

7 FINANCIAL ASSURANCE

The Consent Order will require financial assurance that funds are available to cover the items specified in this CAP. Below is an estimate of these costs.

	Cost	Cost over a 6 Year Period
Groundwater Monitoring	\$8,000 per event	\$24,000 ⁷
Groundwater Report	\$30,000	\$30,000
Well Abandonment	\$50,000	\$50,000
Total		\$104,000

⁷ Assumes 3 years of groundwater monitoring

8 REFERENCES

EPD, 1996. Guidance for Selecting Media Remediation Levels at RCRA Solid Waste Management Units. November.

EPS, 2012a. RCRA Part B Permit Application: Permit HW-101(D) Renewal #1. July.

EPS, 2012b. Tank 100 Closure Plan. October.

EPS, 2017. Master Project Plan: Former Signal Energy Facility. September.

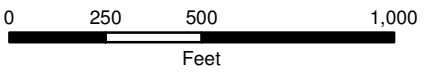
EPS, 2018. Site Characterization Work Plan: Signal Energy Holdings Company, LLC. May.




EPS, 2019. Revised Regulatory Unit Closure Report: Signal Energy Holdings Company, LLC. December.

EPS, 2020. Revised Results of Site Characterization and Risk Evaluation: Signal Energy Holdings Company, LLC. March (original December 2019, revised pages March 2020).

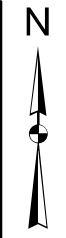
EPA, 1998. Risk Based Clean Closure, Memorandum from Elizabeth Cotsworth, Acting Director, Office of Solid Waste to RCRA Senior Policy Advisors, Regions I through X. March 16.

FIGURES

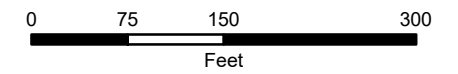


-  HWMU
-  Tank 100
-  Approximate Property Boundary

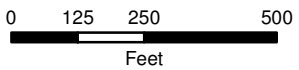







- Legend**
- Soil Samples
 - Groundwater
 - Approximate Property Boundary



Sample Locations
Figure No. 2

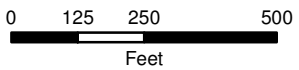


Legend




-  Monitoring Wells
-  General Direction of Groundwater Flow
-  Approximate Property Boundary



Wells Near Property Boundary
Figure No. 3



Legend

-  Monitoring Wells
-  General Direction of Groundwater Flow
-  Approximate Property Boundary



Groundwater Monitoring Plan
Figure No. 4

TABLE

Table 1. Property Boundary Wells Compared to Remediation Levels

Location	Date Sampled	Benzene (µg/L)	Ethyl benzene (µg/L)	Toluene (µg/L)	m&p-Xylene (µg/L)	o-Xylene (µg/L)
MCL		5	700	1,000	10,000	10,000
Industrial RL		590	2887	27,556	67,760	67,882
Residential RL		45	700	3,689	10,000	10,000
Off-Site						
MW-15B	11/19/2018	<5	<1	<1	<1	<1
MW-15R	11/19/2018	<5	<1	<1	<1	<1
SEHC						
MW-25R	11/19/2018	<5	<1	<1	<1	<1
MW-51	11/19/2018	<5	<1	<1	<1	<1
MW-8R	11/19/2018	<5	<1	<1	<1	<1
SB-12_GW	9/20/2005	<5	<5	<5	<10	<5

APPENDIX A

DRAFT ENVIRONMENTAL COVENANT

After Recording Return to:
Environmental Protection Division
Land Protection Branch
2 Martin Luther King Jr. Dr., SE
Suite 1054 East
Atlanta, Georgia 30334-9000

CROSS-REFERENCE:
County: Douglas
Deed Book: _____
Page(s): _____

Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.*, as may be amended from time to time (hereinafter “Act”). This Environmental Covenant is entered into by the entities executing this Environmental Covenant and subjects the property identified below to the activity and/or use limitations and other requirements. This Environmental Covenant further grants such other rights in favor of the Environmental Protection Division (hereinafter “EPD”) of the Department of Natural Resources of the State of Georgia as set forth herein.

Fee Simple Owner(s)/Grantor(s): Signal Energy Holdings Company, LLC, f/k/a
Young Refining Corporation
7982 Huey Road
Douglasville, Georgia 30134

Grantee/Holder with the power to enforce: Signal Energy Holdings Company, LLC, f/k/a
Young Refining Corporation, and any Successor-in-
Title to the Property described in the “Property
Subject” section below
7982 Huey Road
Douglasville, Georgia 30134

Persons with Interests other than Fee Simple: Bitumar (Georgia), Inc.
7982 Huey Road
Douglasville, Georgia 30134

Grantee/Entity with express power to enforce: State of Georgia
Department of Natural Resources
Environmental Protection Division
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Property Subject

The property subject to this Environmental Covenant is a tract of approximately 40 acres of real property located at 7982 Huey Road, Douglasville, Douglas County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter “Property”). The Property was

conveyed on April 1, 1971; April 19, 1974; April 25, 1974; May 29, 1974; October 5, 1976; October 30, 1976; and February 4, 1985 to Young Refining Corporation, now known as Signal Energy Holdings Company, LLC; such conveyances are recorded in Deed Book 155, Page 154; Deed Book 254, Page 113, which is corrected at Book 254, Page 703; Deed Book 257, Page 544; Deed Book 257, Page 544; Deed Book 299, Page 273; Deed Book 300, Page 382; Deed Book 465, Page 513 of the Douglas County deed records. The Property is located in Land Lots 742, 743, 824, and 825 of the 18th District and 2nd Section of Douglas County, Georgia.

The tax parcel(s) of the Property are 07431820006, 07431820007, 07431820009, 0825182B002, and 0825182B015 of Douglas County, Georgia.

A legal description of the Property is attached as Exhibit A and a map of the Property is attached as Exhibit B.

Environmental Covenant Runs with the Land and is Perpetual

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon Signal Energy Holdings Company, LLC, the Environmental Protection Division of the Department of Natural Resources of the State of Georgia, and all successors, assigns and transferees of any interest in the Property or any portion thereof.

Administrative Records

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Property that arise under corrective action performed and/or being performed at the Signal Energy facility/site. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Hazardous Waste Corrective Action Program
Land Protection Branch
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

- A. Real Property. The Property shall be used only as non-residential property as defined in Rule 391-3-19-.02(2)(r).
- B. Groundwater. The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.

Other Requirements. The Property is subject to the following additional requirements.

- A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this Environmental Covenant (and any amendments thereto) is recorded and a copy of this Environmental Covenant (and any amendments thereto).
- B. Notice to EPD of Future Conveyances. Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property, a survey map showing the boundaries of the real property conveyed.
- C. Notice of Change of Use. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.

Environmental Covenant Does Not Authorize Use Otherwise Prohibited

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

Rights of Access and Enforcement

Authorized representatives of EPD shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or to take samples.

This Environmental Covenant shall be enforceable by EPD and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

No Interest in Real Property in EPD

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

Recording of Environmental Covenant and Service on Other Persons

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, Signal Energy Holdings Company, LLC shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, Signal Energy Holdings Company, LLC shall provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

Representations and Warranties by Grantor(s). Signal Energy Holdings Company, LLC represents and warrants that all of the following are true and correct:

- A. Signal Energy Holdings Company, LLC, f/k/a Young Refining Corporation, holds fee simple title to the Property.
- B. Signal Energy Holdings Company, LLC has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of Signal Energy Holdings Company, LLC that will alter this representation and warranty.
- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of Signal Energy Holdings Company, LLC nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Signal Energy Holdings Company, LLC is a party or by which Signal Energy Holdings Company, LLC may be bound.
- D. Signal Energy Holdings Company, LLC has identified all persons with existing interests other than fee simple in the Property and has determined the type and status of their interests; for those interests where the type and/or status make it necessary, the person's agreement to and signature on this Environmental Covenant or subordination of the interest has been obtained; and the aforementioned information regarding all interests other than fee simple in the Property has been provided to EPD.
- E. This Environmental Covenant does not authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, Signal Energy Holdings Company, LLC served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1054 East Tower
Atlanta, GA 30334

With a copy to:

Signal Energy Holdings Company, LLC, f/k/a
Young Refining Corporation
517 Cassell Lane SW
Roanoke, Virginia 24014

EPD's Environmental Covenants Registry

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD's registry for environmental covenants.

Severability

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

Effective Date

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).

Grantor has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act, on the ____ day of _____, 2021.

Signed, sealed, and delivered in the presence of: For the Grantor:

Unofficial Witness (signature)

Name of Grantor & Grantee/Holder with power to enforce (print)

Unofficial Witness (print)

Authorized Representative of Grantor & Grantee/Holder with power to enforce (signature)

Authorized Representative Name (print)

Unofficial Witness Address (print)

Title of Authorized Representative (print)

Notary Public (signature)

Dated: _____

My commission expires: _____

[NOTARY SEAL]

Signed, sealed, and delivered in the presence of:

For Bitumar (Georgia), Inc.:

Unofficial Witness (signature)

Name of Person with Other than Fee Simple Interest (print)

Unofficial Witness (print)

Authorized Representative of Person with Other than Fee Simple Interest (signature)

Authorized Representative Name (print)

Unofficial Witness Address (print)

Title of Authorized Representative (print)

Notary Public (signature)

Dated: _____

My commission expires: _____

[NOTARY SEAL]

Signed, sealed, and delivered in the presence of:

For the State of Georgia
Environmental Protection Division:

Unofficial Witness (signature)

Signature

Unofficial Witness (print)

Richard E. Dunn
Director

Dated: _____

Unofficial Witness Address (print)

Notary Public (signature)

[NOTARY SEAL]

My commission expires: _____

Exhibit A
Legal Description of Property

EXHIBIT "A"

LEGAL DESCRIPTION

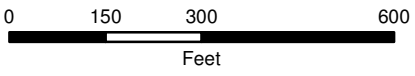
ALL THAT TRACT of parcel of land lying and being in Land Lots 742, 743, 824 and 825 of the 18th District and 2nd Section of Douglas County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at the intersection of the southeasterly edge of the right of way of Huey Road (50 foot right of way) and the northerly edge of the right of way of the Norfolk Southern Railroad (200 foot right of way); and proceed thence in a northeasterly direction along the northerly edge of the right of way of the Norfolk Southern Railroad 708.99 feet to a 5/8ths inch iron pin set, said point being the TRUE POINT OF BEGINNING; thence North 17 degrees 11 minutes 49 seconds West 361.82 feet to an iron pin set; thence North 85 degrees 49 minutes 37 seconds West 448.67 feet to a point on the easterly edge of the right of way of Huey Road; thence North 07 degrees 48 minutes 54 seconds West along the right of way of Huey Road 44.34 feet to a point; thence South 85 degrees 49 minutes 37 seconds East 493.79 feet to a nail set; thence North 05 degrees 25 minutes 42 seconds West 365.80 feet to a 5/8ths inch iron pin set; thence South 82 degrees 08 minutes 32 seconds West 280.40 feet to a 5/8ths inch iron pin set; thence South 47 degrees 27 minutes 41 seconds West 265.79 feet to a 5/8ths inch iron pin set on the easterly edge of the right of way of Huey Road; thence in a northerly direction along the easterly edge of the right of way of Huey Road the following courses and distances: North 08 degrees 36 minutes 40 seconds West 142.11 feet to a point; thence following a curve to the left an arc distance of 296.48 feet to a point (said arc having a radius of 3061.72 feet and being subtended by a chord bearing North 11 degrees 23 minutes 07 seconds West a distance of 296.36 feet); thence North 11 degrees 37 minutes 58 seconds West 111.46 feet to a point; thence following a curve to the right an arc distance of 88.30 feet to a point (said arc having a radius of 672.46 feet and being subtended by a chord bearing North 06 degrees 01 minute 12 seconds West a distance of 88.24 feet); thence departing the right of way of Huey Road and proceeding South 84 degrees 39 minutes 52 seconds East 276.55 feet to an axle found; thence North 02 degrees 38 minutes 14 seconds East 99.68 feet to a 2-inch open top pipe found; thence South 82 degrees 14 minutes 35 seconds East 357.61 feet to an axle found; thence North 08 degrees 40 minutes 33 seconds East 329.46 feet to an iron pin found; thence South 83 degrees 36 minutes 35 seconds East 652.21 feet to a 5/8ths inch iron pin set; thence North 12 degrees 16 minutes 02 seconds East 170.00 feet to a 1-inch iron pin found; thence South 41 degrees 48 minutes 07 seconds East 502.24 feet to a 5/8ths inch iron pin set; thence South 13 degrees 26 minutes 38 seconds East 903.28 feet to a 5/8ths inch iron pin set on the northerly edge of the right of way of Norfolk Southern Railroad; thence in a westerly direction along the northerly edge of the right of way of Norfolk Southern Railroad the following courses and distances: South 75 degrees 22 minutes 09 seconds West 906.11 feet to a point; thence following a curve to the left an arc distance of 110.58 feet to a point (said arc having a radius of 2710.81 feet and being subtended by a chord bearing South 74 degrees 12 minutes 02 seconds West a distance of 110.57 feet); thence following a curve to the left an arc distance of 116.67 feet to a point (said arc having a radius of 988.91 feet and being subtended by a chord bearing South 71 degrees 35 minutes 45 seconds West a distance of 116.60 feet); thence following a curve to the left an arc distance of 143.42 feet to a point (said arc having a radius of 2890.88 feet and being subtended by a chord bearing South 66 degrees 47 minutes 41 seconds West a distance of 143.40 feet); said point being the true point of beginning.

The captioned premises being shown upon a boundary survey for Young Refining Corporation prepared July 18, 2003, last revised December 12, 2003, by Armstrong Land Surveying, Inc., Robert T. Armstrong, Surveyor, which plat of survey by reference thereto is incorporated in this description.

TOGETHER WITH easement rights granted by B & G Lumber Co., Inc. to Cracker Asphalt Corporation dated April 22, 1956, filed May 9, 1956 in Deed Book 21, Page 447, Douglas County, Georgia Records.

Exhibit B
Map of Property



 Approximate Property Boundary

