

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

IN RE: Mr. Todd Boyd, President § Order No. EPD-WQ- 5217
 J&J Chemical Company §
 190 Trans Tech Drive §
 Athens, Georgia 30607 §

CONSENT ORDER

WHEREAS, J&J Chemical Company (hereinafter the "Respondent") is responsible for and presently owns and operates the facility located at 190 Trans Tech Drive, located in Athens-Clarke County (hereinafter the "Site"); and

WHEREAS, the Site is subject to the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. (hereinafter the "Act") and rules promulgated pursuant thereto; and

WHEREAS, under the Act as amended through 1990, the General Assembly of Georgia has designated the Director (hereinafter the "Director") of the Environmental Protection Division (hereinafter the "Division") to inter alia, issue all orders provided for in the laws to be enforced by the Division; and

WHEREAS, the Respondent's Site burned on July 28, 2010, and a significant volume of water containing chemicals from the Site ran off into a tributary of Trail Creek. Trail Creek is a tributary of North Oconee River; and

WHEREAS, Division personnel and an environmental contractor have been monitoring the impact of the chemicals released into Trail Creek and North Oconee River since the incident; and

WHEREAS, the Division has observed some improvement in the reduction of chemicals of concern released to Trail Creek, while some areas of Trail Creek needs remediation to return the water quality to meet in-stream standards and restore the water quality due to coloration; and

WHEREAS, the remaining building structure contains waste that requires proper characterization and disposal and the waste is open to the elements for rain to disperse further chemical contamination; and

WHEREAS, the Respondent desires to cooperate with the Division in a mutual effort to ensure that the waters of the State of Georgia are protected and agrees to comply with the terms and conditions of this Order; and

WHEREAS, the parties have determined that certain action must be implemented immediately to protect human health and the environment.

NOW THEREFORE, the Director hereby **ORDERS** and the Respondent **CONSENTS** to comply with the following:

1. The Respondent shall continue to monitor the water quality of Trail Creek twice weekly (Monday and Wednesday) at designated locations specified by the Division until contaminant concentrations are no longer detected.
2. The Respondent shall immediately secure the Site by taking measures to insure that rainwater does not contact burned debris and contaminated materials.
3. The Respondent shall continue to capture, containerize, properly characterize, and properly treat all runoff from the Site.
4. The Respondent shall immediately begin demolition of the building, characterization of the waste contents, and properly dispose of all solid waste in a manner acceptable to the Division.
5. The Respondent shall immediately begin remediation of Trail Creek through activated carbon treatment at Olympic Drive and Athena Drive and continue treatment unless notified by the Division.

This Order does not waive the Director's right to take further enforcement action against the Respondent, or imply that the Director will not take such action either for violation not referenced herein, or if the Respondent fails to (1) fully comply with the conditions of this Order or (2) fully comply with any other relevant requirements of the law, rules, and permits.

The parties enter into and execute this Order solely for the purpose of initiation of remediation of the Site and mitigation of ongoing risk. This Order shall not constitute a finding, adjudication, or evidence of a violation of any law, rule, or regulation by the Respondent, nor does the Respondent, by entering into this Order, admit to any factual allegation contained herein or to any violations of State laws. This Order is not intended to create, nor shall it be deemed to create, any liability, estoppel, or waiver of rights with respect to any third-party or parties.

By agreement of the parties, this Order shall have the same force and binding effect as a Final Order of the Director, and shall become final and effective immediately upon its execution by the Director. The parties further agree that this Order shall not be appealable by the Respondent, and the Respondent hereby waives the right to initiate any administrative or judicial hearing on the terms and conditions of this Order.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, the Order shall be deemed satisfied and terminated upon full, complete and timely performance of each and every condition set forth herein.

It is so **ORDERED, CONSENTED, and AGREED** to this 12th day of August, 2010.

FOR THE RESPONDENT:

Name: Todd Boyd
Title: President
Signature: Todd Boyd
Date: 8-12-10

FOR THE DIVISION:

F. Allen Barnes
F. Allen Barnes
Director