

THIS IS CERTIFIED AS A TRUE
AND CORRECT COPY

SIGNATURE David Wilkin

**FIRST AMENDMENT TO VOLUNTARY CLEANUP CONTRACT
05-5626-RP**

**IN THE MATTER OF
AVM, INC. MARION FACILITY, MARION COUNTY
AND
AVM, INC.**

WHEREAS, on March 1, 2006, AVM, Inc. (AVM) and the South Carolina Department of Health and Environmental Control (Department) entered into Voluntary Cleanup Contract 05-5626-RP ("VCC"), with respect to the AVM Inc. Marion Facility located at 144 Tranquil Church Road, Mullins, South Carolina (the Site);

WHEREAS, the VCC provides that AVM submit for approval a Work Plan to determine the sources, nature, and extent of Contamination at the Site and, if necessary, to evaluate potential risks to human health and the environment and to evaluate alternatives for addressing contamination at the Site;

WHEREAS, AVM submitted a Work Plan that was approved in a letter dated January 19, 2007;

WHEREAS, AVM submitted a Remedial Investigation Report (Initial Phase) on June 28, 2007 that was approved by the Department on August 7, 2007;

WHEREAS, AVM submitted a 2nd Phase RI Work Plan to the Department on October 3, 2007, the Department commented on the Work Plan on December 10, 2007, the Work Plan was revised and resubmitted by AVM on March 3, 2008 and approved by the Department on March 7, 2008;

WHEREAS, AVM submitted the Remedial Investigation Report – Second Phase on July 21, 2008 that was approved by the Department in a letter dated March 4, 2009;

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WHEREAS, AVM submitted a draft Feasibility Study (FS) to the Department on March 1, 2010 and the Department provided comments on the FS on June 29, 2010. AVM submitted a revised Feasibility Study (RFS) to the Department on February 5, 2014. AVM provided an Addendum to the RFS which it submitted to the Department on April 29, 2015. The Department provided comments on the RFS and Addendum on September 14, 2015. AVM Submitted the Final FS to the Department on November 10, 2015. The Department approved the Final FS in a letter dated June 2, 2016;

WHEREAS, the Department issued a Proposed Plan for Site Remediation (Plan) on June 6, 2016, and held a public meeting to discuss the Plan on June 13, 2016; and

WHEREAS, on February 27, 2017, the Department signed a Record of Decision (ROD) for the Site. The ROD included the Department's selected remedy for soil and groundwater Contamination.

NOW, THEREFORE, IT IS AGREED that VCC 05-5626-RP shall be amended as follows:

(1) The following terms and definitions shall be added:

“Contamination” shall mean impact by a Contaminant or Hazardous Substance; and

“Hazardous Substance” shall have the same meaning as defined under subparagraphs (A) through (F) of Paragraph (14) of CERCLA § 101, 42 U.S.C. § 9601(14).

(2) The ROD is incorporated by reference and shall be added as part of the VCC.

(3) The following requirements shall be added:

- a. Within one hundred thirty-five (135) days of the execution of this Amendment to the VCC, AVM agrees to submit a Groundwater RD/RA Report for the selected groundwater remedy to the Department for review and approval. The Groundwater RD/RA Report shall include the following: (1) final design plans and specifications;

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- (2) groundwater flow modeling results; (3) construction quality assurance requirements and procedures; (4) schedule for completion of the groundwater RA; (5) groundwater monitoring plan; (6) methods for satisfying permitting requirements; (7) contingency measures and their implementation; and (8) procedures for management of contaminated materials;
- b. AVM shall also submit a Health and Safety Plan ("HASP") under separate cover. AVM shall certify that the HASP is consistent with the Occupational Safety and Health Act ("OSHA") regulations and protocols. AVM agrees that the HASP submitted to the Department is for informational purposes only and any liability that may result from implementation of the HASP shall rest solely with AVM;
- c. Any comments generated through the Department's review of the Groundwater RD/RA and HASP must be addressed in writing to the Department's Project Manager within thirty (30) days of receipt of said comments by AVM;
- d. Within sixty (60) days after construction of the remedy in the Groundwater RD/RA Report, an Operation and Maintenance (O&M) Plan will be prepared and submitted to the Department; and
- e. AVM's obligation to submit quarterly progress reports pursuant to Paragraph 6 of the VCC shall be reduced from quarterly to such other frequency set forth in the O&M Plan approved by the Department.

FURTHER IT IS AGREED that this Amendment in no way is intended to or does affect VCC 05-5626-RP except as specifically provided herein and such VCC remains in full force and effect subject to this Amendment.

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SIGNATURE David Welkie

**FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL**

Daphne G. Neel
Daphne G. Neel, Chief
Bureau of Land and Waste Management
Environmental Quality Control

DATE: 11/7/17

Clairie W. Price
Reviewed by Office of General Counsel

DATE: 10/31/17

AVM, INC.

Carl D. Anderson II
Signature

DATE: 10-18-17

Carl D. Anderson II Vice President
Printed Name and Title

DAO