

1st Semi-Annual Progress Report

Toyoko Inn Atlanta, LLC
90-94 Forsyth Street and 85 Luckie Street
Atlanta, Georgia 30303
HSI #10899

Prepared for Toyoko Inn Atlanta, LLC

June 16, 2016

 **NewFields**

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

A handwritten signature in black ink, appearing to read 'M. R. Wild', written over a horizontal line.

Michael R. Wild, P.E.
NewFields, LLC
Senior Engineer/Partner



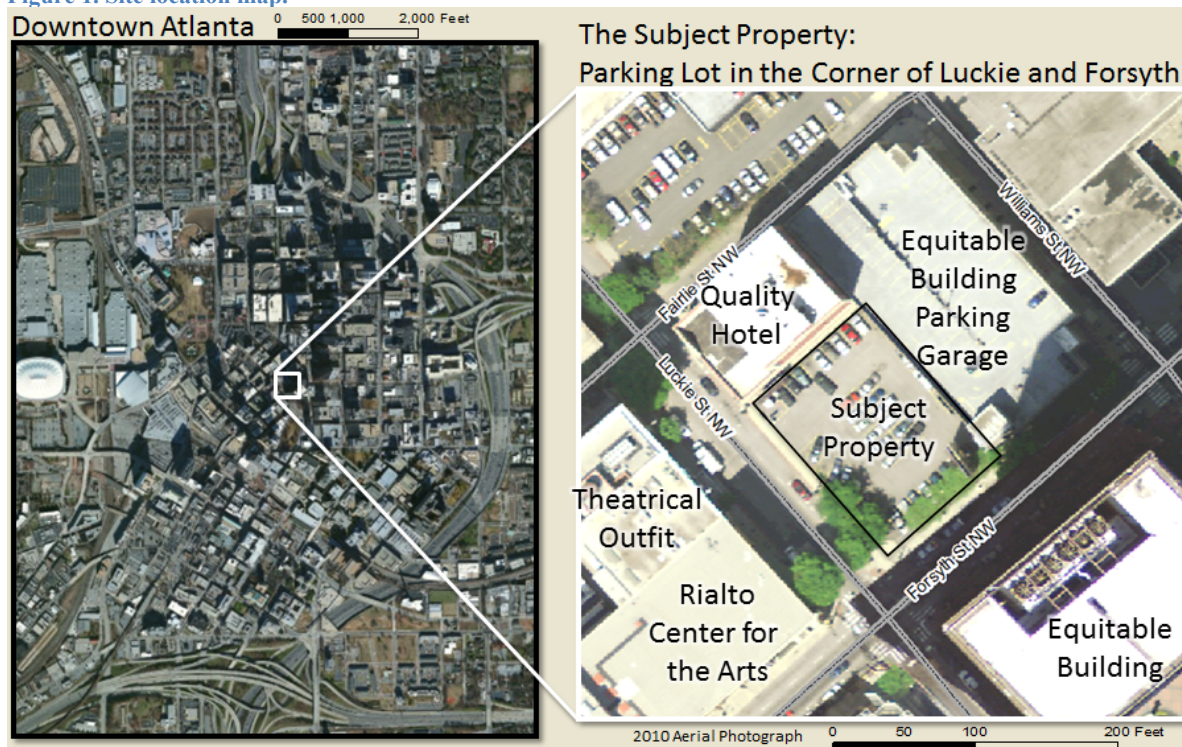


1 Introduction

Toyoko Inn Atlanta, LLC, ("Toyoko") submitted a Voluntary Remediation Program (VRP) Application in May 2015. In a letter dated December 16, 2015, the application was approved by the Georgia Department of Natural Resources Environmental Protection Division (EPD). In a letter dated December 16, 2015, the EPD provided comments on the application which were addressed in a January 22, 2016 Revised VRP Application ("VRP Application").

The subject property ("the Site") is located at 90-94 Forsyth Street and 85 Luckie Street in Atlanta, Fulton County, Georgia (see Figure 1). The Site is a rectangular parking lot, 100 feet by 130 feet (approximately 0.3 acres), bounded to the northwest by Quality Hotel, to the northeast by the Equitable Building Parking Garage, to the southwest by Luckie St NW, and to the southeast by Forsyth St NW. The Rialto Center for the Arts and the Theatrical Outfit are located on the opposite (southwest) side of Luckie St NW. The Equitable Building is located on the opposite (southeast) side of Forsyth St NW.

Figure 1. Site location map.



The Site is listed on the Hazardous Site Inventory (HSI) as "90 - 94 Forsyth Street and 85 Luckie Street" and assigned HSI Number 10899. The Site's history, previous investigations, delineation, and the evaluation of exposure pathways and potential receptors are provided in the VRP Application.



This progress report summarizes what actions have been taken since the VRP Application was submitted and presents the expected schedule for upcoming activities.

2 Corrective Actions

It is Toyoko's intent to remove the Site from the HSI through implementation of a voluntary remediation plan that is protective of human health and the environment. In the VRP Application, based on the delineation of constituents in soil to Type 3 and 4 risk reduction standards (RRSs) and the absence of complete exposure pathways to contaminants in soil, Toyoko proposed the following voluntary remedial actions:

- Repair, maintenance, and annual inspection of the asphalt cap which precludes human exposure to the soil or rain infiltration into the soil. Proper surface water drainage from the cap will also be maintained. Toyoko proposed no further action related to soils on the subject property until such time the property is developed and/or excavation activities to the depth of impacted soils (i.e., greater than 8 ft bgs) occur related to site usage.
- Implementation of an environmental covenant that conforms with O.C.G.A. §44-161-1, *et seq.*, the Georgia Uniform Environmental Covenants Act, with a corresponding deed notice that restricts future uses of the subject property for the purpose of certifying compliance with site-specific Type 3 and 4 RRS.

3 Schedule

Delays in locating historical materials related to the Site stored in Japan and contacting and coordinating with the Site parking lot operator (“lessee”) necessitated modifications to the schedule. The complete schedule from the approved VRP Application and modifications to and progress associated with schedule action items are shown below:

- An environmental covenant restricting future uses of the subject property was to be implemented by January 29, 2016. Due to delays described above, the revised schedule for the environmental covenant is as follows:
 - The covenant has been finalized and submitted to EPD for review with this progress report
 - Upon approval by EPD, the covenant will be executed by Toyoko and provided to EPD for countersignature within two weeks of receipt of approval
 - The fully executed covenant will be recorded in Fulton County Superior Court within thirty (30) days of the receipt of the fully executed covenant
 - A file-stamped copy of the record will be submitted to EPD within thirty (30) days of recording



- As-built drawings of the current asphalt cap and specifications for its repair were to be provided to the EPD for approval in February 2016. Due to complications detailed above, this has been delayed until fall 2016.
- Allowing time to request bids, asphalt repair work was projected to be completed in late March 2016. This repair work has been delayed until the end of 2016.
- As-built drawings for the upgraded asphalt cap were to be submitted to the EPD in early April 2016. This has been delayed until the end of 2016.
- An operation and maintenance program was to be submitted to the EPD by mid-April 2016. This has been delayed until the end of 2016.
- The first semi-annual progress report was to be submitted to the EPD by June 16, 2016. This document represents that report, submitted on June 16, 2016. Subsequent semi-annual progress reports will be submitted every six months thereafter.
- Subsequent annual inspections for pavement breaches¹ will be conducted at the beginning of spring each year (late March/early April) so that any deterioration caused by the winter weather will be identified in a timely manner.
- Any necessary repairs will be made within two months of the initial and future site inspections.
- The Compliance Status Report (CSR) will be completed by December 16, 2020.

4 Summary

Delays associated with retrieving historical information and coordinating with the Site lessee required modifications to the schedule set forth in the VRP Application. These delays pushed scheduled action items back approximately six to eight months. The environmental covenant restricting future uses of the subject property, along with the affidavit that must be filed with the Fulton County Superior Court, are being submitted to the EPD for review with this progress report. The upgraded asphalt cap should be completed at the end of 2016.

¹ Significant cracks are considered to be any cracks in the asphalt greater than 1 inch in width or 3 feet in length.