



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

Land Protection Branch

2 Martin Luther King, Jr. Drive
Suite 1054, East Tower
Atlanta, Georgia 30334
404-657-8600

May 28, 2019

Via U.S. Mail

And Email: scott.siebert@kroger.com

The Kroger Company
c/o Scott Siebert, Assistant Construction Manager
2175 Parklake Drive NE
Atlanta, Georgia 30345

**Subject: Voluntary Remediation Program Application dated August 21, 2018
Lucky Cleaners (Former), HSI #10845
2801 Washington Road, Augusta, Richmond County, Georgia**

Dear Mr. Siebert:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Remediation Program Application (the Application) dated August 21, 2018 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) O.C.G.A. §12-8-100, et seq. EPD acknowledges the Application was submitted in lieu of continuing work under the Updated Groundwater Corrective Action Plan dated December 6, 2011, which was required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your Application, which proposes corrective action consisting of the following:

- Certifying compliance with Risk Reduction Standards for soil based on previously documented soil excavation.
- The use of controls to be documented in a Uniform Environmental Covenant to restrict exposure to regulated substances in groundwater and restrict property use to non-residential.
- Site investigation to include installation of one deep groundwater monitoring well to obtain vertical delineation and site-wide groundwater sampling.
- Fate and transport modeling to evaluate groundwater plume migration in relation to potential points of exposure.

Therefore, EPD is accepting The Kroger Company (Kroger) as a participant as defined in the Act for the following qualifying property, provided that the Voluntary Investigation and Remediation Plan (VIRP) contained in the Application is implemented in compliance with the Act, the schedule, and the EPD comment letter dated May 28, 2019.

Qualifying Property: 2801 Washington Road
Augusta, Richmond County, Georgia
Tax Parcel: 013-0-013-00-0

Within six (6) months of detecting regulated substance(s) on a non-qualifying property, the participant must apply to EPD to include the affected property as a qualifying property under the Act or notify EPD that the non-qualifying property is not included under the Act.

Since Kroger is performing corrective action at the qualifying property in accordance with an approved Application, the qualifying property will be classified as a Class V site and designated as needing corrective action as provided for in §12-8-107(b) of the Act. Within 45 days of this letter, you are required to file an affidavit, if not previously filed, stating that your property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. This affidavit is to be filed with the clerk of the Superior Court of Richmond County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20. You must also place the notice, as required by subparagraph 391-3-19-.08(1)(a) of the Rules, in any warranty deed, mortgage, security deed, lease, rental agreement, or other instrument that is thereafter given or caused to be given by the property owner which creates an interest in or grants a use of the property.

Within 30 days of recording the affidavit or revised affidavit, please send a copy of the receipt of the recorded affidavit to the Response and Remediation Program, Georgia Environmental Protection Division, 2 Martin Luther King Jr. Drive, SE, Suite 1054 East, Atlanta, GA 30334.

EPD requires that Kroger and the professional engineer/geologist specified in the Application oversee the implementation of the VIRP in accordance with the provisions, purposes, standards, and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted. However, failure of EPD to respond to a submittal within any timeframe does not relieve Kroger from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Kroger fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the Voluntary Remediation Program.

EPD anticipates receipt of the first semi-annual progress report by November 28, 2019 and a Compliance Status Report (CSR), including certification of compliance with applicable Risk Reduction Standards, on or before May 28, 2024. Should you have any questions or concerns regarding this site, please contact Gordon Terhune of the Response and Remediation Program at 404-657-0492.

Sincerely,



Jason Metzger
Program Manager
Response and Remediation Program

c: Greg Rowell (via email: growell@contouren.com)

File: 260-0164 (VRP)

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