

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., S.E., Suite 1462 East, Atlanta, Georgia 30334

Reply To:

Response and Remediation Program
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Office 404/657-8600 Fax 404-657-0807

Mark Williams, Commissioner
Environmental Protection Division
Judson H. Turner, Director
Land Protection Branch
Mark Smith, Branch Chief

February 28, 2012

VIA E-MAIL AND REGULAR MAIL

Mr. Don Goodman, Agent
Boyd Georgia Property, LLC
736 Johnson Ferry Road, Suite C-220
Marietta, GA 30068

Re: Voluntary Remediation Plan Application, February 20, 2012
Bellemeade Shopping Center
1131-1167 Powder Springs Street, Marietta, Cobb County, Georgia
Tax Parcel ID 17006700020

Dear Mr. Goodman:

The Georgia Environmental Protection Division (EPD) has reviewed the February 20, 2012, Voluntary Remediation Plan (VRP) submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). EPD is approving your voluntary remediation plan, which specifies additional site assessment and corrective action consisting of the following:

- Perform and complete delineation;
- Fate and transport modeling to demonstrate compliance with applicable clean-up standards;
- In-situ treatment using chemical oxidants, chemical reductants, or microbially mediated reductive dechlorination;
- Vapor extraction with or without air sparging performed using an on-site remediation system.

Therefore, EPD is accepting Boyd Georgia Property, LLC as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided Boyd Georgia Property, LLC implements the VRP in compliance with the following schedule and conditions:

Qualifying property:

1131-1167 Powder Springs Street, Marietta, Cobb County, Georgia
Tax Parcel ID 17006700020

Within six 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 the non-qualifying property is not included under the Act.

Schedule:

- Semiannual progress reports are to be submitted to EPD. Each progress report must describe all actions taken since the last submittal, and include certification by the professional engineer/geologist specified in the VRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.
 - August 28 and February 28 through February 28, 2017.

In addition to the information required above, the following must be included in the specific progress reports discussed below.

- February 28, 2013 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property:
 - February 28, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - August 28, 2014 semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan and provide a cost estimate for implementation of remediation and associated continuing actions. EPD recommends that the participant finalize approval of cleanup standards for all regulated substance prior to this submittal.
- Compliance status report including certifications:
 - February 28, 2017

Conditions:

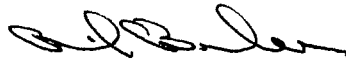
1. EPD requests the submittal of a cost estimate for full implementation of the VRP through CSR submittal and a financial assurance instrument in that amount by no later than April 30, 2012. Model financial assurance instruments can be located at http://www.gaeprd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. Within ninety (90) days of Boyd Georgia Property, LLC's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Boyd Georgia Property, LLC must submit a compliance status report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
3. Boyd Georgia Property, LLC must pay all outstanding fees within sixty (60) days of receipt of an invoice for any costs to the division in reviewing the application or subsequent document the exceeds the initial application fee.

EPD requires that Boyd Georgia Property, LLC and the professional engineer/geologist specified in the VRP oversee the implementation of the VRP in accordance with the provisions, purposes, standards and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted by Boyd Georgia Property, LLC. However, failure of EPD to respond to a submittal within any timeframe does not relieve Boyd Georgia Property, LLC from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Boyd Georgia Property, LLC fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

EPD's approval of the VRP extends only to those technical aspects of the document that expressly require EPD approval under applicable rules and statutes. This approval is not an endorsement by EPD that it accepts as conclusive any representations made in the document. Nor does EPD guarantee or warrant that the document is free of errors or omissions. EPD may later withdraw approval of this document, in whole or in part, if EPD determines that withdrawal is necessary to ensure compliance with the applicable rules and statutes.

If you have any questions, please contact Yue Han of the Response and Remediation Program at (404) 657-8678.

Sincerely,



David Brownlee
Acting Program Manager
Response and Remediation Program

c: Kimberly Phillips, Envirorisk Consultants, Inc.

File: HSI Site Number 10890