

# Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive, SE, Suite 1066 East, Atlanta, Georgia 30334

**Reply To:**

Response and Remediation Program  
2 Martin Luther King, Jr. Drive, S.E.  
Suite 1462, East Tower  
Atlanta, Georgia 30334-9000  
Office 404/657-8600 Fax 404-657-0807

Mark Williams, Commissioner  
Environmental Protection Division  
F. Allen Barnes, Director  
Land Protection Branch  
Mark Smith, Branch Chief

March 21, 2011

## VIA E-MAIL AND REGULAR MAIL

AXA Equitable Life Insurance Company  
c/o Mr. Robert Poole, Executive Director  
Morgan Stanley Real Estate, Inc.  
3424 Peachtree Road, NE  
Suite 800  
Atlanta, Georgia 30326

RE: VIRP Application Review  
Former Vogue Cleaners, HSI No. 10394  
4020 Washington Road, Martinez, Columbia County  
Map J10, Parcel 079/087

Dear Mr. Poole:

The Georgia Environmental Protection Division (EPD) has reviewed the January 21, 2011, revised Voluntary Investigation and Remediation Plan (VIRP) Application submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act). The VIRP was submitted in lieu of annual corrective action progress reports required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your VIRP, which specifies corrective action consisting of the following:

- A previous excavation of impacted soils on qualifying property,
- Ongoing active soil and groundwater remediation, including the use of air sparge and soil vapor extraction (SVE) through the use of Accelerated Remediation Technologies (ART) technology,

Therefore, EPD is accepting AXA Equitable Life Insurance Company (AXA) as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided AXA implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

Former Vogue Cleaners  
Martinez, Columbia County, Georgia  
Map J10, Parcel 079/087

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 VIRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.
  - September 21<sup>st</sup> and March 21<sup>st</sup> through September 21<sup>st</sup>, 2015

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

- March 21<sup>st</sup>, 2012 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property;
  - March 21<sup>st</sup>, 2013 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
  - September 21<sup>st</sup>, 2013 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 substances prior to this submittal.
- Compliance status report including certifications:
    - March 21, 2016

Conditions:

1. EPD requests the submittal of a cost estimate to complete the work proposed in the VIRP through the CSR submittal and a financial assurance instrument in that amount by no later than May 23<sup>rd</sup>, 2011. Model financial assurance instruments can be located at [http://www.gaepd.org/Files\\_PDF/forms/hwb/HSIModel.pdf](http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf).
2. AXA must address EPD's comments dated March 21<sup>th</sup>, 2011 and any other comments addressing the investigation and remediation pursuant to the Act to the satisfaction of the Director that it is consistent with the provisions, purposes, standards and policies of the Act.
3. Within ninety (90) days of AXA's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, AXA must submit a compliance status report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
4. AXA 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.

5. EPD acknowledges that you are not including the sublisted property, Columbia Car Care Center (Map J10, Parcel 079/133) as a qualifying property pursuant to the Act. Therefore, that property remains subject to the Hazardous Site Response Act and AXA Equitable Life Insurance Company remains subject to Administrative Order EPD-HSR-498 for the remediation of that property. Please note that in order for AXA Equitable Life Insurance Company to be a participant in the voluntary remediation program, AXA Equitable Life Insurance Company must not be in violation of any order, judgment, statute, rule, or regulation subject to the enforcement authority of the Director (OCGA 12-8-106).

EPD requires that AXA and the professional engineer/geologist specified in the VIRP 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 by AXA. However, failure of EPD to respond to a submittal within any timeframe does not relieve AXA from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should AXA 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 VIRP 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 Montague M<sup>c</sup>Pherson at (404) 657-8600.

Sincerely,



Mark Smith, Chief  
Land Protection Branch

File: HSI No. 10394  
c: Mark D. Mitchell – Genesis Project, Inc.  
Dr. Harindorjit Singh  
Columbia Square Investors, LLC