

Georgia Department of Natural Resources

Environmental Protection Division-Land Protection Branch

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

(404) 657-8600; Fax (404) 657-0807

Judson H. Turner, Director

August 19, 2013

FILE COPY

Dr. Harinderjit Singh
3685 Wheeler Road
Suite 201
Augusta, Georgia 30909

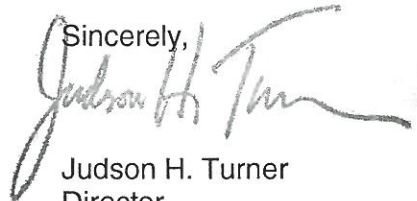
Re: Executed VRP Consent Order No. EPD-VRP-006
Columbia County Car Care Center Property, HSI Site No. 10394 (sublisted)
4014 Washington Road, Martinez, Columbia County, Georgia
Tax Parcel J10 079 133

Dear Dr. Singh:

Enclosed is an executed copy of the above referenced consent order. We did not receive comments during the 30-day public comment period; therefore, this consent order was executed as proposed. As specified in the Order, your property is now enrolled in the Voluntary Investigation and Remediation Program (VIRP). Please implement the VIRP Application and Plan in accordance with the schedule and specifications contained therein and within the Order.

If you have any questions, please contact Mr. Montague McPherson at (404) 657-8600.

Sincerely,



Judson H. Turner
Director

Encl: Consent Order EPD-VRP-006

C: Martin Shelton, Esq. (w/ attachment)

File: HSI 10394

S:\RDRIVE\MONTMC\HSI\Vogue Cleaners\Dr Singh and related Call-In Letter\Executed CO cover letter.doc

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE:

Columbia County Car Care Center
4014 Washington Road
Martinez, Columbia County, Georgia
HSI No. 10394 (sublisted)

Order No. EPD-VRP- 006

RESPONDENT

Dr. Harinderjit Singh
3685 Wheeler Road, Suite 201
Augusta, Georgia 30909

CONSENT ORDER

WHEREAS, Dr. Harinderjit Singh (hereinafter "Respondent") wishes to be considered a participant as defined in the Voluntary Investigation and Remediation Program Act, O.C.G.A. 12-8-100 et seq. as amended (hereinafter "Act"); and

WHEREAS, said definition states "A participant in the voluntary remediation program must ... [n]ot be in violation of any order, judgment, statute, rule, or regulation subject to the enforcement authority of the director"; and

WHEREAS, the Director of the Environmental Protection Division, Department of Natural Resources, State of Georgia (hereinafter "Director" and "EPD" respectively) alleges the Respondent has violated an order, judgment, statute, rule, or regulation subject to the enforcement authority of the Director as follows:

Failure to submit a compliance status report by the deadline specified by the Director as required by Section 391-3-19-.06(3)(a) of the Rules, and

WHEREAS, Respondent has submitted a Voluntary Investigation and Remediation Program Application, dated February 21, 2013 (hereinafter "Application") for the real property located at 4014 Washington Road in Martinez, Columbia County, Georgia, and identified as Tax Parcel No. J10 079 133 (hereinafter the "Property"); and

WHEREAS, Respondent has historically asserted that the contamination on Respondent's Property is a result of the operations of the former Vogue Cleaners, a former tenant of the adjoining property; and

WHEREAS, Respondent has committed to complete the actions proposed in the Application in order to address the contamination on Respondent's Property, and

WHEREAS, it is in the best interest of the State of Georgia to resolve this amicably.

NOW, THEREFORE, before taking of any testimony and without adjudicating the merits of the parties' positions in this matter, the parties hereby resolve the issues in this case by agreement and upon the Order of the Director and the Respondent as follows:

1. Upon execution of this Order, Respondent's Application is approved and the Property shall be deemed enrolled in the Voluntary Investigation and Remediation Program (hereinafter "VIRP").
2. Under the VIRP, and subject to any relevant modifications thereto, the Respondent must comply with the following schedule for delineation and remediation of the Release, submission of a compliance status report, and submission of financial assurance as required by EPD under the Act, subject to modifications and extensions granted in writing by EPD, such modifications and extensions not to be unreasonably denied:
 - a. The Respondent must submit progress reports to EPD semi-annually, or at such longer interval as EPD may approve, pursuant to Section 12-8-107(b) of the Act, as amended, with the first report due six (6) months after the effective date of this Order.
 - b. Within the first twelve (12) months after the date of execution of this Order, the Respondent shall complete horizontal delineation of the Release and associated constituents of concern on property where access is available as of the date of execution of this Order.
 - c. Within twenty four (24) months after the date of execution of this Order, the Respondent shall complete horizontal delineation of the Release and associated constituents of concern extending onto property for which access was not available as of the date of execution of this Order.
 - d. Within two (2) months of completion of Condition 3.c., if regulated substances are detected on a non-qualifying property, the Respondent must apply to EPD to include any affected property as a qualifying property under the Act, or notify EPD that the non-qualifying property is not included under the Act.
 - e. Within thirty (30) months after the date of execution of this Order, the Respondent shall update the Conceptual Site Model to include vertical delineation, finalize the remediation plan and provide a cost estimate for implementation of remediation and associated continuing actions.
 - f. Within sixty (60) months after the date of execution of this Order, or other date approved by the Director, the Respondent shall submit the compliance status report, including the requisite certifications, required under the Act.
 - g. Within sixty (60) days after Respondent's receipt from EPD of an invoice for any costs to EPD in reviewing the Application and subsequent documents that exceed the initial VIRP application fee, Respondent shall reimburse EPD for such costs.
3. The Respondent must address any comment letters issued by EPD regarding 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.
4. The Respondent and one or more registered professional geologists or engineers shall be responsible to 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 the Respondent. However, failure of EPD to respond to a submittal within any timeframe does not relieve the Respondent from complying with the specified schedule and the provisions, purposes standards and policies of the Act and Order.
5. EPD's approval of the Application 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 the Application in whole or in

part, if EPD reasonably determines that withdrawal is necessary to ensure compliance with the applicable rules and statutes.

6. This Order shall terminate if and as of the date the Director concurs under Section 12-8-107(e) of the Act, as amended, with the Respondent's certification that the Property complies with applicable cleanup standards, or the Director concurs that responsibility for achieving compliance with the applicable cleanup standards has been assigned or imposed on a third party pursuant to a final court order.
7. Enrollment of the property in the VIRP shall terminate (hereinafter the "Termination Date") sixty (60) days after either the Director or the Respondent provides written notification to the other party that enrollment of the Property in the VIRP is being terminated, as provided in Section 12-8-107(d) of the Act, as amended. Within ninety (90) days of the Termination Date, the Respondent shall submit a corrective action plan that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
8. Respondent shall be liable for stipulated penalties payable to EPD as set forth below for failure to comply with the Conditions of this Order, as amended, unless excused by the Director.
 - a. The following stipulated penalties shall be payable to EPD per violation per day for material violations of the Conditions of this Order, as amended:

Penalty Per Violation Per Day	Period of Noncompliance
\$100	1 st through 14 th day
\$250	15 th through 30 th day
\$500	31 st day and beyond

- b. Any penalty accruing under this Condition shall be due and payable to the State of Georgia, Environmental Protection Division. The right to collect stipulated penalties shall not preclude EPD from taking any other action authorized by law for violations of the Rules or this Order, as amended, or for any other violation of the Act, or of the Rules promulgated thereunder, or an order of the Director. If the Director is required to undertake judicial proceedings to recover stipulated penalties, the Director will not be barred from seeking civil penalties in an amount greater than the stipulated penalties due thereunder.
 - c. If Respondent fails to pay the accrued stipulated penalties when due and payable pursuant to Condition 8.e., nothing in this Order, as amended, shall prevent or preclude the Director from initiating a proceeding for civil penalties for the noted violations.
 - d. If EPD believes Respondent has materially failed to perform any of the activities contained in this Order, as amended, then EPD shall provide written notification to Respondent of any such deficiencies and shall allow Respondent a reasonable period of time, to be specified in the written notification, to correct such deficiencies before EPD performs all or any portion of the work.
 - e. No stipulated penalty shall accrue until such time as EPD provides, by certified mail return receipt requested, written notice of the violation to Respondent's designated representative. EPD's written notice shall also specify when payments of such stipulated penalties shall be due, which shall in no event be less than thirty (30) days from the date the written notice is received by Respondent.
9. Unless otherwise provided in this Order, the following notice provisions shall apply:

- a. Notifications, submissions or other communications required by this Order, shall be made in writing and addressed as follows:

As to the Respondent:

Dr. Harinderjit Singh
3685 Wheeler Road
Suite 201
Augusta, Georgia 30909

Atlanta, Georgia 30303

With a copy to:

Martin A. Shelton, Esq.
Scoggins Goodman, PC
2800 Marquis One Tower
245 Peachtree Center Ave

As to EPD:

Georgia Environmental Protection Division
Response and Remediation Program Manager
2 Martin Luther King Jr. Boulevard, Suite 1462 East
Atlanta, Georgia 30334

- b. Either party may, by written notice to the other party, change its designated representatives for receipt of notice or its notice address.
- c. For purposes of the deliverables referenced herein, EPD's receipt of a deliverable by the specified milestone due date via U.S. Mail, courier or hand delivery, or EPD's receipt of an electronic transmittal of a copy of the deliverable by the specified milestone due date confirming that the deliverable has been sent via U.S. Mail, courier or hand delivery, shall constitute timely submission of the deliverable under the VRP.
10. The individual signing this Consent Order for the Respondent is duly authorized to enter into and bind the Respondent by the terms of this Consent Order.

By entering into this Order or by taking any action in accordance with this Order, the Respondent does not admit any fact, conclusion of law, or allegation contained in this Order. The Respondent does not admit liability for any purpose, nor any allegation of negligence, wrongdoing or fault, or any allegation of wrongful conduct under any federal, state or local laws or regulations.

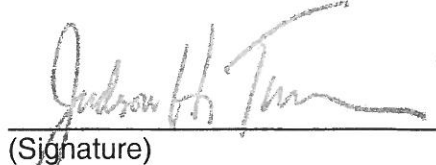
The Respondent agrees that it is taking the actions set out in the Consent Order to settle and compromise the issues between it and EPD. The Respondent agrees that the actions to be taken by it and EPD as agreed in the Consent Order are reasonable; not in violation of any constitutional or statutory provisions; are not in excess of the statutory authority of the agency; are not made upon any unlawful procedure or affected by any other area of law; and are not in any way arbitrary or capricious or a result of any abuse of discretion on the part of EPD.

Respondent hereby agrees, and consents to the jurisdiction and venue of the Superior Court of Fulton County, Georgia, as to any case or controversy involving the Consent Order. The Respondent hereby waives the right to a jury trial.

By agreement of the parties, this Order shall be considered final and effective immediately, and the Respondent does hereby waive any right to appeal the terms and conditions of this Order.

This Order shall be signed first by the Respondent and shall be deemed executed when signed by the Director.

It is so ORDERED, CONSENTED, AND AGREED to this 14 day of August, 2013.
(to be filled in by the Director)



(Signature)

Judson H. Turner, Director
Environmental Protection Division
Department of Natural Resources
State of Georgia

FOR THE RESPONDENT:

Dr. Harinderjit Singh

BY:


(Signature)

HARINDERJIT SINGH
(Printed name)

OFFICE: 706-650-001

DATE: 6/28/13

Telephone: 706-650-0061

FAX: 706-650-0064

E-mail address h.singh@southeastetna.com