

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., S.E., Suite 1066 East, Atlanta, Georgia 30334

Reply To:
Response and Remediation Program
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Mark Williams, Commissioner
Environmental Protection Division
F. Allen Barnes, Director
Land Protection Branch
Mark Smith, Branch Chief

August 19, 2011

VIA EMAIL AND REGULAR MAIL

Newnan Lofts Limited Partnership
c/o Mr. James R. Borders
817 West Peachtree Street NW, Suite 400
Atlanta, Georgia 30308

Re: April 2011 Revised Voluntary Remediation Plan
Newnan Lofts Apartment Complex
110 Field Street, Newnan, Coweta County, Georgia
Tax Parcel ID N15 0001 001

Dear Mr. Borders:

The Georgia Environmental Protection Division (EPD) has received the April 2011, revised Voluntary Investigation and Remediation Plan (VIRP) application that has been submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act) O.C.G.A. 12-8-100. EPD acknowledges that this VIRP application was submitted in lieu of listing of the referenced site on the Hazardous Site Inventory (HSI) pursuant to the Georgia Rules for Hazardous Site Response (the Rules). EPD is approving your VIRP, which specifies corrective action consisting of the following:

- **Excavation** – Ensure that any exposed soils in the upper two feet of the soil horizon in the specified Type 5 risk reduction standards (RRS) areas, with average concentrations of PAHs or metals in excess of the designated residential RRS are removed and replaced with clean imported fill.
- **Engineering and/or Institutional Controls** – For all Type 5 RRS areas onsite, including where soils are isolated beneath structures, asphalt or concrete, ensure existing surface features are maintained through the implementation of an Operation and Maintenance Plan and appropriate environmental covenants (O.C.G.A. 44-16-1, et seq., the ‘Georgia Uniform Environmental Covenants Act’) in order to achieve and maintain the established RRS.
- **Containment** – Soils excavated from the site will be placed in a designated containment area in the undeveloped portion of the site within the northern fenced area and covered with a minimum of 2-feet of clean imported soil.
- **Demonstration** – Conduct additional sampling and analysis to demonstrate that all exposure pathways, including but not limited to vapor intrusion, groundwater, surface water and sediment, have been assessed and addressed through appropriate remediation action, where necessary, to ensure that all potential exposure pathways have been mitigated.

Therefore, EPD is accepting Newnan Lofts as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided Newnan Lofts implements the VIRP in compliance with the following schedule and conditions:

Qualifying property:

Newnan Lofts Apartment Complex
110 Field Street
Newnan, Georgia 30263
Tax Parcel ID N15 0001 001

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 that the non-qualifying property is not included under the Act. Consequently, please note that the currently available site information indicates that site related contaminants have been detected on the leased CSX property on the western border of the Newnan Lofts property. Therefore, please ensure that the first semiannual progress report includes a description of this leased CSX property as an additional qualifying property, along with a supporting site figure that illustrates the extent of this leased property or notify EPD that the CSX property will not be 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.
 - February 15th and August 15th through February 15th, 2016

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

- August 15, 2012 semiannual progress report must include the vapor intrusion, surface water, and groundwater pathway evaluation for the qualifying property;
 - August 15, 2013 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - February 15, 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 substances prior to this submittal.
- Compliance status report including certifications:
 - August 15, 2016

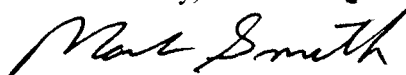
Conditions:

- 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 October 14, 2011. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
- 2) Newnan Lofts must address EPD's comments dated August 19, 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 Newnan Lofts's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, Newnan Lofts will be listed on the Hazardous Site Inventory and will be subject to the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
- 4) Newnan Lofts 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 documents that exceeds the initial application fee.

EPD requires that Newnan Lofts 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 Newnan Lofts. However, failure of EPD to respond to a submittal within any timeframe does not relieve Newnan Lofts from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should Newnan Lofts 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. Should you have any question or concerns, please contact Mr. Kevin Collins of the Response and Remediation Program at (404) 657-0488.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Chet Tisdale

File: VRP Application 1278434253 – Newnan Lofts Apartment Complex

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