

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

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

December 2, 2010

VIA E-MAIL AND REGULAR MAIL

John F. Rowan, Sr. Item IV Trust
c/o Ms. Catherine Norris
P.O. Box 82
Rancho Santa Fe, California 92067

Re: Voluntary Investigation and Remediation Plan and Application, July 9, 2010
Fashion Care/Executive Care Site, HSI No. 10786
2211 Savoy Drive, Chamblee, Dekalb County, Georgia
Tax Parcel ID Nos. 18-343-13-002, 18-343-13-005, 18-343-13-001, & 18-333-02-023

Dear Ms. Norris:

The Georgia Environmental Protection Division (EPD) has reviewed the Voluntary Investigation and Remediation Plan (VIRP) dated July 9, 2010 submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of a Corrective Action Plan required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced site. EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Execution of Uniform Environmental Covenants to restrict exposure to contaminated soil and groundwater,
- Maintenance of existing asphalt and concrete caps to prevent exposure to contaminated soil,
- Installation and operation of a vapor collection system and installation of vapor barriers, as needed, to prevent exposure to contaminated vapors, and
- Surface water and groundwater monitoring.

Therefore, EPD is accepting the John F. Rowan, Sr. Item IV Trust (the Trust) as a participant as defined in the Voluntary Remediation Program Act for the following qualifying properties provided the Trust implements the VIRP in compliance with the following schedule and conditions:

Qualifying properties:

2211 Savoy Drive
Chamblee, Dekalb County, Georgia
Tax Parcel ID No. 18-343-13-002

4306 North Peachtree Road
Chamblee, Dekalb County, Georgia
Tax Parcel ID No. 18-343-13-005

4308 North Peachtree Road
Chamblee, Dekalb County, Georgia
Tax Parcel ID No. 18-343-13-001

North Peachtree Road
Chamblee, Dekalb County, Georgia
Tax Parcel ID No. 18-333-02-023

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:

The schedule proposed in the VIRP is significantly shorter than allowed by the checklist. We encourage the Trust to adhere to its schedule as proposed in the VIRP, but have included minimum requirements, as follows:

- 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.
 - June 2nd and December 2nd through June 2, 2015.

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

- December 2, 2012 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - June 2, 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 substance prior to this submittal.
- A compliance status report, including certifications, must be submitted by December 2, 2015.

Conditions:

1. EPD requests the submittal of a cost estimate for full implementation of the VIRP through CSR submittal and a financial assurance instrument in that amount by no later than March 2, 2011. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. The Trust must address EPD's comment letter dated December 2, 2010 and any other comment letters 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 the Trust's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, the Trust must submit a corrective action plan that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
4. The Trust 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 that exceeds the initial application fee.

EPD requires that the Trust 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 the Trust. However, failure of EPD to respond to a submittal within any timeframe does not relieve the Trust from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should the Trust fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying properties 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 Jason Metzger at (404) 657-8600.

Sincerely,



Mark Smith, Chief
Land Protection Branch

c: Leonard Diprima, Jr., P.G., Winter Environmental
H.A. Rowan, Southern Automatic Company
Marvin Hewatt, Georgia-Alabama Commercial Investments, LLC
ASL Limited Partnership

File: HSI 10786

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