

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

May 14, 2010

VIA E-MAIL AND REGULAR MAIL

JNV Investments Group
c/o Mr. Lachman G. Vaswani
2910 Mountain Industrial Boulevard
Tucker, GA 30084

Re: Voluntary Remediation Plan and Application, March 12, 2010
JNV Investments Group, Inc. Property, HSI Site No. 10884
4800 Redan Road, Stone Mountain, DeKalb County, Georgia
Tax Parcel 15 224 03 005

Dear Mr. Vaswani:

The Georgia Environmental Protection Division (EPD) has reviewed the March 12, 2010, Voluntary Remediation Plan (VRP) submitted pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of a corrective action plan (CAP) required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your voluntary remediation plan, which specifies corrective action consisting of the following:

- Excavation and off-site disposal of soil that exceeds the Type 4 risk reduction standards;
- Vapor intrusion modeling of volatile organic compound impacted soil and groundwater and/or collection of site specific data to evaluate if the vapor intrusion pathway is complete and poses an unacceptable risk for human exposure; and
- Fate and transport modeling of volatile organic compound impacted groundwater to illustrate that no human or environmental receptors will be impacted by this release.

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

Qualifying property:

4800 Redan Road
Stone Mountain, DeKalb County, Georgia
Tax Parcel 15 224 03 005

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.
 - Every November 14 and May 14 through November 10, 2014.

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

- May 14, 2011 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property:
 - May 14, 2012 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - November 14, 2012 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:
 - May 14, 2015

Conditions:

1. EPD requests the submittal of a financial assurance instrument for the amount of \$101,350 by no later than July 14, 2010. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
2. JNV Investments Group must address EPD's notice of deficiencies dated May 10, 2010 and any other notice of deficiencies 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 JNV Investments Group's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, JNV Investments Group 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. JNV Investments Group 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 exceed the initial application fee.

5. Because JNV Investments Group is performing corrective action at the qualifying property in accordance with an approved voluntary remediation plan, EPD is hereby reclassifying it from Class II to Class V and designating it as needing corrective action as provided for in §12-8-107(b) of the Act.

Within 45 days of this letter, you are required to file an affidavit stating that your property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. This affidavit is to be filed with the clerk of the Superior Court of DeKalb County and recorded in the clerk's deed records pursuant to O.C.G.A. § 44-2-20.

JNV Investments Group must also place the following notice in any deed, mortgage, deed to secure debt, lease, rental agreement or other instrument given or caused to be given by the property owner which creates an interest in or grants a use of the property:

"This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the property owner or the Georgia Environmental Protection Division for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act and the Voluntary Remediation Program Act."

Within 30 days of recording the affidavit, please send a copy of the receipt of the recorded affidavit to the Response and Remediation Program, Georgia Environmental Protection Division, 2 Martin Luther King Jr. Drive, SE, Suite 1462, Atlanta, GA 30334.

EPD requires that JNV Investments Group 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 JNV Investments Group. However, failure of EPD to respond to a submittal within any timeframe does not relieve JNV Investments Group from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should JNV Investments Group 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.

JNV Investments Group March 10, 2010 VRP, HSI #10884

May 14, 2010

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If you have any questions, please contact Carolyn L. Daniels, P.G. at (404) 657-8600.

Sincerely,

A handwritten signature in black ink that reads "Mark Smith". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mark Smith, Chief
Land Protection Branch

File: HSI# 10884

c: Matthew Trammell, Environmental Consulting & Technology, Inc.

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