

Georgia Department of Natural Resources

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

Mark Williams, Commissioner

Environmental Protection Division

Judson H. Turner, Director

Land Protection Branch

Mark Smith, Branch Chief

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

January 19, 2012

VIA EMAIL & REGULAR MAIL

Atlanta Gas Light Company
c/o Mr. Greg Corbett, Director of Environment & Sustainability
Ten Peachtree Place
Atlanta, Georgia 30309

Re: May 2011 Voluntary Remediation Plan Application
Former Rome Coal Tar Pit Site, HSI Site No. 10109
Rome, Floyd County, Georgia
Tax Parcel ID J14D 018-025

Dear Mr. Corbett:

The Georgia Environmental Protection Division (EPD) has received the May 2011 Voluntary Remediation Program (VRP) 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 VRP application was submitted in lieu of a revised 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 VRP application, which specifies corrective action consisting of the following:

- Execute engineering and/or institutional controls in the form of environmental covenants on the qualifying property(ies) in conformance with O.C.G.A. 44-16-1, et seq., the 'Georgia Uniform Environmental Covenants Act', and the implementation of an Operations and Maintenance (O&M) Plan in the event of future land disturbing activities.
- Additional surface water monitoring activities and soil vapor monitoring will be conducted and compared to appropriate screening levels to confirm if an exposure pathway is complete. Should one of these exposure pathways pose an unacceptable risk, measures to mitigate this risk will be developed and implemented.

Therefore, EPD is accepting Atlanta Gas Light Company (AGL) as a participant as defined in the Act for the following qualifying property provided AGL implements the VRP application in compliance with the following schedule and conditions:

Qualifying property:

Former Rome Manufactured Gas Plant Site
West 1st Street
Rome, Georgia 30161
Tax Parcel ID J14D 18 – J14D 25

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.

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 application along with a monthly summary of hours invoiced and description of services provided since the last submittal.
 - July 19th and January 19th through July 19, 2016

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

- January 19, 2013 semiannual progress report must include the vapor intrusion, surface water, and groundwater pathway evaluation for the qualifying property;
 - January 19, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties; and,
 - July 19, 2015 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 participant finalize approval of cleanup standards for all regulated substances prior to this submittal.
- Compliance status report including certifications by no later than:
 - January 19, 2017

Conditions:

- 1) EPD requests the submittal of a cost estimate to complete the work proposed in the VRP application through the CSR submittal and a financial assurance instrument in that amount by no later than April 19, 2012. Model financial assurance instruments can be located at http://www.gaepd.org/Files_PDF/forms/hwb/HSIModel.pdf.
- 2) AGL must address EPD's comments dated January 18, 2012 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.

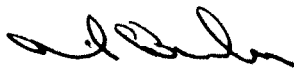
- 3) Within ninety (90) days of AGL's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, AGL must submit the required revised CAP or a compliance status report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
- 4) AGL 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.

EPD requires that AGL, and the professional engineer/geologist specified in the VRP application, oversee the implementation of the VRP investigation and corrective action activities 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 AGL. However, failure of EPD to respond to a submittal within any timeframe does not relieve AGL from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should AGL 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 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 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 regarding this site, please contact Mr. Kevin Collins of the Response and Remediation Program at (404) 657-0488.

Sincerely,



David Brownlee
Acting Program Manager
Response and Remediation Program

c: Ira Pearl, AGLC
Jim Morrison, ERM
Ira Levy, Battery Downtown LLC
John Bennett, City Manager, City of Rome
Daphne Jones, PSC

File: VRP Application 770488468 – Former Rome Coal Tar Pit Site