

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr., S.E., Suite 1462 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

February 17, 2012

FILE COPY

VIA EMAIL AND REGULAR MAIL

Mr. Jeff Vantosh
North Highland Associates, LLC
2520 Peachtree Road NE, Suite 301
Atlanta, Georgia 30305

Re: Voluntary Remediation Program Application dated March 31, 2011
Midtown Cleaners Site, HSI #10584
Atlanta, GA 30308

Dear Mr. Vantosh:

The Georgia Environmental Protection Division (EPD) received and reviewed Environmental Planning Specialists, Inc.'s Voluntary Remediation Program Application (VRP Application) dated March 31, 2011 to EPD and your memorandum addressing EPD's comments on VRP dated January 4, 2012 for the above referenced site. EPD is approving your VRP Application on the condition that the property owner executes an environmental covenant pursuant to the Georgia Uniform Environmental Covenants Act, OCGA § 44-16-1, et seq. that includes the following:

- **Groundwater Limitation**
The use or extraction of groundwater beneath the Property for drinking water or for any other non-remedial purposes shall be prohibited.
- **Activity and Use Limitations**
The Property shall only be used for residential or non-residential use where the vapor intrusion scenario included in the application and memorandum is applicable. For planned use or redevelopment that does not meet the vapor intrusion scenario, EPD must approve a new vapor intrusion assessment that demonstrates there is no unacceptable risk or approve remedial measures to mitigate the exposure risk.

Therefore, EPD is accepting North Highland Associates, LLC as a participant as defined in the Voluntary Remediation Program Act of the following qualifying property provided North Highland Associates, LLC implements the VRP in compliance with the following schedule and conditions:

Qualifying properties:

599 North Highland Avenue, Atlanta, GA 30305, Tax Parcel ID: 14001500030274.

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 August 17 and February 17 through August 17, 2017.

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

- February 17, 2013 semiannual progress report must demonstrate complete horizontal delineation on the qualifying property.
 - February 17, 2014 semiannual progress report must demonstrate complete horizontal delineation on all impacted properties.
 - August 17, 2015 semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan (including proposed site-specific cleanup standards) and provide a preliminary cost estimate for implementation of remediation and associated continuing actions.
- Compliance Status Report including certifications:
 - February 17, 2017

Conditions:

1. North Highland Associates, LLC must enact an environmental covenant for the property that includes the limitations described earlier in this letter.
2. Within ninety (90) days of North Highland Associates, LLC's notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, North Highland Associates, LLC must submit a compliance status report that complies with the requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
3. North Highland Associates, LLC 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 North Highland Associates, LLC and the professional engineer/geologist specified in the VRP oversee the implementation of the VRP dated March 31, 2011 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 North Highland Associates, LLC. However, failure of EPD to respond to a submittal within any timeframe does not relieve North Highland Associates, LLC from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should North Highland Associates, LLC 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 referenced 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.

If you have any questions regarding this matter, please contact Mr. Yue Han at 404-657-8678.

Sincerely,



David Brownlee

Acting Program Manager

Response and Remediation Program

c: Timmerly Bullman, EPS

File: HSI# 10584