

# Georgia Department of Natural Resources

2 Martin Luther King Jr. Drive, SE, Suite 1462 East, Atlanta, Georgia 30334

Chris Clark, Commissioner  
Environmental Protection Division  
F. Allen Barnes, Director  
Land Protection Branch  
Mark Smith, Branch Chief  
Response and Remediation Program  
404-657-8600

June 30, 2010

**FILE COPY**

## VIA EMAIL AND REGULAR MAIL

Georgia Department of Economic Development  
c/o Ms. Joan Sasine, Esq.  
Bryan Cave Powell, Goldstein  
1201 W. Peachtree Street, NW  
Atlanta, Georgia 30309

Re: Voluntary Remediation Program Application for Enrollment  
and Request to Remove Site from the HSI, January 7, 2010  
Revised Voluntary Remediation Plan Application Form and Checklist February 1, 2010  
Northside Drive Landfill (f.k.a. Herndon Homes)  
Tax Parcel No. 14-82-6-12-1  
Atlanta, Fulton County, Georgia  
HSI #10222

Dear Ms. Sasine:

The Georgia Environmental Protection Division (EPD) has completed its review of your letter dated January 7, 2010 in which the Georgia Department of Economic Development, on behalf of the State of Georgia and the Georgia World Congress Center Authority (GWCC), provided (1) an application for enrollment in Georgia's Voluntary Remediation Program (VRP) and (2) a request to remove the subject site from the Hazardous Site Inventory (HSI). A revised Voluntary Remediation Plan Application and Checklist was provided in a letter dated February 1, 2010.

Based on EPD's review of these documents and information in its files, the Georgia Department of Economic Development is accepted as a participant in the VRP on behalf of the State of Georgia and the GWCC. EPD concurred that the qualifying property met the Type 5 risk reduction standards (RRS) of §391-3-19-.07 of the Rules for Hazardous Site Response (Rules) in a letter dated September 25, 2004. Provided that you implement the approved *Monitoring and Maintenance Plan for Type 5 Risk Reduction Standards-Northside Drive Landfill, Atlanta, Georgia December 2003, Revised July 2005* (M&M Plan) as follows, no additional actions are required.

1. For properties relying on controls for the purpose of certifying compliance with cleanup standards, O.C.G.A. §12-8-107(3)(h) of the Voluntary Remediation Program Act (VRP Act) requires the execution of a covenant restricting property use that conforms with O.C.G.A. §44-16-1, et seq., the Georgia Uniform Environmental Covenants Act (UECA). As the subject qualifying property used the Type 5 RRS of §391-3-19-.07(10) of the Rules, a conservation easement was filed in the Fulton County, Georgia Clerk of the Superior Court Real Estate records on February 24, 2004 pursuant to §391-3-19-.08(7) of the Rules. EPD accepts the referenced conservation easement in lieu of the requirements of the Georgia UECA. The conservation easement shall remain in force pursuant to Article III of said easement, unless the Director agrees that it may be amended or terminated.

2. All groundwater sampling, inspections of the landfill and concrete cap engineering controls, and reporting shall continue as specified in the M&M Plan in accordance with the following schedule:

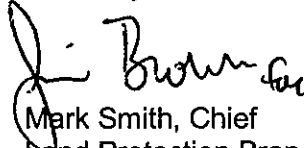
Quarterly inspections of the landfill and concrete cap engineering controls shall continue as specified in Section 4.0 of the M&M Plan; however, landfill maintenance and inspection reports should be submitted on a semiannual basis, rather than quarterly reporting. Therefore, by no later than February 15, 2011 please submit a landfill maintenance and inspection report for Quarter-3, 2010 ending September 30, 2010, and Quarter-4, 2010 ending December 31, 2010, that meets the requirements of Section 4.4 of the M&M Plan. An annual groundwater sampling report including a landfill use statement and certification is due by February 15<sup>th</sup> annually, continuing on February 15, 2011, pursuant to Sections 3.4 and 5.1 of the M&M Plan, respectively. The next Five Year Review Report should be submitted no later than February 14, 2014, and on February 15<sup>th</sup> every 5<sup>th</sup> year thereafter, in accordance with Section 3.4 of the M&M Plan.

Pursuant to O.C.G.A. §12-8-107(f) of the VRP Act, EPD is removing this property from the Hazardous Site Inventory as of the date of this letter. However, pursuant to O.C.G.A. §12-8-107 (h) of the VRP Act, the qualifying property is now listed on an inventory of properties relying on controls for the purposes of certifying compliance with cleanup standards.

EPD's approval of this document 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 Ms. Antonia Beavers of the Response and Remediation Program at (404) 657-8600.

Sincerely,

  
Mark Smith, Chief  
Land Protection Branch

c: Josh Robison, Georgia World Congress Center Authority

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